



**Maryland**  
Department of  
the Environment

# Wasted Food in Maryland: Policies and Proscriptions

Food Waste Prevention Week

April 2<sup>nd</sup>, 2024

Timothy Kerr



# Food Waste Prevention Week

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# The Problems With Wasted Food

- ReFed, a national nonprofit working to end food waste, estimates that 33% of all the food in the U.S. is wasted food. That's 78 million tons of food that goes to landfills, incinerators, down the drain, or left in the fields to rot.





# The Problems With Wasted Food

- This represents a tremendous waste of time, energy and effort gathering food and transporting it across the country.
- It's a waste of resources, fills landfills, contributes to climate change, and most importantly, could provide food to those people who are food insecure.







# Some Solutions For Wasted Food

- Donate any useable food to food recovery organizations
  - Local pantries, churches, schools, food banks
  - Donations are covered by the federal [Bill Emerson](#) law
  - May be restrictions on hot or cold foods





# Some Solutions For Wasted Food

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- Use excess food for animal feed
  - Be sure to check any local or state regulations about donating food for animals
  - In Maryland, any food donated for animal feed must be certified by the Maryland Department of Agriculture State Chemist.





# Some Solutions For Wasted Food

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## Composting

- The natural aerated decomposition of organic material
- Produces valuable soil material for farming and landscaping



## Anaerobic Digestion

- The decomposition of organic material by bacteria in an anaerobic environment
- Produces large amounts of methane for energy use as well as soil amendment





# Some Solutions For Wasted Food

- The EPA's Wasted Food Scale shows methods of handling wasted food, from most desirable to least desirable







# Maryland's Efforts With Wasted Food

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- In September 2015, US Environmental Protection Agency (EPA) and US Department of Agriculture (USDA) announced a [national goal to reduce food waste by 50% by the year 2030.](#)
- On May 4, 2017, Governor Larry Hogan signed [House Bill 171 \("bill"\) entitled Yard Waste, Food Residuals, and Other Organic Materials Diversion and Infrastructure – Study.](#)



# Maryland's Efforts With Wasted Food

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- The bill required MDE to consult with multiple stakeholders to conduct the study. The [final report](#) was completed in July 2019.



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**YARD WASTE, FOOD RESIDUALS, and OTHER  
ORGANIC MATERIALS DIVERSION AND  
INFRASTRUCTURE STUDY GROUP**

**– FINAL REPORT –  
July 2019**

Prepared by:  
Land and Materials Administration  
Resource Management Program



## HB264 – MD Food Waste Diversion Law

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- In 2021, Maryland passed [House Bill 264 – Solid Waste Management – Organics Recycling and Waste Diversion – Food Residuals](#).
- Maryland joined several other states in requiring the diversion of certain food residuals from landfills or incinerators.



## HB264 – MD Food Waste Diversion Law

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- The law defines food residuals as materials derived from the processing or discarding of food, including pre-and post-consumer vegetables, fruits, grains, dairy products, and meats







# HB264 – MD Food Waste Diversion Law

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## What is a “Person” Under the Law?

- As of Jan 1st, 2023, at least **2 tons/week** of food residuals, and
- As of Jan 1st, 2024, at least **1 ton/week** of food residuals

AND

- Is located within a **30-mile radius** of an organics recycling facility (e.g. a composter or anaerobic digester) that:
- Has the capacity to accept and process **all** of the person’s food residuals,
- Is willing to accept **all** of the person’s food residuals for recycling, and
- Is willing to enter a contract to accept and process the food residuals



## HB264 – MD Food Waste Diversion Law

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- How to determine if you are a “Person” under law:
  - Restaurants (but NOT cafeterias) are exempt
  - Facility must conduct a waste assessment
  - Facility must contact any organic recycler within a 30-mile radius and inquire if they are willing to accept, process, and contract to take ALL of the facility’s food residuals
  - Facility does not have to execute a contract with an organics recycler within 30 miles, but this clause is used to determine if a facility is **required** to divert
  - Records must be kept on-site for three years



## HB264 – MD Food Waste Diversion Law

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- A person can apply for a waiver from the food residual diversion requirements
  - If cost of diverting food residuals to an organics recycler is more than 10% the cost of sending to final disposal system
  - Any other reasonable circumstance, determined by MDE
  - Waivers last a maximum of 12 months, with ability to renew an unlimited number of times
  - Waiver procedures can be found on [food diversion](#) webpage



# HB264 – MD Food Waste Diversion Law

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## Reporting requirements

- A person under the law must submit certain information to their local county annually by March 1<sup>st</sup>
  - The total amount, by weight, of solid waste generated;
  - The total amount and types, by weight, of recyclable materials generated;
  - The total amount, by weight, of solid waste disposed;
  - The name and location of each refuse disposal system that accepted the solid waste for disposal;
  - The total amount and types, by weight, of recyclable materials diverted from disposal;
  - The name and location of each recycling facility that accepted the recyclable materials for recycling; and
  - Any other information required by the Department.

