

## LANDFILL BANS AND MANDATORY RECYCLING FOR ORGANIC WASTE



### SUMMARY

This document summarizes state and local policies aimed at diverting commercially generated organic waste from landfills. Organic waste typically includes leaf and yard waste, food waste, and soiled or unrecyclable paper like napkins and tissues; however, regulatory definitions and covered materials vary by regulation. For example, California's law covers all types of organic waste, while Metro Oregon's law covers only food scraps generated from food preparation areas, or "back of house".

As a policy tool, organic waste regulations take the form of either a ban on landfilling the materials or requirements to ensure organic waste is recycled. Landfill disposal bans restrict the disposal of organic waste in landfills, while recycling mandates require covered classes of waste generators to provide alternative methods of disposal through self-delivery or subscription to third-party collectors to divert the material to alternative disposal such as commercial composting or anaerobic digestion facilities. While the primary aim is landfill diversion, laws may also drive more prioritized outcomes for food waste management as guided by the [EPA's Food Recovery Hierarchy](#). As such, donation for human consumption may be required ahead of other management strategies such as sending material for animal feed, composting, or energy recovery.

Organic waste diversion policies are growing in popularity as a regulatory trend given that organics represent a significant proportion of municipal solid waste, it has a high energy recovery potential, and it generates high amounts of greenhouse gas if landfilled. In fact, Waste360, an industry publication, lists organic waste laws as the [number one public policy trend](#) to watch in 2021.

As of 2021, six states have organic waste management regulations. Most of these state requirements exempt entities lacking access to recycling facilities within 15-25 miles, and some allow for the possibility of rural jurisdiction exemption. All current state laws define a minimum size threshold for covered establishments in terms of waste generation, initially targeting very large generators, then phasing in smaller generators over time. In 2016, Rhode Island first covered commercial entities generating more than 104 tons per year, expanding to those exceeding 52 tons per year in 2018.

Covered businesses differ by state and businesses of different sizes might be covered through a phase-in approach. For instance, Vermont's Universal Recycling Ordinance first covered commercial, institutional, and industrial generators exceeding 104 tons per year in 2014,

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annually increasing coverage for smaller generators down to 18 tons per year in 2017. Vermont's law then goes one step further by covering all generators, including residential, by 2020 and completely banning food waste from landfills. The quality and effectiveness of organic waste laws is dependent on a variety of factors, including the timeline, funding, and framework for development of recovery infrastructure; adequacy of donation networks; approaches to enforcement; as well as resources for education and communications.

## IMPORTANT COMPONENTS OF ORGANIC WASTE BANS AND MANDATORY ORGANICS RECYCLING LAWS

**Covered Entity:** Regulatory responsibility may be placed on the waste generator, hauler, building owner, and/or occupant.

**Materials Covered:** Some state laws specifically define the materials that must be recycled or those which are banned from disposal. Other states leave the determination of materials up to local authorities.

**Generator size:** The size of the generator may determine if a retailer and/or retail location is covered by the regulation. (e.g., amount of waste generated, chain stores, number of stores, square footage, number of employees). If a retailer uses shared waste containers, it is important to understand how the law's governing agency interprets the language to assign generator responsibility.

**Bins and signage:** Some laws require generators to provide bins and signage in their stores and to educate customers on how to separate organics.

**Enforcement:** Most regulations include specific enforcement measures, including but not limited to fines and penalties.

**Reporting:** Some government agencies require waste generators to file compliance plans and/or report on organics diversion activities.



## STATE LAWS

The table below includes all state-level organics laws as of 2021.

Rule	What's Covered	Program Description
California		
<a href="#">Link to Text</a>   <a href="#">Agency Info</a>	<p>All organic waste is subject to the recycling requirement. This includes food waste, green waste, landscaping and pruning waste, and food-soiled paper waste that is mixed with food waste.</p> <p>Food-soiled paper includes items such as soiled napkins, paper towels, tissues, and formed paper packaging such as egg cartons. Food-soiled paper does not include paper products with plastic coating, e.g., paper cups with polyethylene or other synthetic grease/water resistant coating.</p>	<p>As of January 1, 2019, businesses that generate more than 4 cubic yards of commercial waste each week must arrange for organic waste recycling services or take steps to recycle their organic waste onsite. Generation rules apply to individual store locations.</p> <p>Each county, city or other local jurisdiction is responsible for developing its own ordinance to implement the recycling requirement. Local ordinances may be stricter than the state law.</p>
Connecticut		
<a href="#">Link to Text</a>   <a href="#">Agency Info</a>	<p>Source-separated material: Organic material including but not limited to food scraps, food processing residue, and soiled or unrecyclable paper.</p>	<p>A commercial food wholesaler or distributor, industrial food manufacturer or processor, supermarket, resort, or conference center located not more than 20 miles from a source-separated organic composting facility and that generates an average annual volume not less than 52 tons of source-separated organics must arrange for the separate collection of organic waste. Covered entities can treat on-site as permitted and be considered in compliance.</p>
<a href="#">Link to Text</a>   <a href="#">Agency Info</a>	<p>Grass clippings</p>	<p>Grass clippings are prohibited from disposal at resources recovery facilities or solid waste facilities.</p>
Massachusetts		
<a href="#">Link to Text</a>   <a href="#">Agency Info</a>	<p>Commercial Organic Material: Food material and vegetative material. Food Material means material produced from human or animal food production, preparation, and consumption activities and consists of but is not limited to fruits, vegetables, grains, and fish and animal products and byproducts. Vegetative Material means plant material.</p>	<p>Bans the disposal of commercial organic wastes by businesses and institutions that dispose of one ton or more of these materials per week (per location).</p>

