

**TESTIMONY TO THE MARYLAND HOUSE OF DELEGATES
COMMITTEE ON ENVIRONMENT & TRANSPORTATION**

HB0264 – Solid Waste Management - Organics Recycling and Waste Diversion - Food Residuals

Position: Support

January 27, 2021 Public Hearing

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Dear Chair Barve, Vice Chair Stein, and members of the Environment and Transportation Committee:

My name is Brenda Platt and I direct the Composting for Community Initiative at the Institute for Local Self-Reliance, a national nonprofit. I participated for two years on the MD Statewide Compost Work Group, helped develop new regulations to permit composting sites, pushed for legislation requiring the State Highway Administration to spec compost in its road projects, and more recently was responsible for the creation of (and served on) MDE's Study Group to look at how to develop infrastructure to recover yard waste, food residuals, and other organics (as a result of HB171 passed in 2017).

The Institute for Local Self-Reliance urges a favorable report on HB0264 – Solid Waste Management - Organics Recycling and Waste Diversion - Food Residuals. This bill would require large food waste generators to reduce, rescue, and/or recycle their food waste if there is nearby capacity to accept this material.

Now that there is a clear regulatory framework, investors need assurance that if they build composting infrastructure, more material will be source-separated and made available for recycling at these new sites. This bill provides this needed incentive. HB0264 does not require any food waste generator to source separate and recycle if there's no place to take material within 30 miles. It does provide flexibility on how material can be managed. Food waste generators can prevent waste, they can donate food to feed people, they can compost on-site, they can send their material to a farmer, or a combination of all of these.

There have been several iterations of this bill proposed dating back to 2014. Over the years, I and others have dialogued with interested parties to address concerns. For instance, we've removed requirements for yard waste and clarified that food waste generators can divert their materials to a combination of options.

The law only applies if an organics recycling facility exists within a 30-mile radius that is willing and able to take their material. The bill does not require generators to send to that facility, but only to avoid disposal if capacity exists. The idea behind the bill is to spur not only needed infrastructure but close-in facilities. If passed, this new policy would first target those generating 2 tons or more of food waste each week (a typical grocery store). Additional food waste generators would be required to divert in succeeding years. Similar legislation has passed in a number of states, including [California](#), [Connecticut](#), [Rhode Island](#), [Massachusetts](#), [Vermont](#), and more recently [New Jersey](#) (signed into law April 2020). Phasing in the requirements over several years will allow businesses/schools/institutions to prepare along with haulers and facilities. Vermont's success is in part attributed to its phase-in time period.

According to Josh Kelly, Materials Management Section Chief at the Vermont Agency of Natural Resources, Department of Environmental Conservation, "DEC can say food waste diversion has increased

every year since 2016. One metric of success has been the growth in food scrap haulers in our state from about a dozen in 2012 when the law was first past, to over 45 [today]... We've also had at least 4 new facilities open up (3 composters and 1 digester) in the past 2 years tied to the food waste policies and two depackagers (one built, one in planning stages) are in development and two organics transfer stations have begun operating... the disposal ban on food scraps/food waste has been successful, even during COVID.” [Personal communication via email, January 22, 2021.]

There's no data to support the unfounded fear that HB0264 will increase disposal costs. **In fact, evidence indicates that this bill will increase competition in the marketplace and lower disposal costs. The opening of new receiving facilities in Maryland will likely decrease overall solid waste management and transportation costs.**

To this point, Vermont's Mr. Kelly also maintains that without policies to support organics diversion, the cost could remain high for early adopters. Organics bans support the development of food scrap haulers, which increases the number of services for supermarkets and other generators who want to divert food waste. Food recovery requirements create more competition so that prices have a chance to come down over time.

Attachment A shows the impact of Vermont's law on the tonnage of material received at Green Mountain Compost site. (The temporary dip in 2020 was due to Covid when restaurants and schools closed.) According to the site's general manager, Dan Goossen, Vermont Act 148 was a driver for a lot of folks in thinking about composting for the first time and it was huge for them in terms of the amount of food waste they handled. [Personal communication, January 21, 2021.]

Composting and compost use have many benefits: job creation, healthy soils, climate protection, food security, garbage reduction. Compost adds needed organic matter to soil, sequesters carbon in soil, improves plant growth, conserves water, reduces reliance on chemical pesticides and fertilizers, and helps prevent nutrient run-off and soil erosion. See Attachment B. Healthy soils are considered vital to stem climate impacts as they act as a carbon sink. Composting also creates four times as many jobs on a per-ton basis as landfilling and trash incineration (see Attachment C). Composting can effectively take place in a wide range of sizes including small-scale onsite systems (such as at urban farms, schools, universities, and correctional facilities), farm-scale systems, county and municipal sites, and large-scale industrial sites.

