



# House of Representatives

General Assembly

**File No. 266**

January Session, 2023

Substitute House Bill No. 5577

*House of Representatives, March 28, 2023*

The Committee on Environment reported through REP. GRESKO of the 121st Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING SURPLUS FOOD DONATION AND ESTABLISHING FOOD COMPOSTING REQUIREMENTS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22a-226e of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2023*):

3 (a) (1) On and after January 1, 2014, each commercial food wholesaler  
4 or distributor, industrial food manufacturer or processor, supermarket,  
5 resort or conference center that is located not more than twenty miles  
6 from an authorized source-separated organic material composting  
7 facility and that generates an average projected volume of not less than  
8 one hundred four tons per year of source-separated organic materials  
9 shall: (A) Separate such source-separated organic materials from other  
10 solid waste; and (B) ensure that such source-separated organic materials  
11 are recycled at any authorized source-separated organic material  
12 composting facility that has available capacity and that will accept such  
13 source-separated organic material.

14 (2) On and after January 1, 2020, each commercial food wholesaler or  
15 distributor, industrial food manufacturer or processor, supermarket,  
16 resort or conference center that is located not more than twenty miles  
17 from an authorized source-separated organic material composting  
18 facility and that generates an average projected volume of not less than  
19 fifty-two tons per year of source-separated organic materials shall: (A)  
20 Separate such source-separated organic materials from other solid  
21 waste; and (B) ensure that such source-separated organic materials are  
22 recycled at any authorized source-separated organic material  
23 composting facility that has available capacity and that will accept such  
24 source-separated organic material.

25 (3) On and after January 1, 2022, each commercial food wholesaler or  
26 distributor, industrial food manufacturer or processor, supermarket,  
27 resort or conference center that is located not more than twenty miles  
28 from an authorized source-separated organic material composting  
29 facility and that generates an average projected volume of not less than  
30 twenty-six tons per year of source-separated organic materials shall: (A)  
31 Separate such source-separated organic materials from other solid  
32 waste; and (B) ensure that such source-separated organic materials are  
33 recycled at any authorized source-separated organic material  
34 composting facility that has available capacity and that will accept such  
35 source-separated organic material.

36 (b) Any such wholesaler, distributor, manufacturer, processor,  
37 supermarket, resort or conference center that performs composting of  
38 source-separated organic materials on site or treats source-separated  
39 organic materials via on-site organic treatment equipment permitted  
40 pursuant to the general statutes or federal law shall be deemed in  
41 compliance with the provisions of this section.

42 (c) Any permitted source-separated organic material composting  
43 facility that receives such source-separated organic materials shall  
44 report to the Commissioner of Energy and Environmental Protection, as  
45 part of such facility's reporting obligations, a summary of fees charged  
46 for receipt of such source-separated organic materials.

47 (d) Not later than January 1, [2022] 2024, the Commissioner of Energy  
48 and Environmental Protection shall [establish a voluntary pilot program  
49 for any] require each municipality [that seeks] to separate source-  
50 separated organic materials and ensure that such source-separated  
51 organic materials are recycled at authorized source-separated organic  
52 material composting facilities that have available capacity and that will  
53 accept such source-separated organic material.

54 (e) Notwithstanding the provisions of subsections (a) and (b) of this  
55 section, each commercial food wholesaler or distributor, industrial food  
56 manufacturer or processor, supermarket, resort or conference center in  
57 this state shall adopt a written policy describing a food donation  
58 program that:

59 (1) Is designed to reduce such wholesaler's, distributor's,  
60 manufacturer's, processor's, supermarket's, resort's or conference  
61 center's food waste, support the operations of food relief organizations  
62 and ensure that all food donated by such wholesaler, distributor,  
63 manufacturer, processor, supermarket, resort or conference center  
64 under such policy is safe and fit for human consumption;

65 (2) Provides for the education of such wholesaler's, distributor's,  
66 manufacturer's, processor's, supermarket's, resort's or conference  
67 center's management and employees regarding the food distribution  
68 process and the relationship between such process and food insecurity  
69 and food waste;

70 (3) Calls for such wholesaler, distributor, manufacturer, processor,  
71 supermarket, resort or conference center to make reasonable efforts to  
72 identify, and partner with, not less than two food relief organizations  
73 for the purpose of donating excess edible food to such food relief  
74 organizations prior to any such food becoming source-separated  
75 organic material, as described in subsections (a) and (b) of this section;

76 (4) Includes a framework to formalize and streamline such  
77 wholesaler's, distributor's, manufacturer's, processor's, supermarket's,  
78 resort's or conference center's protocols concerning food donation; and

79 (5) Includes a process to ensure that the food donated as part of such  
80 program has significant nutritional value.

81 (f) If multiple supermarkets, resorts or conference centers subject to  
82 the provisions of subsection (b) of this section are under common  
83 ownership, such supermarkets, resorts or conference centers may adopt  
84 a common written policy under this section.

85 (g) For purposes of this subsection, "food relief organization" has the  
86 same meaning as provided in section 38a-313c.

