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## **OLR Bill Analysis**

### **sHB 5524**

#### ***AN ACT CONCERNING THE STATE'S MATERIALS MANAGEMENT SYSTEM.***

#### **SUMMARY**

This bill makes several changes to various solid waste requirements in the state. Primarily, it:

1. requires any entity that generates an average projected volume of at least 26 tons per year of source-separated organic materials (for example, food scraps) to separate it from other solid waste and recycle it, starting July 1, 2027;
2. requires all entities that must follow organics diversion requirements to annually report to the Department of Energy and Environmental Protection (DEEP) on their program, starting March 1, 2027;
3. bans certain entities that sell or prepare food from selling, using, or providing food service ware made of certain expanded polystyrene, starting July 1, 2028;
4. bans food service establishments from giving out certain single-use food service items, except by request or through a utensil dispenser, and bans these establishments from giving out straws with intentionally added PFAS, starting January 1, 2028;
5. requires entities that must follow organics diversion requirements to prioritize donating extra edible food for people to eat, and to have a written policy on this, starting July 1, 2027; and
6. expands the eligible project costs for certain materials management DEEP grants.

EFFECTIVE DATE: October 1, 2026, except the sections (1) banning certain polystyrene are effective July 1, 2028; (2) banning single-use food service items and PFAS straws are effective July 1, 2027; and (3) expanding eligible costs for certain DEEP grants are effective July 1, 2026.

## **FOOD WASTE DIVERSION**

### ***Diversion Requirements***

The bill requires all entities, beginning July 1, 2027, that generate an average projected volume of at least 26 tons of source-separated organic materials (for example, food scraps) per year to (1) separate it from other solid waste and (2) recycle it at a permitted source-separated organic material composting facility that has capacity and is willing to accept it. Under current law, this requirement applies to commercial food wholesalers or distributors, industrial food manufacturers or processors, supermarkets, resorts, conference centers, or institutions that generate that much material.

Existing law extends these requirements, starting July 1, 2026, to grades K-12 public and nonpublic school buildings or educational facilities that (1) are within 20 miles of an authorized material composting facility and (2) generate that much material.

### ***Prioritization Requirement***

Beginning July 1, 2027, the bill requires all entities that must follow the organics diversion requirement described above to prioritize donating their extra edible food for people to eat before diverting it a different way (for example, by recycling, composting, or anaerobic digestion). Entities must adopt and maintain a written policy setting procedures for safely storing, handling, and transferring food for donation.

### ***Diversion Report***

Current law requires wholesalers, distributors, manufacturers, processors, supermarkets, resorts, conference centers, and institutions required to separate and recycle material to report to DEEP electronically with a summary of the entity's amount of edible food

donated, the amount of food scraps recycled, and the organics recyclers and associated collectors used. The bill, beginning March 1, 2027, requires an annual report from all entities required to separate and recycle their material.

## **POLYSTYRENE AND SINGLE-USE BANS**

### ***Polystyrene Ban***

Beginning July 1, 2028, the bill bans food establishments, restaurants, dining facilities, caterers, or other entities that sell or serve prepared food from selling, using, or giving out food service ware made, in any part, of expanded polystyrene (blown polystyrene or expanded or extruded foam polystyrene). The ban does not apply to any packaging product made of polystyrene or containing polystyrene loose fill that is:

1. for prepackaged food that was filled and sealed before receipt by a retail establishment, business, or food vendor;
2. for raw or frozen meat or seafood sold from a butcher case or similar retail appliance;
3. a cooler or ice chest, as long as the polystyrene is fully encased in another material; or
4. reuseable and for agricultural use.

The bill deems local and regional boards of education compliant if they (1) participate in a program to collect and recycle expanded polystyrene food service ware, and (2) ensure the materials are separated, collected, and delivered to a facility authorized to accept and recycle them. The bill permits municipalities to adopt and enforce stricter ordinances. Patient care units in hospitals or rehabilitation facilities are exempt from the ban.

### ***Single-Use Food Service Items Ban***

Starting January 1, 2028, the bill bans food service establishments from giving out single-use food service items (for example, utensils, napkins, condiment packets, or drinking straws) except by request or by using a utensil dispenser. The bill bans giving out straws with PFAS

(perfluoroalkyl and polyfluoroalkyl substances) intentionally added during the manufacturing process to provide a functional or technical effect to the final product. (The bill does not define “food service establishments.”)

## **DEEP MATERIALS MANAGEMENT GRANT PROGRAMS**

Regardless of other environmental protection laws, the bill explicitly allows DEEP-administered municipal or regional materials management grant programs, including the sustainable materials management grant program and the materials management infrastructure grant program, to give grant funds for certain expenses. Specifically, it allows eligible program costs to include equipment, infrastructure, facility improvements, implementation systems, and operational components to support waste reduction, reuse programs, food recovery, source separation, organics diversion, or materials processing (for example, storage infrastructure, cold storage equipment, reusable food service systems, dishwashing equipment, sanitation infrastructure, sorting systems and collection systems).

## **BACKGROUND**

### ***DEEP Grants***

The sustainable materials management grant program helps municipalities and regional waste authorities start and scale up food scraps collection programs and certain other initiatives. The program is currently not accepting applications.

The materials management infrastructure grant program funds solid waste infrastructure to municipalities and regions in the state. The program is also not accepting applications.

### ***Related Bill***

sHB 5324, favorably reported by the Education Committee, among other things, delays the implementation of organics diversion requirements by two years, from July 1, 2026, to July 1, 2028, for certain grades K-12 public and nonpublic school buildings and educational facilities.

**COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute

Yea 23 Nay 11 (03/18/2026)