



General Assembly

Substitute Bill No. 5577

January Session, 2023



AN ACT CONCERNING SURPLUS FOOD DONATION AND ESTABLISHING FOOD COMPOSTING REQUIREMENTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22a-226e of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2023*):

3 (a) (1) On and after January 1, 2014, each commercial food
4 wholesaler or distributor, industrial food manufacturer or processor,
5 supermarket, resort or conference center that is located not more than
6 twenty miles from an authorized source-separated organic material
7 composting facility and that generates an average projected volume of
8 not less than one hundred four tons per year of source-separated
9 organic materials shall: (A) Separate such source-separated organic
10 materials from other solid waste; and (B) ensure that such source-
11 separated organic materials are recycled at any authorized source-
12 separated organic material composting facility that has available
13 capacity and that will accept such source-separated organic material.

14 (2) On and after January 1, 2020, each commercial food wholesaler
15 or distributor, industrial food manufacturer or processor, supermarket,
16 resort or conference center that is located not more than twenty miles
17 from an authorized source-separated organic material composting
18 facility and that generates an average projected volume of not less than

19 fifty-two tons per year of source-separated organic materials shall: (A)
20 Separate such source-separated organic materials from other solid
21 waste; and (B) ensure that such source-separated organic materials are
22 recycled at any authorized source-separated organic material
23 composting facility that has available capacity and that will accept
24 such source-separated organic material.

25 (3) On and after January 1, 2022, each commercial food wholesaler
26 or distributor, industrial food manufacturer or processor, supermarket,
27 resort or conference center that is located not more than twenty miles
28 from an authorized source-separated organic material composting
29 facility and that generates an average projected volume of not less than
30 twenty-six tons per year of source-separated organic materials shall:
31 (A) Separate such source-separated organic materials from other solid
32 waste; and (B) ensure that such source-separated organic materials are
33 recycled at any authorized source-separated organic material
34 composting facility that has available capacity and that will accept
35 such source-separated organic material.

36 (b) Any such wholesaler, distributor, manufacturer, processor,
37 supermarket, resort or conference center that performs composting of
38 source-separated organic materials on site or treats source-separated
39 organic materials via on-site organic treatment equipment permitted
40 pursuant to the general statutes or federal law shall be deemed in
41 compliance with the provisions of this section.

42 (c) Any permitted source-separated organic material composting
43 facility that receives such source-separated organic materials shall
44 report to the Commissioner of Energy and Environmental Protection,
45 as part of such facility's reporting obligations, a summary of fees
46 charged for receipt of such source-separated organic materials.

47 (d) Not later than January 1, [2022] 2024, the Commissioner of
48 Energy and Environmental Protection shall [establish a voluntary pilot
49 program for any] require each municipality [that seeks] to separate
50 source-separated organic materials and ensure that such source-

51 separated organic materials are recycled at authorized source-
52 separated organic material composting facilities that have available
53 capacity and that will accept such source-separated organic material.

54 (e) Notwithstanding the provisions of subsections (a) and (b) of this
55 section, each commercial food wholesaler or distributor, industrial
56 food manufacturer or processor, supermarket, resort or conference
57 center in this state shall adopt a written policy describing a food
58 donation program that:

59 (1) Is designed to reduce such wholesaler's, distributor's,
60 manufacturer's, processor's, supermarket's, resort's or conference
61 center's food waste, support the operations of food relief organizations
62 and ensure that all food donated by such wholesaler, distributor,
63 manufacturer, processor, supermarket, resort or conference center
64 under such policy is safe and fit for human consumption;

65 (2) Provides for the education of such wholesaler's, distributor's,
66 manufacturer's, processor's, supermarket's, resort's or conference
67 center's management and employees regarding the food distribution
68 process and the relationship between such process and food insecurity
69 and food waste;

70 (3) Calls for such wholesaler, distributor, manufacturer, processor,
71 supermarket, resort or conference center to make reasonable efforts to
72 identify, and partner with, not less than two food relief organizations
73 for the purpose of donating excess edible food to such food relief
74 organizations prior to any such food becoming source-separated
75 organic material, as described in subsections (a) and (b) of this section;

76 (4) Includes a framework to formalize and streamline such
77 wholesaler's, distributor's, manufacturer's, processor's, supermarket's,
78 resort's or conference center's protocols concerning food donation; and

79 (5) Includes a process to ensure that the food donated as part of
80 such program has significant nutritional value.