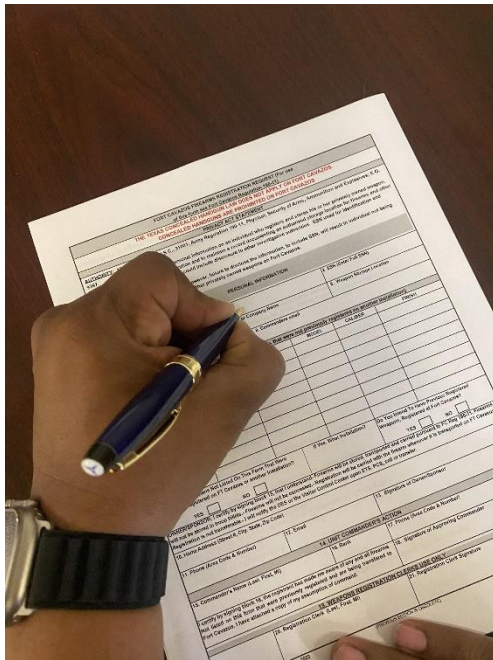




# How does my Business Complete the Report?

There are three ways you can submit your Business Recycling Report:

- [By Paper Form](#)
- [Online](#) via your county recycling webpage, or
- [Online](#) through MDE



## New Food Residuals Diversion Regulations (COMAR 26.04.13)

In order to assist Counties in gathering accurate recycling totals, MDE has developed the Business Recycling Reporting Survey [\[online\]](#) [\[PDF\]](#). This form is NOT INTENDED for PROCESSORS of RECYCLABLES, but for [commercial businesses](#) located in a jurisdiction that may recycle their waste. e.g., retail stores, service businesses, manufacturing, food processors, etc. **New!**

This section is found on MDE's [Food Residuals Diversion](#) webpage



# Business Recycling Reporting Form

- MDE's [food diversion webpage](#) includes a [guide](#) that takes you through the process of completing the annual form.
- You can also view a [YouTube video](#) with instructions for completing the form.

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## A Guide to Complete Annual Business Recycling Reports

This guide was developed by the Maryland Department of the Environment (MDE) to assist businesses in Maryland in completing the Annual Business Recycling Report, a report that itemizes a business's solid waste and recycling amounts for the previous year.

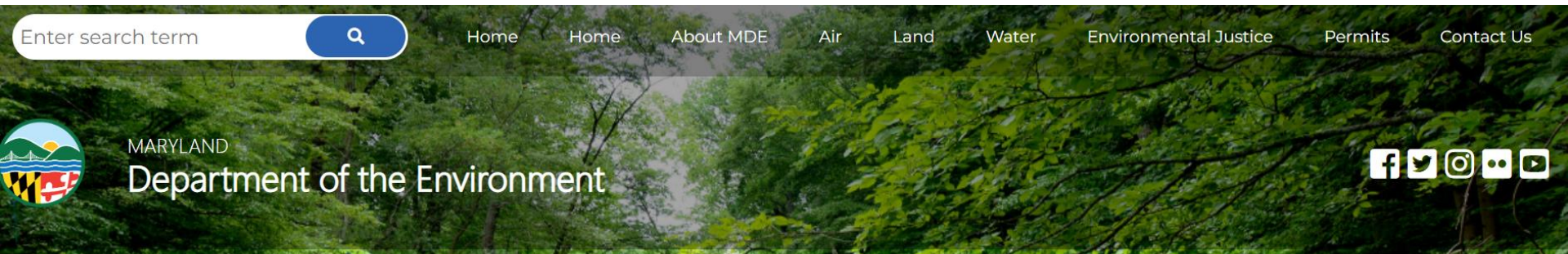
MDE encourages the recycling of all materials, where reasonable, because of the environmental and economic benefits provided. Each of Maryland's 24 political jurisdictions are required to recycle a certain percentage of their solid waste based on the county population, as specified in the Maryland Recycling Act (MRA). The *Annual Business Recycling Report* is a recommended metric within the Waste Reduction and Resource Recovery, a supporting document of the 2017 Executive Order of the same name. To encourage the overall statewide recycling and waste diversion rate goals and so Maryland Counties and Baltimore City can accurately complete their MRA report.





