



# House of Representatives

General Assembly

**File No. 398**

February Session, 2026

Substitute House Bill No. 5524

*House of Representatives, April 2, 2026*

The Committee on Environment reported through REP. PARKER of the 101st Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

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

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22a-226e of the 2026 supplement to the general  
2 statutes is repealed and the following is substituted in lieu thereof  
3 (*Effective October 1, 2026*):

4 (a) (1) On and after January 1, 2014, each commercial food wholesaler  
5 or distributor, industrial food manufacturer or processor, supermarket,  
6 resort or conference center that is located not more than twenty miles  
7 from an authorized source-separated organic material composting  
8 facility and that generates an average projected volume of not less than  
9 one hundred four tons per year of source-separated organic materials  
10 shall: (A) Separate such source-separated organic materials from other  
11 solid waste; and (B) ensure that such source-separated organic materials  
12 are recycled at any authorized source-separated organic material  
13 composting facility that has available capacity and that will accept such  
14 source-separated organic material.

15 (2) On and after January 1, 2020, each commercial food wholesaler or  
16 distributor, industrial food manufacturer or processor, supermarket,  
17 resort or conference center that is located not more than twenty miles  
18 from an authorized source-separated organic material composting  
19 facility and that generates an average projected volume of not less than  
20 fifty-two tons per year of source-separated organic materials shall: (A)  
21 Separate such source-separated organic materials from other solid  
22 waste; and (B) ensure that such source-separated organic materials are  
23 recycled at any authorized source-separated organic material  
24 composting facility that has available capacity and that will accept such  
25 source-separated organic material.

26 (3) On and after January 1, 2022, each commercial food wholesaler or  
27 distributor, industrial food manufacturer or processor, supermarket,  
28 resort or conference center that is located not more than twenty miles  
29 from either an authorized source-separated organic material  
30 composting facility or an authorized transfer station, or any collection  
31 location authorized to receive source-separated organic materials, and  
32 that generates an average projected volume of not less than twenty-six  
33 tons per year of source-separated organic materials shall: (A) Separate  
34 such source-separated organic materials from other solid waste; and (B)  
35 ensure that such source-separated organic materials are recycled at any  
36 authorized source-separated organic material composting facility that  
37 has available capacity and that will accept such source-separated  
38 organic material.

39 (4) On and after January 1, 2025, each commercial food wholesaler or  
40 distributor, industrial food manufacturer or processor, supermarket,  
41 resort, conference center or institution that generates an average  
42 projected volume of not less than twenty-six tons per year of source-  
43 separated organic materials shall: (A) Separate such source-separated  
44 organic materials from other solid waste; and (B) ensure that such  
45 source-separated organic materials are recycled at any authorized  
46 source-separated organic material composting facility that has available  
47 capacity and that will accept such source-separated organic material.  
48 For the purposes of this section "institution" means any establishment

49 engaged in providing hospitality, entertainment or rehabilitation and  
50 health care services, and any hospital, public or independent institution  
51 of higher education building or facility or correctional facility.

52 (5) On and after July 1, 2027, any entity that generates an average  
53 projected volume of not less than twenty-six tons per year of source-  
54 separated organic materials shall: (A) Separate such source-separated  
55 organic materials from other solid waste; and (B) ensure that such  
56 source-separated organic materials are recycled at any authorized  
57 source-separated organic material composting facility that has available  
58 capacity and that will accept such source-separated organic material.

59 [(5)] (6) On and after July 1, 2026, each public or nonpublic school  
60 building or educational facility in which students in grades  
61 kindergarten to twelve, inclusive, or any combination thereof, are  
62 enrolled, that is located not more than twenty miles from either an  
63 authorized source-separated organic material composting facility and  
64 that generates an average projected volume of not less than twenty-six  
65 tons per year of source-separated organic materials shall: (A) Separate  
66 such source-separated organic materials from other solid waste; and (B)  
67 ensure that such source-separated organic materials are recycled at any  
68 authorized source-separated organic material composting facility that  
69 has available capacity and that will accept such source-separated  
70 organic material.

