



EANY SUPPORTS

Expanding Food Donation and Recycling



[S5331 \(Harckham\)](#)

[A5906 \(Shimsky\)](#)

Explanation:

This legislation amends the environmental conservation law to expand the Food Donation and Food Scraps Recycling Program by incrementally decreasing the tonnage threshold and eliminating the 25-mile exemption.

Food scraps make up [18% of the total municipal solid waste stream](#) in New York, contributing significantly to methane emissions from landfills and leaving 12.8% of New Yorkers food insecure. The New York State Department of Environmental Conservation (DEC) estimates that if these food scraps were donated, more than [120,000 metric tons](#) of carbon dioxide equivalent emissions would be reduced each year.

As it stands, the Food Donation and Food Scraps Recycling law requires entities that generate an average of two tons of food scraps per week and are within 25 miles of an organics recycling facility to donate all edible food and recycle scraps. The DEC found that there are 1,150 businesses in the state that generate two tons of food waste per week, but [only 320 had to comply with the law](#) due to their proximity to recyclers.

This legislation expands the scope of this policy by eliminating the 25-mile exemption and decreases the tonnage threshold by one every two years until 2027, whereafter it will remain at one half ton. The Climate Action Council's [Final Scoping Plan](#) explicitly recommends this expansion as a strategy to reach the emissions reduction goals of The Climate Leadership and Community Protection Act.

Summary:

This legislation expands the Food Donation and Food Scraps recycling program. The tonnage threshold decreases overtime from two tons weekly between 2023 and 2024, one ton weekly between 2025 and 2026, and an annual average of one-half ton per week beginning in January 2027. The bill also removes the exemption for facilities that are not located within 25 miles of an organics recycling facility.