# MDE's Food Waste Diversion Resources

- MDE has developed numerous resources to assist businesses and the public with information on reducing wasted food on our [food diversion webpage](#)



Recycling Reporting Resources

Education and Outreach

Frequently Asked Questions

Recycling at Work and School

Recycling in Maryland

Source Reduction

## Solid Waste Management - Organics Recycling and Waste Diversion - Food Residuals

Food is a valuable resource. Wasting edible and inedible food also wastes the water, energy, labor, pesticides, fertilizers, and land used to make and transport the food. Below are resources to learn more about food residuals reduction in Maryland. In 2021, the Maryland General Assembly passed [House Bill 264/Senate Bill 483](#) entitled Solid Waste Management – Organics Recycling and Waste Diversion – Food Residuals, which requires certain entities that generate food residuals to separate the food residuals from other solid waste and ensure that the food residuals are diverted from final disposal in refuse disposal systems. The law follows the traditional food recovery hierarchy - prevent waste before it occurs, food for people, animal feed, and recycle non-edible food residuals. The focus is to reduce the amount of



# MDE's Food Waste Diversion Resources

## Food Donation Guide



**Maryland**  
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***FOOD DONATION***

The Maryland Department of the Environment recognizes that food that would otherwise be wasted, that is wholesome surplus foods, can and should be recovered and diverted as food for people. This guidance document is intended to provide direction on how surplus





# MDE's Food Waste Diversion Resources

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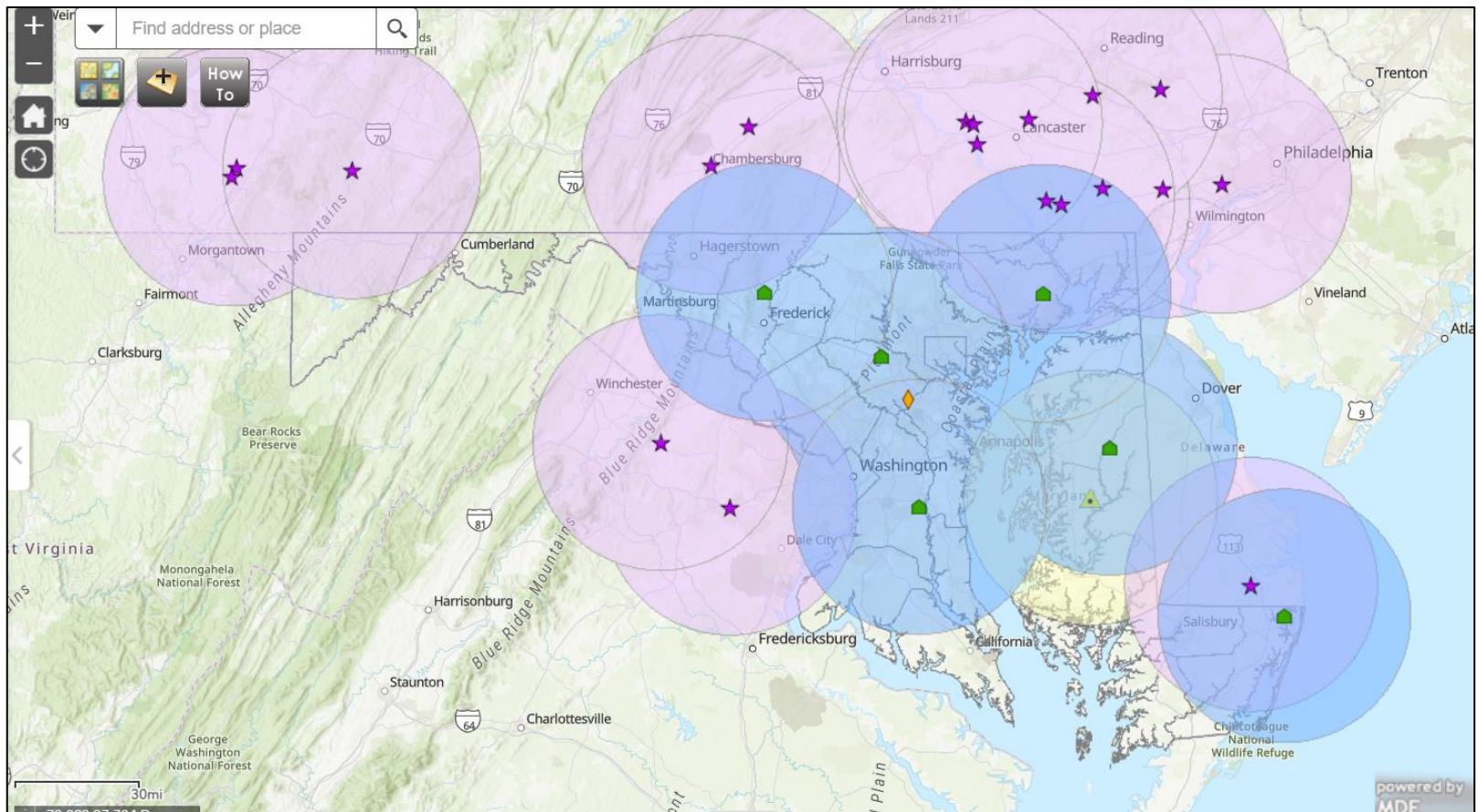
## A Wasted Food Toolkit for Maryland Schools