71 (b) Any such wholesaler, distributor, manufacturer, processor,  
72 supermarket, institution, resort or conference center that performs  
73 composting of source-separated organic materials on site or treats  
74 source-separated organic materials via on-site organic treatment  
75 equipment permitted pursuant to the general statutes or federal law  
76 shall be deemed in compliance with the provisions of this section.

77 (c) Any permitted source-separated organic material composting  
78 facility that receives such source-separated organic materials shall  
79 report to the Commissioner of Energy and Environmental Protection, as  
80 part of such facility's reporting obligations, a summary of fees charged  
81 for receipt of such source-separated organic materials.

82 (d) Not later than January 1, 2022, the Commissioner of Energy and  
83 Environmental Protection shall establish a voluntary pilot program for  
84 any municipality that seeks to separate source-separated organic  
85 materials and ensure that such source-separated organic materials are  
86 recycled at authorized source-separated organic material composting  
87 facilities that have available capacity and that will accept such source-  
88 separated organic material.

89 (e) On or before March 1, 2025, and annually thereafter, each  
90 wholesaler, distributor, manufacturer, processor, supermarket, resort,  
91 conference center or institution that is subject to the provisions of this  
92 section shall submit a report to the Department of Energy and  
93 Environmental Protection in electronic format. Such report shall  
94 summarize such entity's amount of edible food donated, the amount of  
95 food scraps recycled and the organics recycler or recyclers and  
96 associated collectors used. On and after March 1, 2027, and annually  
97 thereafter, such reporting requirement shall apply to any entity that is  
98 subject to the provisions of this section.

99 Sec. 2. (NEW) (*Effective July 1, 2028*) (a) No food service establishment,  
100 restaurant, dining facility, caterer or other entity engaged in the sale or  
101 service of prepared food shall sell, use or provide food service ware  
102 composed, in whole or in part, of expanded polystyrene.

103 (b) Notwithstanding subsection (a) of this section, a local or regional  
104 board of education shall be deemed in compliance with this section if  
105 such board participates in a program for the collection and recycling of  
106 expanded polystyrene food service ware and ensures that such  
107 materials are separated, collected and delivered to a facility authorized  
108 to accept and recycle such material.

109 (c) For purposes of this section, "expanded polystyrene" means blown  
110 polystyrene or expanded or extruded foam polystyrene.

111 (d) Nothing in this section shall be construed to prohibit a  
112 municipality from adopting or enforcing an ordinance that imposes  
113 requirements or restrictions on expanded polystyrene that are stricter

114 than the provisions of this section.

115 (e) The provisions of this section shall not apply to any packaging  
116 product composed of polystyrene or containing polystyrene loose fill  
117 that:

118 (1) Is used for prepackaged food that was filled and sealed prior to  
119 receipt by a retail establishment, business or food vendor;

120 (2) Is used to contain or store raw or frozen meat or seafood sold from  
121 a butcher case or similar retail appliance;

122 (3) Is a cooler or ice chest, provided such polystyrene is fully encased  
123 in another material; or

124 (4) Is reusable polystyrene used for agricultural purposes.

125 (f) The provisions of this section shall not be construed to apply to  
126 any patient care unit in any hospital or rehabilitation facility.

127 Sec. 3. (NEW) (*Effective July 1, 2027*) (a) On and after January 1, 2028,  
128 no food service establishment shall provide single-use food service  
129 items, including utensils, napkins, condiment packets or drinking  
130 straws, except upon request of the customer or through the use of a  
131 utensil dispenser.

132 (b) Nothing in this section shall be construed to prohibit the provision  
133 or use of drinking straws, provided no single-use drinking straw  
134 provided by a food service establishment shall contain PFAS, as defined  
135 in section 22a-255h of the general statutes, that is intentionally added.  
136 For purposes of this subsection, "PFAS that is intentionally added"  
137 means the addition of PFAS during the manufacturing process to  
138 provide a functional or technical effect in the finished product.

