

NYS Food Donation and Food Scraps Recycling Law

Guidance for Food Scraps Transporters

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 IN YOUR SERVICE AREA

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

TRANSPORTER RESPONSIBILITIES UNDER THE LAW

If you are a transporter that collects food scraps from a DFSG (that does not have a waiver), you must deliver the food scraps to an organics recycler (composting facility, anaerobic digester, etc.) or to a transfer facility or other intermediary that will transfer the food scraps to a recycler. The food scraps must not be delivered to a landfill or to a combustion facility. The designated food scraps generator is responsible for properly separating their organics.

WHERE TO TRANSPORT FOOD SCRAPS

DEC will publish a list of organics recyclers across the state that are interested in accepting food scraps from designated food scraps generators. [This list will be published on the DEC website](#).

If there is an organics recycler within 25 miles of a designated food scraps generator, the law requires that the food scraps must be recycled, but not that they have to be recycled at an organics recycling facility within 25 miles.

For More Information:

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

Submit questions to:

FoodScrapsLaw@dec.ny.gov



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SERVICING MALLS, PLAZAS OR COLLEGE CAMPUSES WITH MULTIPLE FOOD SERVICE BUSINESSES

If a number of small food service providers at the same location are served by one transporter and they generate 2 tons of food scraps per week or more together, they will be considered a DFSG and their food scraps must be separated and recycled. The entity or entities responsible for contracting solid waste hauling services will also be responsible for arranging organics hauling services. These DFSG will be identified on the list published by DEC.

WORKING WITH NON-DFSGS (CAFES, K-12 SCHOOLS, HOSPITALS, ETC)

We encourage you to partner with businesses of any size to recycle their food scraps.

BENEFITS TO THE TRANSPORTER COMMUNITY

This law intends to benefit the organics recycling industry as a whole by creating new opportunities for recycling organic materials. Specifically for transporters, this creates potential business opportunities as generators will be required to utilize food scraps transporters to meet the requirements of the law.

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