

NYS Food Donation and Food Scraps Recycling Law

Guidance for Landfills

OVERVIEW OF NYS FOOD DONATION & FOOD SCRAPS RECYCLING LAW

Beginning January 1, 2022 the [New York State Food Donation and Food Scraps Recycling Law](#) requires designated food scraps generators to donate edible food and recycle food scraps if a organics recycler exists within 25 miles. A designated food scraps generator (DFSG) produces at least 2 tons of food scraps per week. The Law also contains requirements for food scraps transporters, transfer facilities and other intermediaries, combustion facilities, and landfills.

EXAMPLES OF DESIGNATED FOOD SCRAPS GENERATORS (DFSG)

DFSG include, but are not limited to:

- Grocery Stores
- Restaurants
- Colleges
- Hotels
- Sport Arenas
- Venue Centers
- Etc.

This law does not include businesses within New York City ([local law 146](#) already in place), hospitals, nursing homes, adult care facilities and K-12 schools.

HOW TO IDENTIFY A DFSG

DEC will publish a list of DFSGs by June 1, 2021 and will be [available on the DEC website](#).

LANDFILL RESPONSIBILITIES UNDER THE LAW

Landfills must take all reasonable precautions to not accept separated food scraps from DFSGs, unless the DFSG has a waiver.

Food scraps may be accepted as long as they are not from a DFSG. Food scraps may be accepted from a DFSG if they have a temporary waiver, which are renewed on an annual basis.

BENEFITS TO THE MATERIALS MANAGEMENT COMMUNITY

This law intends to benefit the organics recycling industry as a whole by creating new opportunities for recycling organic materials. Specifically for landfills, this creates potential business opportunities to initiate or expand food scraps recycling efforts co-located at landfills.

For More Information:

<https://www.dec.ny.gov/chemical/114499.html>

Submit questions to:

FoodScrapsLaw@dec.ny.gov



**Department of
Environmental
Conservation**