# MDE's Food Waste Diversion Resources

## Map of 30-mile Boundaries Around Organic Recyclers





# MDE's Food Waste Diversion Resources

## A Compliance Guide with FAQs



Maryland  
Department of  
the Environment

### COMPLIANCE GUIDE FOR REGULATIONS Food Residuals - Organics Recycling and Waste Diversion

This compliance guide sets forth how certain schools, institutions, and businesses (including small businesses) that generate food residuals may comply with the Code of Maryland Regulations (COMAR) 26.04.13 Food Residuals – Organics Recycling and Waste Diversion. This document is for informational purposes and **should not** be construed as legal advice. Affected establishments should consult the law (Environment Article, §§9-1701 and 9-1724.1, Annotated Code of Maryland), and the regulations, or consult legal counsel. This document is subject to change.

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#### Summary of the Regulations

In 2021, Maryland passed a law that requires, beginning January 1, 2023, certain persons who generate certain quantities of food residuals in Maryland to separate their food residuals from other solid waste and divert those food residuals from final disposal in a refuse disposal system ([2021 Md. Laws 439 and 440](#)). The law provides several waste diversion methods a person may implement to comply with the



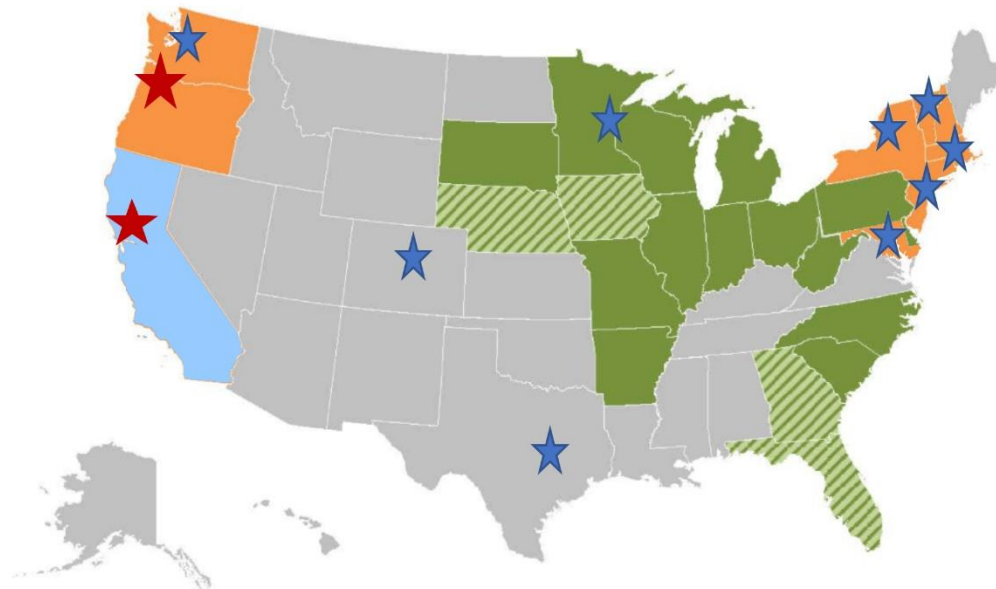
# MDE's Food Waste Diversion Resources

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- And Many More Resources:
  - Food Recovery and Donation Organizations;
  - Food Scrap Haulers;
  - Consultants;
  - Food Summits;
  - Fact Sheets, Technical Resources and Grants; and
  - Links to much more.



# Other States with Wasted Food Bans



-  **Yard debris bans:** Arkansas, Delaware, Illinois, Indiana, Maryland, Michigan, Minnesota, Missouri, New Hampshire, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, West Virginia, Wisconsin
-  **Yard debris bans with exemptions for landfills with gas collection systems:** Florida, Georgia, Iowa, Nebraska
-  **Food scrap collection mandates or aggressive legislation for keeping out of landfills:** California, Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Oregon, Vermont, Washington
-  **State Organics Diversion Requirements:** The State of California, rather than banning organics from landfills, instead requires municipalities to create organics plans, as of January 2022.





# Questions?

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## MDE Contacts

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