87 Sec. 2. Section 22a-241b of the general statutes is repealed and the  
88 following is substituted in lieu thereof (*Effective from passage*):

89 (a) (1) On or before February 1, 1988, the Commissioner of Energy  
90 and Environmental Protection shall adopt regulations in accordance  
91 with the provisions of chapter 54 designating items that are required to  
92 be recycled. The commissioner may designate other items as suitable for  
93 recycling and amend such regulations accordingly.

94 (2) On or before October 1, 2011, the Commissioner of Energy and  
95 Environmental Protection shall amend the regulations adopted  
96 pursuant to subdivision (1) of this subsection to expand the list of  
97 designated recyclable items to add (A) containers of three gallons or less  
98 made of polyethylene terephthalate plastic and high-density  
99 polyethylene plastic, and (B) additional types of paper, including, but  
100 not limited to, boxboard, magazines, residential high-grade white paper  
101 and colored ledger. On or before October 1, 2023, the commissioner shall  
102 amend the regulations adopted pursuant to subdivision (1) of this  
103 subsection to expand the list of designated recyclable items to add food  
104 scraps. Such regulations shall include best practices for residential  
105 customers to separate food scraps from other solid waste and other  
106 items designated as recyclable pursuant to this subsection.

107 (b) Any designated recyclable item shall be recycled by a  
108 municipality within six months of the availability of service to such  
109 municipality by a regional processing center or local processing system,

110 including, but not limited to, an authorized source-separated organic  
111 material composting facility or a composting facility.

112 (c) Each person who generates solid waste from residential property  
113 shall, in accordance with subsection (f) of section 22a-220, separate from  
114 other solid waste the items designated for recycling pursuant to  
115 [subdivision (1) of] subsection (a) of this section.

116 (d) Every person who generates solid waste from a property other  
117 than a residential property shall, in accordance with subsection (f) of  
118 section 22a-220, make provision for and cause the separation from other  
119 solid waste of the items designated for recycling pursuant to  
120 [subdivision (1) of] subsection (a) of this section through the use of one  
121 or more collection containers for designated recyclable items that are  
122 separate from the collection containers for other solid waste. Collection  
123 containers that have been used for the collection of solid waste may be  
124 converted to containers for the collection of designated recyclable items  
125 by labeling or other means to identify that such container is dedicated  
126 to collecting designated recyclable items. On and after July 1, 2012, the  
127 provisions of this subsection shall also apply to items designated for  
128 recycling pursuant to subdivision (2) of subsection (a) of this section. On  
129 and after October 1, 2023, the provisions of this subsection shall also  
130 apply to food scraps.

131 (e) No person shall knowingly combine previously segregated  
132 designated recyclable items with other solid waste.

133 (f) For the purposes of this section, "boxboard" means a lightweight  
134 paperboard made from a variety of recovered fibers having sufficient  
135 folding properties and thickness to be used to manufacture folding or  
136 set-up boxes.

137 Sec. 3. Section 22a-241i of the general statutes is repealed and the  
138 following is substituted in lieu thereof (*Effective October 1, 2023*):

139 Notwithstanding any other sections of the general statutes to the  
140 contrary, a municipality may impose a penalty not to exceed: [five] (1)

141 Five hundred dollars for each violation by a commercial establishment  
 142 of the requirements of subsection [(c)] (d) of section 22a-241b, as  
 143 amended by this act, and (2) fifty dollars for each violation by the owner  
 144 of a residential property of the requirements of subsection (c) of section  
 145 22a-241b, as amended by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2023</i>	22a-226e
Sec. 2	<i>from passage</i>	22a-241b
Sec. 3	<i>October 1, 2023</i>	22a-241i

**ENV**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:**

Municipalities	Effect	FY 24 \$	FY 25 \$
Various Municipalities	Potential Cost	Potential Significant	Potential Significant
Various Municipalities	Revenue Gain	See Below	See Below

**Explanation**

The bill results in a potential cost as well as a potential revenue gain to various municipalities, beginning in FY 24, as it requires municipalities to recycle food scraps. The impacts of the bill are described below.

**Section 1** of the bill directs, by January 1, 2024, the Department of Energy and Environmental Protection (DEEP) to require every town to separate organic materials (i.e., food scraps) from the waste stream for recycling at composting facilities. This could result in significant costs to various municipalities, which will vary depending on: (1) whether composting is currently part of waste management for the town; and (2) the town's waste collection methods.

Any costs to municipalities may include annual costs for staff to run the new program, in addition to one-time start-up costs, and potentially ongoing capital costs for equipment to accommodate the food scraps collection.

There are currently 100 municipalities working on food scraps waste

reduction programs at varying stages of implementation, and seven commercial and on-farm composting facilities are authorized to receive food scraps. Of the seven facilities that are authorized to receive food scraps, only a portion are currently receiving this material (and one has not yet been constructed). Most composting facilities are municipal leaf composting facilities that are authorized to receive and process leaves and may have authorization to add grass clippings. Of the municipal leaf composting operations that exist, four currently have authorization or pending authorization to receive and blend food scraps into their leaf composting activities.

