

Food Waste Diversion Law

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Issue

Summarize Connecticut's food waste diversion law and recent legislative efforts to amend it. **This report has been updated by OLR Report [2022-R-0229](#).**

Summary

Connecticut law requires certain facilities that generate a large amount of organic material to (1) separate the material from other solid waste and (2) have it recycled at an authorized source-separated organic material composting facility, such as an anaerobic digester which can convert food waste to energy. Facilities that compost or treat the materials on-site are exempt from the requirement ([CGS § 22a-226e](#)).

“Source-separated organic material” is organic material that is separated at the point or source of generation from nonorganic material, and includes such things as food scraps, food processing residue, and soiled or unrecyclable paper ([CGS § 22a-207\(30\)](#)).

During the last five years, the legislature considered two bills that would have changed the food diversion law. A 2017 bill proposed authorizing the Department of Energy and Environmental Protection (DEEP) to adopt administrative civil penalties for failing to comply with the law, rather than only allowing DEEP to pursue a civil fine of up to a \$25,000 in court. A bill in 2020 sought to expand the geographic scope of the law to potentially increase the number of facilities subject to its requirements. Additionally, two bills proposed establishing pilot programs for municipal organics collection. None of these bills became law.

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By law, certain facilities that generate at least 52 tons of source-separated organic material per year (i.e., one ton per week on average) must separate the organic material from the solid waste and ensure that it is recycled at an authorized organic material composting facility with available capacity ([CGS § 22a-226e](#)). (Until 2020, the law applied to facilities producing 104 tons of such waste per year.)

The law applies to the following types of facilities located within 20 miles of the composting facility:

1. commercial food wholesalers or distributors,
2. industrial food manufacturers or processors,
3. supermarkets,
4. resorts, and
5. conference centers.

Facilities that compost or properly have their source-separated organic materials treated onsite are deemed to comply with this requirement.

Additional information about composting and organics recycling is available on DEEP's [website](#), including [guidance](#) for large food waste generators on how to comply with the food waste diversion law.

Recent Legislation

In 2017, the legislature considered a bill that would have authorized the DEEP commissioner to adopt regulations with administrative civil penalties for violations of several additional laws, including the food waste diversion mandate ([SB 836](#)). After a public hearing on the bill, the Environment Committee voted out a substitute version that limited this new authority to violations of the dam safety law, thus leaving enforcement of the food waste diversion law unchanged. (Currently, civil penalties for violations, of up to \$25,000 per offense, are fixed by the court (see [CGS § 22a-226](#)).)

A 2020 bill proposed (1) doubling the law's radius around composting facilities from 20 miles to 40 miles, thus likely increasing the number of facilities subject to the law's requirements and (2) requiring DEEP to establish a voluntary municipal pilot program for separating source-separated organic material ([SB 298](#)). The bill received a public hearing, but no further action was taken on the bill before the legislative session was adjourned due to COVID-19 concerns.

Similar to the 2020 proposal for a municipal pilot program, a 2019 bill required DEEP to establish a six-month municipal curbside food waste collection pilot program ([SB 234](#)). The program would have involved three municipalities within 20 miles of a permitted and operational anaerobic digester in the state (i.e., Quantum Biopower in Southington). The Environment Committee favorably reported the bill, but it was not called for a vote in the Senate.

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