139 Sec. 4. (NEW) (*Effective October 1, 2026*) On and after July 1, 2027, any  
140 entity subject to the commercial organics diversion requirements of  
141 section 22a-226e of the general statutes, as amended by this act, shall  
142 prioritize the donation of surplus edible food for human consumption

143 prior to the use of recycling, composting, aerobic digestion, anaerobic  
 144 digestion or disposal and shall adopt and maintain a written policy  
 145 establishing procedures for the safe storage, handling and transfer of  
 146 such food for donation.

147 Sec. 5. (NEW) (*Effective July 1, 2026*) Notwithstanding any provision  
 148 of title 22a of the general statutes, for purposes of any municipal or  
 149 regional materials management grant program administered by the  
 150 Department of Energy and Environmental Protection, including, but not  
 151 limited to, materials management infrastructure or sustainable  
 152 materials management grant programs, eligible project costs may  
 153 include equipment, infrastructure, facility improvements,  
 154 implementation systems and operational components necessary to  
 155 support waste reduction, reuse programs, food recovery, source  
 156 separation, organics diversion or materials processing, including, but  
 157 not limited to, storage infrastructure, cold storage equipment, reusable  
 158 food service systems, dishwashing equipment, sanitation infrastructure,  
 159 sorting systems and collection systems.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2026</i>	22a-226e
Sec. 2	<i>July 1, 2028</i>	New section
Sec. 3	<i>July 1, 2027</i>	New section
Sec. 4	<i>October 1, 2026</i>	New section
Sec. 5	<i>July 1, 2026</i>	New section

**ENV** Joint Favorable Subst.

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 27 \$	FY 28 \$	FY 29 \$
Department of Administrative Services	GF - Cost	None	None	1,800,000

Note: GF=General Fund

**Municipal Impact:**

Municipalities	Effect	FY 27 \$	FY 28 \$	FY 29 \$
Local and Regional School Districts; Various Municipalities	STATE MANDATE <sup>1</sup> - Potential Cost	None	Potential Significant	Potential Significant
Various Municipalities	Potential Savings	See Below	See Below	See Below

**Explanation**

The bill, which makes various changes to solid waste requirements, results in the fiscal impacts described below by section.

**Section 1** requires any entity that produces more than 26 tons of source-separated organic materials annually to separate and recycle such materials beginning in FY 28, if it is not currently subject to this requirement. This includes certain municipalities and local and regional school districts located more than 20 miles from a composting facility.

<sup>1</sup> State mandate is defined in Sec. 2-32b(2) of the Connecticut General Statutes, "state mandate" means any state initiated constitutional, statutory or executive action that requires a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

This results in a potentially significant cost to towns and districts not already subject to the existing provision. These costs are related to: (1) transportation; (2) storage; and (3) personnel costs. Partially offsetting any costs is a potential savings due to decreased tipping fees paid to waste management companies.

**Section 2** bans all food service entities from using expanded polystyrene foodware effective July 1, 2028. Beginning in FY 29 this results in a cost to the state of \$1.8 million per year in increased contracts and a potential significant cost to local and regional school districts. Under the bill, school districts may participate in a polystyrene recycling program instead of discontinuing use of polystyrene. Such recycling programs are largely inaccessible in Connecticut. The requirements result in a potential cost to local and regional school districts starting in FY 29, to the extent school districts are not compliant with the requirements of the bill. The state and school districts may have to renegotiate various contracts and may incur additional costs due to: (1) purchase of additional equipment and staffing for dishwashing; (2) purchase of re-usable food service alternatives; and (3) transportation, storage, and contract costs for any polystyrene recycling program participation. For districts that do not currently comply with the bill's requirements, the costs may be significant.

**Section 3** requires all single-use food service items to only be provided upon request or through the use of a dispenser. This results in a potential minimal cost to the state and local and regional school districts.

**Section 4** requires any entity subject to the organic material source-separating provision expanded in Section 1 to prioritize donating excess food for human consumption before other alternatives. This results in a potential cost to all municipalities and school districts that produce more than 26 tons of organic waste annually. This potential cost is associated with: (1) additional equipment (e.g., refrigerators) needed for safely storing food; and (2) transportation and personnel costs for distributing food for donation.

***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**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)