MEMORANDUM OF SUPPORT

FOOD DONATION AND FOOD SCRAP RECYCLING ACT IN THE SFY 2019-20 BUDGET

BACKGROUND
Wasted food is a serious economic, environmental, and food security problem. The irresponsible overproduction, distribution, and preparation of food has lead to excessive waste of usable food scraps, contributed to climate change, and perpetuated the challenges of food insecurity. New York generates an estimated 4 million tons of excess food annually, which makes up 18% of the state’s municipal solid waste stream. The vast majority of wasted food is disposed of in landfills, where it breaks down and releases methane, a potent greenhouse gas. Meanwhile, an estimated 2.5 million New Yorkers are facing hunger and food insecurity—37% of which are children.

JUSTIFICATION
It is critical to reform our practices to ensure that instead of wasting food, we are redistributing excess food in order to benefit those in need and protect the environment. This act establishes a program that prohibits large generators of excess food from discarding of food at landfills or incinerators, but rather, redistribute edible food to those in need and send food scraps to a compost facility or to generate renewable energy through anaerobic digestion. This bill would yield immense benefits to the environment, economy, and the health of New Yorkers. The Senate has included the Food Donation and Food Scrap Recycling Act in its one-house budget proposal, and we urge the Governor and Assembly to ensure its inclusion in the final SFY 2019-20 budget.

SUMMARY OF KEY PROVISIONS
- Beginning January 1, 2022: Generators of food waste with an annual average of 2 tons per week or more of excess food scraps are required to donate edible food and repurpose and recycle food scraps. Generators include supermarkets, restaurants, higher educational institutions, hotels, food processors, correctional facilities, sports or entertainment venues, and health care facilities (generators do not include elementary or secondary schools).
- Incinerators and landfills are prohibited from accepting food scraps from covered food generators.
- Applies to designated food scraps generators that are within twenty-five miles of an organics recycler that has the capacity to accept food scraps.
- Designated food scraps generators may petition the DEC for a temporary waiver from some or all requirements of this act.
- DEC will promulgate rules and regulations to implement the provisions of this act.