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Rule	Covered Materials	Details
New York		
<a href="#">Link to Text</a>   <a href="#">Agency Info</a>	Food scraps, including inedible food, trimmings from the preparation of food, food soiled paper, and edible food that is not donated.	Effective January 1, 2022, large generators of food scraps (defined as generating an annual average of two tons per week or more) must donate excess edible food and recycle all remaining food scraps if they are within 25 miles of an organics recycler (composting facility, anaerobic digester, etc.). The regulation does not apply to businesses in New York City which are covered by local legislation.
Rhode Island		
<a href="#">Link to Text</a>   <a href="#">Agency Info</a> (N/A)	Food scraps, food processing residue, and soiled or unrecyclable paper that has been separated from nonorganic material.	Covered entities (commercial food wholesaler or distributor, supermarket, corporation, etc.) that generate 104 tons per year or more of organics and are located 15 or less miles from an authorized composting facility or anaerobic digester with available capacity must ensure generated organics go to either of those types of facilities.
Vermont		
<a href="#">Link to Text</a>   <a href="#">Agency Info</a>	<p>Food Scraps: Parts of food items that are typically discarded rather than eaten, e.g., peels, rinds, cores, eggshells, seeds, pits, bones, coffee grounds and paper filters, loose-leaf tea &amp; paper tea bags, and fats/oils/grease.</p> <p>Food that was not finished: "plate scraps" or leftovers that went bad. Any type of food can become scraps--bread, pasta, soup, veggies, fruit, sauces, meat, dairy, sweets, etc.</p> <p>Leaf and Yard Debris: Grass clippings, leaves, weeds, or brush less than 1 inch in diameter</p> <p>Clean Wood: Natural wood like logs and branches greater than 1 inch in diameter, stumps and roots, lumber (including pallets) that has never been painted, stained, or treated</p>	<p>All generators must divert food scraps from trash with no exemption for distance. Leaf and yard debris and clean wood debris are banned from disposal.</p> <p>Commercial haulers must offer separate collection of food scraps to nonresidential customers and deliver them to a processing location such as a composting or anaerobic digestion facility. Commercial haulers are not required to offer collection of food scraps if another commercial hauler provides food scrap collection services in the same area and has sufficient capacity to provide service to all customers.</p>

## NOTABLE LOCAL LAWS

The table below presents prominent municipal-level organics laws that impact retailers. The list includes all large-city laws and several early adopters, but the list is not comprehensive.

Rule Code	Covered Materials	Details
California		
<b>Alameda County</b> <a href="#">Link to Text</a>   <a href="#">Agency Info</a>	Food scraps and food-soiled paper	Effective within participating areas of Alameda County, businesses and institutions that generate food waste, such as restaurants and grocery stores, must divert compostables from their garbage trash. The ordinance requires the composting collection service to be sufficient to handle the amount of food scraps and food-soiled paper generated at the location.
<b>Alameda County</b> <a href="#">Link to Text</a>   <a href="#">Agency Info</a>	Plant debris including grass, leaves, shrubbery, vines, and tree branches.	<p>Prohibits disposal of plant debris in county landfills. Businesses must separate all plant debris from garbage. Those subscribing to 4 or more cubic yards of weekly on-site garbage service must place plant debris in the designated "organics" bin, and those that haul directly to a local facility must deposit plant debris in the disposal facility's designated "clean green" area.</p> <p>This law applies to any person or organization generating significant amounts of plant debris that hauls the material to Alameda County disposal facilities or places the material in bins for collection, including landscapers, gardeners, and commercial and institutional customers subscribing to 4 or more cubic yards of weekly solid waste collection service.</p>
<b>San Francisco</b> <a href="#">Link to Text</a>   <a href="#">Agency Info</a>	Food scraps, compostable food containers and service-ware, yard trimmings	Requires all businesses to separate compostable material and subscribe to adequate composting service. Property owners/managers must provide green bins for compost and provide training to employees, contractors, and janitors. Food vendors that provide disposable foodservice ware or to-go containers must provide green bins for compost for use by customers and visitors, and the bins must be placed near a main exit.
<b>San José</b> <a href="#">Link to Text</a>   <a href="#">Agency Info</a>	Food scraps and yard trimmings	Requires all businesses to comply with AB 1826 by receiving collection service from the designated hauler.