81 (f) If multiple supermarkets, resorts or conference centers subject to
82 the provisions of subsection (b) of this section are under common
83 ownership, such supermarkets, resorts or conference centers may
84 adopt a common written policy under this section.

85 (g) For purposes of this subsection, "food relief organization" has the
86 same meaning as provided in section 38a-313c.

87 Sec. 2. Section 22a-241b of the general statutes is repealed and the
88 following is substituted in lieu thereof (*Effective from passage*):

89 (a) (1) On or before February 1, 1988, the Commissioner of Energy
90 and Environmental Protection shall adopt regulations in accordance
91 with the provisions of chapter 54 designating items that are required to
92 be recycled. The commissioner may designate other items as suitable
93 for recycling and amend such regulations accordingly.

94 (2) On or before October 1, 2011, the Commissioner of Energy and
95 Environmental Protection shall amend the regulations adopted
96 pursuant to subdivision (1) of this subsection to expand the list of
97 designated recyclable items to add (A) containers of three gallons or
98 less made of polyethylene terephthalate plastic and high-density
99 polyethylene plastic, and (B) additional types of paper, including, but
100 not limited to, boxboard, magazines, residential high-grade white
101 paper and colored ledger. On or before October 1, 2023, the
102 commissioner shall amend the regulations adopted pursuant to
103 subdivision (1) of this subsection to expand the list of designated
104 recyclable items to add food scraps. Such regulations shall include best
105 practices for residential customers to separate food scraps from other
106 solid waste and other items designated as recyclable pursuant to this
107 subsection.

108 (b) Any designated recyclable item shall be recycled by a
109 municipality within six months of the availability of service to such
110 municipality by a regional processing center or local processing
111 system, including, but not limited to, an authorized source-separated

112 organic material composting facility or a composting facility.

113 (c) Each person who generates solid waste from residential property
114 shall, in accordance with subsection (f) of section 22a-220, separate
115 from other solid waste the items designated for recycling pursuant to
116 [subdivision (1) of] subsection (a) of this section.

117 (d) Every person who generates solid waste from a property other
118 than a residential property shall, in accordance with subsection (f) of
119 section 22a-220, make provision for and cause the separation from
120 other solid waste of the items designated for recycling pursuant to
121 [subdivision (1) of] subsection (a) of this section through the use of one
122 or more collection containers for designated recyclable items that are
123 separate from the collection containers for other solid waste. Collection
124 containers that have been used for the collection of solid waste may be
125 converted to containers for the collection of designated recyclable
126 items by labeling or other means to identify that such container is
127 dedicated to collecting designated recyclable items. On and after July
128 1, 2012, the provisions of this subsection shall also apply to items
129 designated for recycling pursuant to subdivision (2) of subsection (a)
130 of this section. On and after October 1, 2023, the provisions of this
131 subsection shall also apply to food scraps.

132 (e) No person shall knowingly combine previously segregated
133 designated recyclable items with other solid waste.

134 (f) For the purposes of this section, "boxboard" means a lightweight
135 paperboard made from a variety of recovered fibers having sufficient
136 folding properties and thickness to be used to manufacture folding or
137 set-up boxes.

138 Sec. 3. Section 22a-241i of the general statutes is repealed and the
139 following is substituted in lieu thereof (*Effective October 1, 2023*):

140 Notwithstanding any other sections of the general statutes to the
141 contrary, a municipality may impose a penalty not to exceed: [five] (1)
142 Five hundred dollars for each violation by a commercial establishment

143 of the requirements of subsection [(c)] (d) of section 22a-241b, as
144 amended by this act, and (2) fifty dollars for each violation by the
145 owner of a residential property of the requirements of subsection (c) of
146 section 22a-241b, as amended by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2023</i>	22a-226e
Sec. 2	<i>from passage</i>	22a-241b
Sec. 3	<i>October 1, 2023</i>	22a-241i

ENV *Joint Favorable Subst.*