

NYS Food Donation and Food Scraps Recycling Law

Guidance for Transfer Facilities

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](#).

TRANSFER FACILITY RESPONSIBILITIES UNDER THE LAW

Transfer facilities that accept separated food scraps from a DFSG (that does not have a waiver) must transfer the food scraps to an organics recycler (composting facility, anaerobic digester, etc.). The food scraps cannot be transferred to a landfill or a combustion facility and must not be co-mingled with other solid waste while at the transfer facility.

Transfer facilities are not responsible for separating food scraps that are co-mingled with garbage or recyclables.

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 transfer facilities, this creates potential business opportunities to initiate or expand food scraps recycling efforts co-located at transfer facilities, or further develop partnerships with organics recycling facilities.

For More Information:

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

Submit questions to:

FoodScrapsLaw@dec.ny.gov



Department of
Environmental
Conservation