



Memorandum of Support

S.5331 (Harckham)/A.5906 (Shimsky)

Purpose: The bill expands the food donation and food scraps recycling program by scaling down the annual average tonnage requirement every two years until 2027. The bill also removes exceptions regarding recycler capacity.

Statement of Support: According to the Pollution Prevention Institute of New York (P2I), close to 40 percent of the food produced in the United States is never eaten - approximately 50 million tons annually - resulting in \$218 billion spent on wasted food. This wasted food not only is diverting much needed food resources from food banks, soup kitchens and shelters, but when this waste ends up in landfills, the methane pollution produced by the organic waste decomposition cycle only adds to greenhouse gas pollution.

To address some of these food waste issues, New York State passed in the 2019-2020 NYS Budget, the Food Donation and Food Scraps Recycling Program. This law requires businesses and institutions that generate an annual average of two tons of wasted food per week or more must to donate excess edible food, and to recycle all remaining food scraps if they are within 25 miles of an organics recycler (composting facility, anaerobic digester, etc.).

S.5331/A.5906 builds upon this food scraps law, updating the definition of what constitutes a designated food scraps generator. In the new bill, a "designated food scraps generator" means a person who generates at a single location an annual average of two tons or more of food per week between Jan 1, 2022-Dec 31, 2023; one ton or more of food per week between Jan 1, 2024-Dec 31, 2025; and one-half ton or more of food per week starting Jan 1, 2026 and thereafter. The bill would also remove the requirement that generators only have to comply if they are within 25 miles of an organics recycling facility.

With these updates to the Food Donation and Food Scraps Recycling Program, more food waste will be diverted from landfills, and food that is still edible will find its way to those who are dependent on food pantries and food banks. Additional benefits of reducing food waste include: a reduction in labor demands through efficient handling and storage; increased donations of fresh and nonperishable foods, providing essential meals to less fortunate families and individuals; reducing costs to business - waste less and spend less by finding ways to prevent waste in purchasing, as well as reducing energy and labor costs associated with handling food that is prepared and thrown away.¹ For these reasons, the Sierra Club supports the expansion of the current Food Donation and Foods Scraps Recycling Program.

The Sierra Club Atlantic Chapter Strongly Urges Your Support of S.5331/A.5906.

¹ <https://www.rit.edu/affiliate/nysp2i/food-waste-diversion>