Updated July 2026

New York State Department of Environmental Conservation
Division of Materials Management

Methodology Used to Determine Designated Food Scraps Generators

Food Donation and Food Scraps Recycling Law

In 2019, New York passed a statewide Food Donation and Food Scraps Recycling Law (Law).

Effective January 1, 2022, businesses, institutions and other entities that generate an annual average of two tons of wasted food per week or more must:

1. donate excess edible food; and
2. recycle all remaining food scraps if they are within 25 miles of an organics recycler (composting facility, anaerobic digester, etc.).

Effective January 1, 2027, businesses, institutions and other entities that generate an annual average of 1 ton of wasted food per week or more must:

1. donate excess edible food; and
2. recycle all remaining food scraps if they are within 50 miles of an organics recycler

ECL § 27-2211 (1) requires DEC to publish the methodology used to develop the list of designated food scraps generators (DFSG) that are subject to the Law. The following provides an outline of the procedures used by DEC to determine the DFSG list.

On an annual basis, the New York State Pollution Prevention Institute (NYSP2I) assists DEC in this effort. NYSP2I is under contract with DEC to perform a multitude of tasks to assist with the effective implementation of the Food Donation and Food Scraps Recycling Law.

1. Identifying Food Scraps Generator Sectors

There are a wide range of business sectors in New York State that could generate food scraps. DEC analyzed the various sectors and identified the ones likely to generate large amounts of food scraps, greater than or equal to 1 ton per week. DEC previously did this for those than generate greater than or equal to 2 tons per week. For comparison, DEC also looked at the regulated generator sectors in other states and cities with food scraps recycling laws or organics diversion mandates in place. For businesses, use of NAICS (North American Industry Classification System) or SIC

(Standard Industrial Classification) codes are the most common method to group similar operations and was used to gather data for the various sectors that DEC identified. For non-businesses, such as colleges and correctional facilities, publicly available information was used to inform DEC's database.

Ultimately, DEC categorized the generators into the following sectors:

- Colleges and Universities
- Correctional Facilities and Jails
- Full Service Restaurants
- Limited Service Restaurants
- Grocery and Specialty Food
- Hospitality
- Supercenters
- Other Generators
    - Airports
    - Amusement and Theme Parks
    - Casino and Racetracks
    - Convention Centers and Trade Shows
    - Food Processors
    - Food Wholesale and Distribution
    - Malls
    - Military Bases
    - Sporting Venues

Note: The Law specifically exempts some sectors. Therefore, this methodology did not seek factors to estimate food scraps generation for the following exempt sectors as listed in the law: K-12 schools, hospitals, nursing homes and adult care facilities. In addition, the Law exempts cities with a population of one million or more which have a local law which requires the diversion of edible food and food scraps from disposal. Therefore, generators in New York City are exempt.

2. Choosing Food Scraps Generation Factors

Site-specific information on food scraps generated from all sources is not readily available, or in many cases, not even known by the generator. Therefore, to produce a list of DFSGs, DEC used factors that approximate the food scraps generated based on other known information such as number of employees, students, etc.

NYSP2I conducted research for DEC, to develop methodology for identifying and estimating food scraps generation rates for business sectors subject to the Law.

To determine the best factor to use for each type of generator, NYSP2I reviewed academic literature, government funded reports, and other information available from non-profits and consultants. After reviewing and assessing these reports, food scraps generation factors were proposed by NYSP2I. DEC decided which factors would be used for development of the final generator list. The validity of each factor was qualitatively evaluated, starting with reviewing and assessing the underlying research or other work performed to create the factor estimate. Those factors and sources were analyzed using a variety of criteria: age of study, referencing by prominent sources (e.g., ReFED), validity of estimate generation (e.g., whether there was primary data gathered or the factor was generated from a single data point), and how closely aligned the factor was to other estimates for the same category. The original analysis can be found in the NYSP2I report.

