

Environment Committee

JOINT FAVORABLE REPORT

Bill No.: SB-191

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

Title: CONTAINERS.

Vote Date: 3/15/2024

Vote Action: Joint Favorable

PH Date: 3/8/2024

File No.:

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SPONSORS OF BILL:

Environment Committee

REASONS FOR BILL:

Food scraps constitute a large portion of waste produced by households. Efficient management of the waste can play a huge role in reducing the states climate impact, and further recycling the waste for future purposes. Clamping down on bottles brought from out-of-state to be recycled in CT for its higher bottle deposit return is of importance as it has the potential to cost the state significantly.

RESPONSE FROM ADMINISTRATION/AGENCY:

Bryan Cafferelli, Commissioner, Department of Consumer Protection

DCP is supportive of legislative efforts to protect the integrity of Connecticut's bottle deposit and redemption program. This area of law is overseen by DEEP, however the proposed language makes the DCP responsible for enforcement related to section 3. DCP is responsible for enforcement of the provisions of the Connecticut Unfair Trades Practices Act (CUTPA). Subsection (i) of section 3 of the proposed bill would broaden CUTPA to cover an individual redeeming out of state or previously recycled beverage containers. By broadening the scope of CUTPA, this creates an unbudgeted resource burden on the DCP, especially given the proposal to enforce provisions against individuals acting in a non-commercial manner. DCP would need additional resources to investigate CUTPA complaints and bring enforcement actions against individuals who are not industry participants. The cost of investigating on an individual who knowingly returned an empty beverage container purchased out-of-state will greatly outweigh the restitution received as the result of a successful enforcement hearing.

Katie S. Dykes, Commissioner, Connecticut Department of Energy & Environmental Protection

DEEP strongly supports sections 1 and 2 of this bill, which would increase diversion of food scraps from the solid waste stream in two ways:

1. By adding food scraps to the list of designated recyclable items for residential properties;
2. Better aligning commercial food scrap diversion with the state's statutory waste hierarchy by requiring entities covered by the state's Commercial Organics Recycling Law to adopt a written policy regarding food donation.

DEEP believe increasing food recovery and food scrap diversion can help reduce Connecticut's reliance on exporting MSW out of state, offset increasing disposal fees and reduce greenhouse gas emissions.

NATURE AND SOURCES OF SUPPORT:

CARL J. AMENTO, EXECUTIVE DIRECTOR, SCROCOG

The testifier supports the funding for food scrap diversion program and the necessary infrastructure for sorting and processing food waste. However, they believe the successful implementation of such municipal programs requires adequate funding and support from governmental bodies; without continued funding, DEEP cannot maintain momentum and municipal participation in new programs, and without an increase in municipal programs, it is impossible to demonstrate demand and attract infrastructure development within the state.

Lori Brown, Executive Director, CT League of Conservation Voters

CTLCV testified that with a strong food waste prevention law, Connecticut can fight food insecurity, curb toxic emissions, and save our communities money on trash disposal. They suggest amendments: include all businesses in the program, ban co-mingling of food scraps with toxins, and provide municipal funding.

Kevin Budris, Deputy Director, Just Zero

The testifier believes the bill would improve food rescue and food waste diversion in Connecticut in three ways:

1. It would require institutions that generate at least 26 tons of food waste per year to adopt a food donation policy.
2. It would require the Commissioner of Energy and Environmental Protection to designate residential food scrapes as a recyclable item.
3. It would require towns and cities in Connecticut to establish food scrap separation and recycling program.

Danielle Chesebrough, First Selectman, Town of Stonington

The Selectman believes the successful implementation of municipal programs requires adequate funding and support from the state. The recent round of DEEP's Sustainable Materials Management funding engaged 15 municipalities in pilot programs, which resulted in significant resident awareness and work toward several permanent programs. Stonington is one of those municipalities that hopes to make their pilot food scrap curbside collection program permanent. They have had great success to date, with over 250 tons of food waste diverted in our voluntary program. They believe they will reduce their municipal tonnage as

much as 22% but if they had not been awarded the DEEP grant for curbside composting, they could not of started the program.

Daniele Chiodini, Co-founder & CTO, Taurus RNG

The testifier urged consideration with or without the approval of this bill, allocating funding for municipalities to support the implementation of food scrap diversion programs and the development of infrastructure. Important Environmental Facts:

1. According to REDED, food material is the primary input into landfills (accounting for 24% of incoming trash).
2. Landfills are the 3rd largest source of US methane emissions now we will see a cooling effect by 2050.
3. According to EPS 58% of methane emissions released to the atmosphere from MSW landfills are from food waste.