Yet, despite these benefits, most food waste generated in Maryland is disposed in landfills or burned. Of the estimated 839,505 tons of food residuals generated per year by Maryland residents and businesses, only 15% was recovered. An estimated whopping 736,500 tons of food residuals are generated by large food scrap generators (LFSGs) producing 1 or more tons per week. The Johns Hopkins Center for a Livable Future (CLF) identified approximately 3,961 LFSGs located across Maryland. They include supermarkets, hotels, universities, food processing facilities, and food distribution warehouses. These entities could recycle more if more facilities existed and such facilities were within a reasonable distance. The combined composting capacity for food residuals/manure of existing and planned facilities is only 97,120 tons per year (according to [MDE's July 2019 report](#)), far below what is needed to accommodate the food waste generated.

This bill does not force mulch sites, natural wood waste processors, or composters to accept materials they do not want. Nor does it require food waste generators to source separate and recycle if there's no place to take it within 30 miles. What it does do is send a clear signal to investors that if they build it, they will come. Again, food waste generators are not expected to recycle if no facilities exist.

I offer the following reasons to support this bill:

1. **Composting Is Essential to Reach Higher Recycling Levels in Maryland:** Our 2013 report, [Pay Dirt](#), found that there is an enormous opportunity to achieve higher recycling levels in Maryland with comprehensive composting. Almost half the garbage generated is readily biodegradable in composting or anaerobic digestion facilities.
2. **Composting and Compost Use Will Create In-State Businesses and Jobs:** *Pay Dirt* found that for every 1 million tons of yard waste and food waste diverted to composting, with the resulting compost used within the state, 1,400 new jobs could be sustained.
3. **Maryland Has Insufficient Capacity to Recycle Food Scraps:** More capacity is needed within Maryland to handle materials, particularly food scraps. This bill is specifically designed to stimulate investment in in-state capacity.
4. **Policies Are Needed to Expand Composting and Compost Use In Maryland:** Local and state policies are needed to overcome lack of infrastructure and other obstacles to compost expansion. MDE's permitting regulations for compost sites – promulgated summer 2015 – establish a clear regulatory path. This bill now focuses on the next logical steps: encouraging the building of facilities to meet those new regs. MDE's infrastructure study work group looked at food waste recycling requirements in other states (such as Massachusetts, Connecticut, Vermont, Rhode Island, and California) but stopped short of recommending food waste recycling requirements. It is now up to the legislature to act.

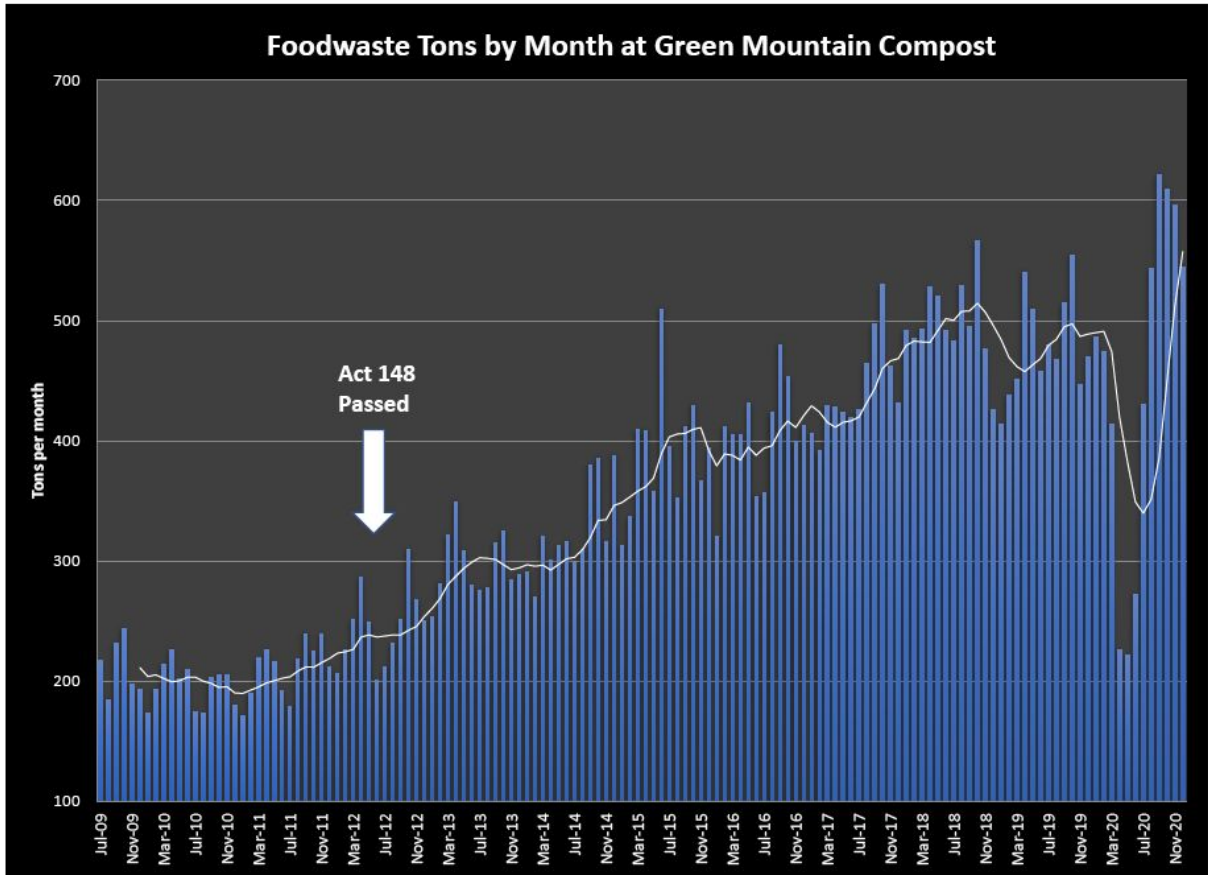
MDE's final July 2019 infrastructure report stated: "The Connecticut Department of Energy and Environmental Protection (DEEP) stated that it believed the increase in available feedstock encouraged the development of one operating anaerobic digestion facility, and the agency has approved the construction of three additional facilities. The Rhode Island Department of Environmental Management (DEM) believed that the certainty of organic material supply led to the construction of the state's first commercial anaerobic digester. Also, a commercial scale composting facility and animal feeding operation have begun processing food residuals in Rhode Island. A Massachusetts Department of Environmental Protection (MassDEP) economic impact analysis found that in 2016, the organics recovery industry added approximately \$77 million to the gross state product and generated approximately \$175 million in economic activity. In 2015, organic material haulers and processors managed six and eight times more food residuals, respectively, when compared to 2010. Vermont certified nine composting facilities to process food residuals and/or yard trimmings, and the Vermont Food Bank reported that 3,658 tons of food diverted was through food donation." [pages 22-23]