Food Scraps Generation Factors Selected for Use:

Colleges and Universities (Postsecondary Schools):

Residential: 142 lb/student/year

Minimum students for 1 ton per week = 733 students

Non-residential: 38 lb/student/year

Minimum students for 1 ton per week = 2,737 students

Correctional Institutions:

County Jails/Other: 1 lb/inmate/day

Minimum inmates for 1 ton per week = 285 inmates

State Correctional Facility: 0.65 lb/inmate/day

Minimum inmates for 1 ton per week = 439 inmates

Food Retail:

Supermarkets and convenience centers: 3,000 lb/employee/year

Minimum employees for 1 ton per week = 35 employees

Supercenters: 1,000 lb/employee/year

Minimum employees for 1 ton per week = 104 employees

Hospitality:

Hospitality: 1,983 lb/employee/year

Minimum employees for 1 ton per week = 53 employees

Restaurants:

Full Service Restaurants: 3,000 lb/employee/year

Minimum employees for 1 ton per week = 35 employees

Limited Service Restaurants: 2,200 lb/employee/year

Minimum employees for 1 ton per week = 47 employees

Other Food Service Generators:

Other types of food service generators not listed above (e.g., malls, sporting venues, etc.) provide a unique challenge. There are data sources providing food scraps generation for some of these generators, but the variability is significant because the generators can vary widely in operations. Using these data sources with site-specific information, DEC determined which of these entities are likely DFSGs (generate more than or equal to an average of 1 ton per week of food scraps on an annual basis). Although they are considered to be a likely DFSG, DEC was not able to estimate a specific tonnage of food scraps generated from each of the following entities.

Airports: Airports were determined to be a DFSG when they had a significant restaurant presence, whether it be stand-alone restaurants or larger, established food courts.

Amusement and Theme Parks: Many of these facilities have hotels and/or large restaurants on premises that have established food scraps generation factors. In those instances, that data informed the analysis to calculate whether the facility would generate more than 1 ton of food scraps per week.

Casinos and Racetracks: Many of these facilities have hotels and/or large restaurants on premises that have established food scraps generation factors. In those instances, that data informed the analysis to calculate whether the facility would generate more than 1 ton of food scraps per week.

Convention Centers and Trade Shows: When available, venue capacity and number of employees were taken into account along with food scraps generation factors identified by NYSP2I. Data is not consistent across the sector. There is variability due to the number of events that occur at each facility and the amount and types of food available.

Food Processors: A generation factor for pounds per revenue per year was used, based on information available from USEPA. Revenue estimates for food processors was available through D&B Hoovers (Hoovers) and used for the calculation. The amount of waste produced by food processors is highly variable and DEC has determined more research is needed for this sector to obtain more accurate data.

Food Wholesale and Distribution: NYSP2I identified a food scraps generation factor for this sector based on number of employees. DEC determined that more research is needed for this sector to obtain more accurate data, especially with respect to the proportion of material that would need to be depackaged prior to being recycled.

Military Bases: U.S. Army Fort Drum continues to be the only DFSG in this sector based on the significant number of personnel and types of activities at this facility compared to other military installments in the State.

Malls: Malls were determined to be a DFSG when they had a significant restaurant presence, whether it be stand-alone restaurants or larger, established food courts.

Sporting Venues: DEC identified DFSGs in this sector using a publicly available factor for pounds of food scraps per seat. There is variability due to the number of events that occur at each facility and the amount and types of food available.

DEC will continue to seek additional data sources to refine estimates for food scraps generation for these other food service operations. This data will become more refined in subsequent years as DEC gathers more information on waste generation from various types of generators.

DEC understands there may be additional sectors not captured in this analysis due to lack of available data. DEC will continue to reassess available data on an annual basis.

3. Sourcing Food Scraps Generator Data

In order to determine the DFSGs under the Law, DEC required a database of generators in the sectors, outlined above, including the characteristics of those generators (e.g., address, type, number of employees, etc.). NYSP2I researched available public and private databases available for this purpose. Hoovers was selected as an available database that could be used to identify DFSGs. On an annual basis, NYSP2I obtains data from Hoovers and uses other publicly available data (e.g., college student population data, etc.) to produce an initial database of DFSGs and other generators for review by DEC.

4. Finalizing the DFSG List

On an annual basis, DEC reviews the preliminary list of DFSGs provided by NYSP2I. Although the underlying database, Hoovers, is useful for many analyses of businesses, a review of each individual generator is required as there are a number of errors that need to be rectified. DEC spends significant time “cleaning” the database – removing duplicates, moving generators to the correct sectors, removing generators that are no longer in operation, etc. In most cases this requires a web search of each generator listed, and in some cases contacting the generators directly.

This work results in the final DFSG list that DEC uses to identify which businesses, institutions and other entities are required to donate food and recycle food scraps. The DFSG list is published annually.

5. Next Steps

DEC will continue to refine these food scraps generation estimates based on new and revised data sources. Data continues to improve as other states and municipalities implement food scraps recycling law and mandates, and revise food scraps generation estimates based on data collected. In addition, feedback from generators and data from annual reports submitted by DFSGs will help guide updates to the factors used to estimate food scraps generation from the various sectors.