

Public Comment RE: HB0589 – Solid Waste Management – Organics Recycling and Waste Diversion – Food Residuals

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Thank you for the opportunity to provide comments on the *House Bill – Solid Waste Management – Organics Recycling and Waste Diversion – Food Residuals*. It is terrific that Maryland is looking to join the six other U.S. states that have enacted similar legislation; our organization has seen first-hand the impact that organics bans can have on catalyzing wasted food prevention and diversion activity.

The Center for EcoTechnology is a nonprofit organization that helps people and businesses save energy and reduce waste. We believe that better managing wasted food is critical in order to address climate change, feed more hungry people, and grow our economy.

CET acts as a catalyst to accelerate the development of a vibrant marketplace to divert wasted food from the ICI sectors. In collaboration with the Massachusetts Department of Environmental Protection (MassDEP), CET designed and operates RecyclingWorks MA, the award-winning wasted food reduction assistance program in Massachusetts. We also offer wasted food program design and implementation services across the East Coast and beyond, including a current project with the Maryland Department of the Environment to design a Maryland page of food waste resources and best practices for our *Wasted Food Solutions* website (<https://wastedfood.cetonline.org>).

Our organization and the Harvard Law School Food Law and Policy Clinic just recently published *Bans and Beyond: Designing and Implementing Organic Waste Bans and Mandatory Organics Recycling Laws*, a resource to advise states and localities looking to address food waste through policy. This toolkit provides the first in-depth analysis of all thirteen existing state and local organic waste bans policies and walks readers through factors to consider in pursuing similar policies in their own state or locality.

In general, we think the proposed HB0589 is a well-crafted Act and we applaud the State for devoting attention and resources to this critical issue. Today we have a few comments and suggestions to offer, as follows:

- The Act, as written would cover “a certain person”. We note that other states with organics bans have broader definitions of covered entities. Given the 2-ton per week threshold proposed at the outset of the ban, we suggest expanding the definition of who/what is covered to, “a certain person, business, nonprofit, or government entity”. We note favorably that including “a certain person” will enable MD to extend the ban from the ICI sector to households as the generation threshold decreases (similar to Vermont’s law).
- With respect to section 9-1724.1 of the Act, we endorse the approach MD is taking, as it is common for states to write-in increasingly lower generation thresholds as part of an organics ban. This can be an effective way to ensure that infrastructure and awareness among covered entities keeps pace with the ban.
- We note that the Act includes geographic proximity to an “organics recycling facility” as criteria for being covered by the ban (proposed radius, 30 miles). It is not uncommon to start with such

criteria, but we encourage MD to eliminate it over time, as for example, Vermont has done. In general, geographic constraints can stymie infrastructure development and the potential impacts of an organics ban on the solid waste management system if in place for too long.

- Further to the geographic radius, we suggest that: 1) “animal feed operations” be included among the type of facilities that are within a 30-mile radius of a covered food waste generator. Therefore editing the Act as follows: “Generates the food residuals within a 30-mile radius of an organics recycling facility or animal feed operation that:...”; and 2) organics recycling facilities and animal feed operations outside of Maryland be explicitly among the facilities that would cause a food waste generator to be covered by the Act.
- With regard to Section 3 and the role of the Department of Environment:
 - We believe that actively disseminating resources, and implementing a proactive education/marketing strategy is an important addition to “establish(ing) guidelines to assist businesses with complying...”. We have found that it is critical to provide remote and on-site technical assistance in addition to passive resources in order to maximize the amount and speed of growth of wasted food reduction activities. We recommend that an email address and telephone hotline, and on-site technical assistance if possible, accompany any development of educational resources for covered entities. This could be modeled after the successful [RecyclingWorks in MA](#) program, which has helped increase the number of commercial organics customers in the state by 70% since the program came into existence. RecyclingWorks is also partially responsible for a 60% uptick in food rescue across the state since the program came into existence – a result of direct technical assistance and publication of legal fact sheets on liability protections for food donors.
 - Many states have found providing and encouraging capital investment in equipment and infrastructure along the food waste value chain to be valuable. For example, trucking and storage capacity is often a limitation to increased acceptance of recovered food for human consumption. In addition to mapping organics recycling facilities, the MDE should also identify the capacity of such resources in Maryland (e.g., food rescue transport and storage capacity, food waste processing equipment) and the means for expanding infrastructure where necessary.
 - In a similar vein, a number of states have found infrastructure development, by way of public investments, or grant funding and other financial incentives for external investors a critical complement to an organics ban. The MDE could come up with an infrastructure investment and expansion strategy as part of its work.
 - We have found that enforcement of organics laws is key to their efficacy. Enforcement geared towards referrals to assistance, education and technical assistance services, in addition to warnings and fines, can be very effective. We suggest that this be added to the roles for MDE.