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Rule Code	Covered Materials	Details
Colorado		
<b>Boulder</b> <a href="#">Link to Text</a>   <a href="#">Agency Info</a>	<p>Any organic material that will naturally degrade and that has been designated as compostable by city manager regulation.</p> <p>Compostable materials may include but are not limited to:</p> <p>(1) Yard clippings, wood, branches, twigs, leaves and animal or vegetable-based food scraps resulting from the preparation, cooking and serving of food;</p> <p>(2) Organic material that has been generated by any residential or commercial source; and</p> <p>(3) Organic material that has been completely segregated from trash by the generator for the purpose of being composted or otherwise processed through natural degradation into soil amendment, fertilizer, or mulch.</p>	<p>All businesses must provide separate containers for compostable materials and arrange for separate collection.</p>
<b>District of Columbia</b> <a href="#">Link to Text</a>   <a href="#">Agency Info</a>	<p>Commercial food waste: waste produced by the production, consumption, and preparation of food at a commercial establishment.</p> <p>Retail food store: any establishment where food and food products offered to the consumer are intended for off-premises consumption, including grocery stores and supermarkets. The term "retail food store" does not include convenience stores, pharmacies, farmers markets, and food service entities.</p>	<p>Commercial food establishments must donate excess edible food, separate "back of house" commercial food waste, and arrange for the separation and transport of food waste to an organic processing facility or process food waste in an on-site waste processing system.</p> <p>Establishments must ensure that food waste is properly stored and that employees are properly trained in separating and storing food waste.</p> <p>By January 1, 2023, a retail food store with at least 10,000 square feet of floor area must comply with these food waste disposal requirements. Any other retail food store must comply by January 1, 2024.</p>
New York		
<b>New York City</b> <a href="#">Link to Text</a>   <a href="#">Agency Info</a>	<p>Food scraps, plant trimmings, food-soiled paper, and certified compostable products</p>	<p>The following entities are required to source separate organic waste for recovery:</p> <ul style="list-style-type: none"> <li>• Food service establishments with a floor area of at least 15,000 square feet</li> <li>• Food service establishments that are part of a chain of 100 or more locations in the city of New York</li> <li>• Retail food stores with a floor area of at least 25,000 square feet</li> </ul>

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Rules	Covered Materials	Details
Oregon		
<b>Oregon Metro (Portland area)</b> <a href="#">Link to Text</a>   <a href="#">Agency Info</a>	Food waste	Requires separation and collection of food waste from commercial food waste generators according to a phased approach: <ul style="list-style-type: none"> <li>• March 31, 2022-March 31, 2023: Large food waste generators (&gt;0.5 tons per week)</li> <li>• March 31, 2022-September 30, 2023: Medium food waste generators (&gt;0.25 tons per week)</li> <li>• September 30, 2023- September 30, 2024: Small food waste generators</li> </ul> By 2025, the law prohibits the landfill disposal of all commercially derived food waste generated within the Metro region.
Pennsylvania		
<b>Philadelphia</b> <a href="#">Link to Text</a>   <a href="#">Agency Info</a>	Grindable garbage	Businesses that generate food waste are required to either install a garbage disposer for grindable food waste or arrange for twice-weekly collection of organic waste for composting or for farm livestock feed.
Texas		
<b>Austin</b> <a href="#">Link to Text</a>   <a href="#">Agency Info</a>	Food scraps; paper towels and napkins; soiled paper, cardboard or wax board; floral décor; landscape trimmings	Requires commercial generators of organic waste to source separate it and send it to a composting facility, food bank, organic waste processor, farm, or community garden.
Washington		
<b>Seattle</b> <a href="#">Link to Text</a>   <a href="#">Agency Info</a>	All food and food-soiled paper products such as paper towels, paper napkins, and cardboard	All commercial establishments that generate food waste or compostable paper are required to subscribe to food and yard waste service, compost their food waste on site, or self-haul their food waste to a transfer station for processing. Also allows a fee to be applied to a solid waste account when more than 10% of the garbage container by volume contains prohibited materials, food waste, food-soiled paper, and/or recyclables.

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**Disclaimer:** Information in the tables above is meant to be a reference tool and may not be exhaustive of all legislation in the U.S. The information provides a summary and does not convey all aspects of legislated requirements. For example, the summaries do not necessarily include definition of terms, information on outreach and education requirements, penalties and enforcement, reporting, or instructions on how to comply. Links to legislation are accurate as of the date of this publication. Retailers should reference official agency resources and/or the appropriate legislative documents for comprehensive guidance.

Prepared by RRS. Founded in 1986 and headquartered in Ann Arbor, Michigan, RRS is a sustainability and recycling consulting firm that strives to create a world where resources are managed to maximize economic and social benefit while minimizing environmental harm.

The firm has industry professionals, engineers, economists, technical analysts, and communication specialists who share this vision and possess core strengths in materials and recovery, life cycle management, applied sustainable design, and collaborative action development.



## ABOUT THE RETAIL COMPLIANCE CENTER

The Retail Compliance Center (RCC) provides resources on environmental compliance and sustainability for all types and sizes of retailers. The RCC's goal is to develop retail-specific resources, tools and innovative solutions to help companies cost-effectively improve their compliance and environmental performance.