Aziz Dehkan, Executive Director, CT Roundtable On Climate & Jobs

The Roundtable testifies how food waste recycling not only mitigates methane emissions and reduces landfill use, but also supports the reuse of organic materials for beneficial purposes such as soil enrichment. It is their belief that mandating the recycling of food scraps offers environmental, social, and economic benefits through reduced methane emissions and decreased solid waste.

Anmarie Dragonis, First Selectwoman, Town of Seymour & Director, Bristol Facility Policy Board

The testifier supports SB-191, but suggests that we need to move quickly to shore up the anchor of the current system which is the recourse recovery facilities. They process almost all the solid waste that is handled in-state while at the same time, generating electricity for the grid. Municipalities pay an indirect tax of \$1.50 a ton on trash that is processed by each RRF. The dollars involved in the case of the Bristol plant are about \$330,000 annually. The testifier proposes that Bristol be able to retain all such funds—on a five-year pilot project basis—once they document to DEEP that the funds will be reinvested in facility modernization and improvement.

Christopher D. Edge, Director, Economic Development Department, Town of Berlin

The Director has been working with a company called Bright Feeds for 4 years. Bright Feeds constructed a new 25,000 sq.ft. re-manufacturing facility in Berlin to process food scraps and reuse them as new products. The testifier believes they are doing exactly what SB 191 is looking to achieve daily right here in Connecticut.

Ann Gadwah, Advocacy and Outreach Organizer, Sierra Club Connecticut

The Sierra Club believes this bill is a good step in the right direction but would like to see the bill strengthened in a few ways. This bill does not cover middle sized generators of food waste. It also does not provide any funding mechanism for municipalities to start their required food waste diversion programs or for the infrastructure to support them. And finally, it does not prohibit the co-mingling of food scraps with sewage sludge and other materials that may contain toxins. They feel the language is necessary, as there have been several incidents where farms were affected by PFAS contaminated sewage sludge.

Betsy Gara, Executive Director, COST

COST supports the intent of the bill but is concerned that section 1 of the bill eliminates the pilot program and instead requires municipalities, by January 1, 2028, to establish a program requiring residents to separate food scraps for recycling. Although they agree with recycling food waste, they are concerned that the bill does not provide any funding or guidance to municipalities to implement a recycling program for food scraps. COST urges lawmakers to request a thorough cost-benefit analysis to determine the financial impact of this requirement, including start-up costs to construct composting systems and expand recycling centers, and ongoing operational costs, including hauling and staffing.

Andrew Ginsburg, General Manager, Harford Distributors Inc.

HDI process and redeem more than 65 million containers each year under Connecticut's bottle bill. They play a central role in the state's recycling system, tracking and reporting the flow of containers and all associated costs. Connecticut's Bottle law increased from a \$0.05 to \$0.10 redemption rate; their industry is concerned that this increase in deposits will lead to an increase in the illegal redemption of containers from our surrounding states. HDI believe the inclusion of fraud language in our state's bottle bill is essential for protecting our recycling system from abuse and safeguarding the state's financial resources.

Samuel S. Gold, ACIP, Executive Director, River COG

Ten of the seventeen River COG municipalities now offer food scraps diversion. Unfortunately, transporting food waste to the one permitted digester in Southington is expensive; the testifier believes more digesters or satellite digesters need to be permitted, and composting using aerated static piles also needs to be developed on larger scales. He also witnessed an old school bus with out of state plates full of trash bags of redeemable containers, which he assumed the driver was coming to take advantage of the new redemption rate. The testifier suggests it would be helpful if neighboring states raised their deposit to \$0.10 or to require beverages sold in Connecticut to be distinctively labeled and barcoded.

Peter Myers, Public Policy Associate, CBIA

CBIA supports section 3 of this bill which would prohibit the redemption of out-of-state cans for redemption in Connecticut but has concerns on section 2 which they believe would add an increase in costs to businesses for food scrap diversion.

Brian Paganini, Vice President and Managing Director of Quantum Biopower

Quantum Biopower occupies a 60-acre campus in Southington, CT where they recycle food waste turning it into renewable energy through the process of anaerobic digestion. Quantum is poised to make more investment in its capabilities, but the ability to make those investments is constrained by uncertainty in the availability of municipal organic waste streams. Quantum states they are ready to begin in earnest to confront the start-up funding challenges for municipal programs, which will lead to new infrastructure investments that will help complete the puzzle in time for January 1, 2028.

