
OLR Bill Analysis

SB 191

AN ACT CONCERNING FOOD SCRAP DIVERSION FROM THE SOLID WASTE STREAM AND THE REDEMPTION OF OUT-OF-STATE BEVERAGE CONTAINERS.

SUMMARY

This bill requires the Department of Energy and Environmental Protection (DEEP) commissioner, by January 1, 2028, to require each town to establish a program for residential separation of food scraps and food processing residues from other solid waste to ensure their recycling. The scraps and residues may be recycled at authorized source-separated organic material composting facilities with capacity and willingness to accept them.

The bill requires the commissioner, by July 1, 2025, to amend DEEP's regulations that designate mandated items for recycling to include food scraps. It repeals DEEP's voluntary pilot program for towns to separate source-separated organic materials (i.e., organic material that includes things like food scraps, food processing residue, and soiled paper) from other waste and ensure that they are recycled at composting facilities.

By January 1, 2025, the bill also requires certain commercial food wholesalers or distributors, industrial food manufacturers or processors, supermarkets, institutions, resorts, and conference centers to adopt a written food donation program policy.

The bill prohibits, under the state's beverage container redemption law ("bottle bill"), offering an empty beverage container to obtain its refund value or handling fee if it is known, or should be known, that the container was already redeemed or not sold in the state. It makes a violation an unfair trade practice under the Connecticut Unfair Trade Practices Act and requires dealers, redemption centers, and reverse vending machine operators to post a sign about the prohibition (see

BACKGROUND).

Lastly, the bill makes several minor, technical, and conforming changes, including one replacing the amount of recycled food scraps, with the amount of source-separated organic material recycled, that entities subject to the commercial organics waste law will annually submit to DEEP beginning by March 1, 2025.

EFFECTIVE DATE: October 1, 2024, except the bottle bill fraud provision is effective upon passage.

DESIGNATED RECYCLABLES: FOOD SCRAPS

The bill requires the DEEP commissioner, by July 1, 2025, to amend department regulations that designate mandated items to be recycled to include food scraps. Current law and regulations designate for recycling things such as cardboard, boxboard, glass and metal food containers, certain plastic containers, scrap metal, white and colored paper, among others.

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

FOOD DONATION POLICY

Covered Entities

The bill's requirement to develop a food donation program policy applies to the entities subject to the state's commercial organics recycling law that generate an average projected volume of at least 26 tons of source-separated organic material each year. This includes commercial food wholesalers or distributors; industrial food manufacturers or processors; supermarkets; resorts; conference centers; and institutions that provide hospitality, entertainment, or rehabilitation and healthcare services; hospitals; public and private educational facilities; and correctional facilities.

The bill allows entities that are under common ownership to adopt a common written policy.

Policy Content

The written food donation policy that the bill requires must describe how the entity will make best efforts to donate excess food it determines is edible, using acceptable industry standards. It must be designed to (1) reduce food waste, (2) support food relief organizations’ (FRO) 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 program policies to include the following:

1. education for management, employees, and third-party vendors who manage food for the facility on the food distribution process and its relationship to food waste;
2. a commitment to making reasonable efforts to identify and partner with at least two food relief organizations to donate excess edible food before the food becomes source-separated organic material; and
3. a framework to formalize and streamline protocols on food donation.

BOTTLE BILL FRAUD

The state’s bottle bill generally requires a deposit to be charged on each beverage container at the time of purchase, which is then refunded when redeeming the empty container at a dealer (e.g., retailer) or redemption center. Dealers and distributors generally must take back containers of the kind, size, and brand they sell. Distributors must then pay dealers and redemption center operators the refund value plus a per-container handling fee.

Regardless of the type of container involved, the bill prohibits someone from offering an empty beverage container to a dealer, redemption center, reverse vending machine, distributor, or deposit initiator (i.e., the first distributor to collect the deposit) to obtain a refund value or handling fee if the person knows or has reason to know that it was originally purchased out-of-state or previously redeemed.

The bill also requires dealers, redemption centers, and reverse vending machine operators to post a conspicuous “Redemption Warning” sign, in at least one-inch font, where empty containers are redeemed to inform users about the prohibition and applicable penalties (i.e., fines and enforcement action). It specifies the language that must be used.

BACKGROUND

Connecticut Unfair Trade Practices Act (CUTPA)

The law prohibits businesses from engaging in unfair and deceptive acts or practices. CUTPA allows the consumer protection commissioner to issue regulations defining what constitutes an unfair trade practice, investigate complaints, issue cease and desist orders, order restitution in cases involving less than \$10,000, enter into consent agreements, ask the attorney general to seek injunctive relief, and accept voluntary statements of compliance. It also allows individuals to sue. Courts may issue restraining orders; award actual and punitive damages, costs, and reasonable attorney’s fees; and impose civil penalties of up to \$5,000 for willful violations and \$25,000 for violation of a restraining order.

Related Bill

sHB 5236, § 25, favorably reported by the General Law Committee, among other things, allows the Department of Consumer Protection to impose a civil penalty of up to \$5,000 for CUTPA violations, after an administrative hearing.

COMMITTEE ACTION

Environment Committee

Joint Favorable

Yea 23 Nay 11 (03/15/2024)