5. **There Is an Immediate Need to Reduce Biodegradable Materials Landfilled or Burned:** Landfills are a top source of methane, a highly potent greenhouse gas in the short term. As a result, methane regulation has significant short-term potential to slow climate change. The best alternative to landfill disposal for biodegradable materials is not municipal trash combustors, which continuously emit carbon dioxide, but composting and anaerobic digestion. When added to soil, compost sequesters carbon. If we want to stem climate change, we need to act now.

This bill will stimulate investment in and expansion of needed capacity to handle recycling of food scraps in Maryland. It will also spur more food waste prevention and rescuing of edible food to feed people.

I urge you to pass HB0264.

Attachment A: Impact of Vermont Law on Green Mountain Compost Site



Attachment B: Compost Enhances Soil

Composting Enhances Soil and Protects Watersheds

Healthy soils are essential for protecting watersheds. Compost is the best way to add organic matter—which is vital—to soils.

When added to soil, compost can filter out urban stormwater pollutants by an astounding **60-95%**

IT'S ALL ABOUT THE SOIL

COMPOST improves biological, chemical, and physical characteristics of soil.

- Protects against soil desertification and soil erosion
- Increases resilience to floods and droughts
- Reduces need for chemicals
- Converts nitrogen into a more stable and less mobile form and phosphorous into a less soluble form
- Increases soil fertility
- Increases microbial activity
- Improves water retention
- Improves soil structure
- Adds humus, keeping soil particles stuck together
- Improves ability to store nutrients (such as cation exchange capacity)
- Enhances plant disease suppression
- Compost serves as a filter and sponge. It immobilizes and degrades pollutants, improving water quality.

Compost helps reduce stormwater runoff because it can hold **~5x its weight** in water.

SOURCES:
 Bobby Bell and Brenda Platt, *Building Healthy Soils with Compost to Protect Watersheds*, Institute for Local Self-Reliance (ILSR), June 2014.
 Brenda Platt, Nera Goldstein, Craig Coker, and Sally Brown, *The State of Composting in the U.S.: What, Why, Where, & How*, Institute for Local Self-Reliance (ILSR), June 2015.
 "Why Build Healthy Soil?" Washington Organic Recycling Council (WORC) Soils for Salmon Project, accessed April 2016.
 United States Composting Council (USCC), "Specify and Use COMPOST for LEED & Sustainable Sites Projects: A Natural Connection"
 "Soil Health Key Points," Natural Resources Conservation Service, USDA, February 2013.
 "Increasing Soil Organic Matter with Compost," *Compost: The Sustainable Solution*, US Composting Council, July 2014.
 "Strive for 5%," US Composting Council's campaign to promote 5% organic matter in soils, US Composting Council.

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To learn more, visit: ilsr.org/compost-impacts

Attachment C: Composting Creates Jobs