Wayne Pesce, President, Connecticut Food Association

The testifier testifies that while it's important to support the provision requiring annual reporting of food waste reduction and recycling efforts, no further reporting requirements should be imposed. They believe this approach will help strike a balance between accountability and practicality, ensuring that businesses can effectively manage their organic

waste and food donations without unnecessary administrative burdens.

The section of the bill addressing container redemption fraud is crucial for safeguarding the integrity of recycling programs. By implementing measures to combat fraud, such as enhancing verification processes and penalties for fraudulent behavior, they believe the bill demonstrates a commitment to maintaining the legitimacy and sustainability of container redemption programs.

Tina Bergers, President, Container Collection Systems ENVIPCO

ENVIPCO has participated in discussions led by the Beer Wholesalers over the past several months and understands the concerns of the industry about out of state containers being redeemed in state and constituting fraud within the bottle redemption program. Their interest in the discussions has been to offer data and possible solutions that are used in other jurisdictions where they participate.

Bree Dietly, American Beverage Association

The ABA supports the provisions of Section 3 of the bill, but because of the magnitude of this incentive, they believe this proposed language is only a start. The provisions they would include to update the law:

1. An optional limit on redemptions per person per day at a dealer location.
2. A requirement for dealers or redemption centers to refuse returns they know or have reason to know were purchased out of state.
3. A requirement to obtain documentation and a certification from individuals redeeming more than 2500 containers at one time.
4. Language making transshipment a violation of state law.

Mike Noel, Director of Public Affairs, TOMRA

TOMRA state they take unauthorized redemption in Connecticut very seriously, and already treat this as illegal and have invested hundreds of thousands of dollars in mitigation efforts. Last year they hired a full-time loss prevention specialist dedicated to Connecticut. Today they may flag suspicious behavior to DEEP, but if the law does not specify unauthorize redemption as illegal their ability to mitigate is limited. They state the language in this bill is currently in New York and other states.

Many sent in testimony in Support of SB 191:

Susan Eastwood, Chair, Ashford Clean Energy Task Force

Terri Eckel, Executive Director, IREJN

Ben Florsheim, Mayor, City of Middletown

Mark Gonzalez, Program Assistant, Conservation Law Foundation

Meg Hourigan, Coordinator, Connecticut Food Alliance

Steve Johnson, Assistant Director of Public Works, City of Milford

Jennifer Jones, Executive Director, HRRA

Shahil Kantesaria, Redemption Centers of CT

Samuel King, CFO, Blue Earth Compost

Lori Martin, Executive Director, Havens Harvest

Kim O'Rourke, Recycling Coordinator, City of Middletown, Public Works

Barbara Perkinson, First Selectman, Town of Woodbury

Pamala Roach, Consultant, SCRCOG

Rachel Schnabel, Recycling Coordinator, Town of Manchester

Jill Senior, Director Solid Waste, Town of Stonington
Angel Serrano, CT Citizen Action Group
Alan Siniscalchi, President, CACIWC
Nicholas Skeadas, CEO, Curbside Compost
Pat Wilson, Commissioner, Sustainable West Hartford Commission
Holly Yani, Senior Manager, Public Affairs, Divert Inc

Over 110 people also submitted testimony in support of SB191

NATURE AND SOURCES OF OPPOSITION:

Scott Dolch, President & CEO, CT Restaurant Association

The Restaurant Association has worked with DEEP on municipal pilot programs, and they will continue their efforts to find solutions for separating food scraps from solid waste. However, they do not support setting any mandate to collect food scraps since the infrastructure to carry out this responsibility is not in place for the municipalities and the solid waste collection industry.

Lew Dubuque, National Waste & Recycling Association

More than \$10 million was expended to support pilot programs to deal with organics in the waste stream. The Association believe that it would be prudent to thoroughly and critically analyze the data collected for these pilot programs to determine what may work best and what may not work best from economic and environmental perspectives prior to the imposition of a statewide mandate. Also of concern is that it specifically mandates how the organics should be separated. The Association believes this will limit how their members can properly separate organics and fails to take into consideration future technological changes. When the state of California addressed organics separation, they chose to set target goals and let the industry experts figure how to accomplish those goals with the municipalities. NWRA believes that this a preferable solution and allows flexibility as technology evolves.

Lindsay Seti, Advocacy Manager, CCM

CCM believes addressing food scrap diversion from our solid waste stream is a critical part of solving Connecticut's trash problem, but mandating how towns and cities handle this problem within the next four years without giving them a seat at the table or providing them with any financial support is not the solution.

Reported by: Judy Ganswindt

Date: March 26th, 2024