The Sustainable Materials Management (SMM) Grant program, established under Sec. 308 of PA, 21-2, JSS, allocated grant funds to help municipalities and regional waste authorities implement food scrap collection programs; however, these grants have been exhausted for municipal pilot project implementation and technical assistance.

Additionally, **Section 1** requires commercial food wholesalers and distributors, industrial food manufacturers and processors, supermarkets, resorts, and conference centers to adopt a written policy concerning their food donation program, using certain criteria. Requiring private parties to develop a written policy about their organic food scraps has no fiscal impact on the state or municipalities.

**Section 2** results in no fiscal impact as DEEP has staff with expertise to develop regulations by October 1, 2023, regarding food scraps.

Additionally, **Section 2** requires those who generate solid waste from non-residential properties to separate food scraps from other solid waste, beginning October 1, 2023. This results in no fiscal impact to the state or municipalities.

**Section 3** authorizes municipalities to impose a fine of \$50 per violation for residential property owners who fail to separate designated recyclables from other solid waste, beginning in FY 24. This could result in a municipal revenue gain. The extent of any revenue gain to a municipality will depend on the level of enforcement and the



number of violations.

***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation, changes in staff costs and benefits, and the number of violations that occur.

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**OLR Bill Analysis****sHB 5577*****AN ACT CONCERNING SURPLUS FOOD DONATION AND ESTABLISHING FOOD COMPOSTING REQUIREMENTS.*****SUMMARY**

Under this bill, by January 1, 2024, the Department of Energy and Environmental Protection (DEEP) commissioner must require each municipality to (1) separate source-separated organic materials and (2) have them recycled at authorized composting facilities with available capacity that will accept them.

The bill requires the commissioner, by October 1, 2023, to amend DEEP's regulations that designate (i.e., mandate) certain items to be recycled by (1) expanding the list of designated recyclables to add food scraps and (2) including best practices for residential customers to separate food scraps from other solid waste and other designated recyclables. It authorizes municipalities to impose a per-violation \$50 fine for residential property owners who fail to separate designated recyclables from other solid waste. Additionally, the bill requires those who generate solid waste from non-residential properties to separate food scraps from other solid waste beginning October 1, 2023.

The bill also requires each commercial food wholesaler or distributor, industrial food manufacturer or processor, supermarket, resort, and conference center in the state to adopt, by written policy, a food donation program. The program must be designed to (1) reduce food waste and (2) support food relief organizations' (FROs) operations.

Lastly, the bill corrects a statutory reference in the commercial penalty for failing to separate designated recyclables from other solid waste and makes technical changes.

EFFECTIVE DATE: October 1, 2023, except the provisions on designated recyclables take effect upon passage.

### **DESIGNATED RECYCLABLES: FOOD SCRAPS**

The bill requires the DEEP commissioner to amend department regulations that designate certain items to be recycled to include food scraps. Under current law and regulations, designated recyclables include things like cardboard, boxboard, glass and metal food containers, containers of three gallons or less made of certain plastics, scrap metal, certain white and colored paper, and other items (Conn. Agencies Regs. § 22a-241b-1 et seq.).

Existing law, unchanged by the bill, requires municipalities to recycle designated recyclables within six months after there is an available service by a regional processing center or local processing system (i.e., service providers). Together with the designated recyclable's expansion to include food scraps, the bill adds authorized source-separated organic material composting facilities and other composting facilities to this list of service providers.

### **FOOD DONATION POLICY**

The written food donation policy that the bill requires wholesalers, distributors, manufacturers, processors, supermarkets, resorts, and conference centers to adopt must be designed to (1) reduce food waste, (2) support FROs' operations, and (3) ensure that all donated food is safe and fit for human consumption. Under existing law and the bill, an FRO is a public or private entity, including community-based organizations, food banks, food pantries, and soup kitchens that give free nutritional assistance to needy people in Connecticut on a nonprofit basis and in their ordinary course of business or operations.

The bill also requires the donation policies to include the following:

1. education for management and employees on the food distribution process and its relationship to food insecurity and food waste;

2. a commitment to making reasonable efforts to identify and partner with at least two FROs to donate excess edible food before the food becomes source-separated organic material;
3. a framework for formalizing and streamlining food donation protocols; and
4. a process for ensuring that the donated food has significant nutritional value.

The bill allows supermarkets, resorts, and conference centers that are under common ownership to adopt a common written policy that applies to each facility under the common owner.

**BACKGROUND**

***Related Bills***

sSB 1046 (File 105), favorably reported by the Children’s Committee, includes several provisions related to the disposal of organic material in public schools, including a requirement for some school districts to separate and recycle it at composting facilities (i.e., those that meet existing law’s 26-ton and 20-mile triggers) and the establishment of a voluntary composting station program.

sHB 6664, favorably reported by the Environment Committee, among other things, (1) expands, beginning January 1, 2025, existing law’s source separation and recycling requirements for certain large organic material generators to include institutions like hospitals, public schools, and correctional facilities, and (2) requires municipalities to separate and collect food scraps by October 1, 2028.

**COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute

Yea 33 Nay 0 (03/10/2023)