

**A05906 Summary:**

BILL NO A05906

SAME AS SAME AS

SPONSOR Shimsky

COSPNR Sayegh, Septimo

MLTSPNSR

Amd §§27-2201 & 27-2203, En Con L

Expands the food donation and food scraps recycling program by scaling down the annual average tonnage requirement every two years until 2027; removes exceptions regarding recycler capacity.

**A05906 Memo:**

**NEW YORK STATE ASSEMBLY  
MEMORANDUM IN SUPPORT OF LEGISLATION  
submitted in accordance with Assembly Rule III, Sec 1(f)**

**BILL NUMBER:** A5906

**SPONSOR:** Shimsky

**TITLE OF BILL:**

An act to amend the environmental conservation law, in relation to expanding the food donation and food scraps recycling program

**PURPOSE:**

Expands the New York State food scraps recycling and food donation program.

**SUMMARY OF PROVISIONS:**

Section 1 amends subdivision 1 of section 27-2201 of the environmental conservation law by adding that a food scraps generator may average:

- two tons or more of food per week between Jan 1, 2022-Dec 31, 2023
- one ton or more of food per week between Jan 1, 2024-Dec 31, 2025
- one half ton or more of food per week starting Jan 1, 2026 and thereafter.

Section 2 updates existing language from "two tons" to "tonnage" to reflect the expansion.

Section 3 states the effective date.

**JUSTIFICATION:**

In a recent article, the New York Times highlighted how food production and food waste are major contributors to greenhouse gas emissions. Each step of food production from growing, harvesting, processing and packaging to transportation and storing releases harmful gasses such as carbon dioxide, and methane into the air. On average, we wasted about 35-40% of the food we produce, says Emily Broad Leib, the director of the Harvard Food Law and Policy Clinic. This results in food production being to blame for almost 25-33% of greenhouse gas emissions worldwide- and when that food is wasted, the emissions that brought it forth are too.'

Food scraps are often perfectly safe to eat, but end up being thrown out where they sit in landfills to decompose and release even more methane.

Making excess foods more available to qualifying entities can feed New York's lower income populations. This expansion will not only help feed our hungry and address food insecurity, but will prevent additional costs to food scraps generators and result in less food waste.

As the clock ticks down on climate change repercussions, New York must

be examining our means of sustainability and climate accountability in all sectors we see fit.

**LEGISLATIVE HISTORY:**

2021-2022: 59562 Died in Rules

**FISCAL IMPLICATIONS:**

Minimal.

**EFFECTIVE DATE:**

This act shall take effect immediately.

1 <https://www.nytimes.com/2022/09/20/climate/food-waste-app.html/>

A05906 Text:

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# STATE OF NEW YORK

5906

2023-2024 Regular Sessions

## IN ASSEMBLY

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March 24, 2023

Introduced by M. of A. SHIMSKY -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to expanding the food donation and food scraps recycling program

**The People of the State of New York, represented in Senate and Assembly, do enact as follows:**

1 Section 1. Subdivision 1 of section 27-2201 of the environmental  
2 conservation law, as added by section 2 of part 55 of chapter 58 of the  
3 laws of 2019, is amended to read as follows:

4 1. "Designated food scraps generator" means a person who generates at  
5 a single location an annual average of two tons per week or more of food  
6 scraps **between January first, two thousand twenty-three and December**  
7 **thirty-first, two thousand twenty-four, an annual average of one ton per**  
8 **week or more of food scraps between January first, two thousand twenty-**  
9 **five and December thirty-first, two thousand twenty-six, and an annual**  
10 **average of one-half ton per week or more of food scraps beginning Janu-**  
11 **ary first, two thousand twenty-seven and thereafter** based on a methodol-  
12 ogy established by the department pursuant to regulations, including,  
13 supermarkets, large food service businesses, higher educational insti-  
14 tutions, hotels, food processors, correctional facilities, and sports or  
15 entertainment venues. For a location with multiple independent food  
16 service businesses, such as a mall or college campus, the entity respon-  
17 sible for contracting for solid waste hauling services is responsible  
18 for managing food scraps from the independent businesses.

19 § 2. The opening paragraph of paragraph (b) of subdivision 1 and para-  
20 graph (a) of subdivision 3 of section 27-2203 of the environmental  
21 conservation law, as added by section 2 of part 55 of chapter 58 of the  
22 laws of 2019, are amended to read as follows:

23 except as provided in paragraph (c) of this subdivision, each design-  
24 ated food scraps generator ~~[that is within twenty-five miles of an~~  
25 ~~organics recycler, to the extent that the recycler has capacity to~~

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 ~~accept all of such generator's food scraps based on the department's~~  
2 ~~yearly estimate of an organic recyclers' capacity pursuant to section~~  
3 ~~27-2211 of this title,~~] shall:

4 (a) the designated food scraps generator does not meet the [~~two tons~~  
5 tonnage per week threshold pursuant to subdivision one of section  
6 27-2201 of this title;

7 § 3. This act shall take effect immediately.