



NJ Food Waste Recycling Act (A2371/S865) signed into Law April 14, 2020

New Jerseyans send 1.3 million tons of food waste to landfills and incinerators annually, wasting resources and creating greenhouse gases. This law aims to address the issue by requiring commercial and institutional establishments that generate 52 tons or more of food waste per year *AND* are within 25 road miles of a food waste facility to recycle their food waste. New Jersey joins six other states and several cities across the US that have enacted food waste recycling laws.

In summary:

- The mandate requires food waste to be sent to an authorized food waste facility with sufficient capacity **or** composted/digested on site **or** be recycled using an alternative authorized food waste recycling method (mixed with sludge, used as animal feed, or other reuse recycling, as approved by the NJDEP).
- The mandate exempts generators located farther than 25 miles from a food waste recycling facility. In addition if the cost of transporting plus recycling the food waste is 10% or more than the cost of transporting plus disposal, the generator is exempt from recycling the food waste.

Additional provisions:

- Municipalities are eligible to receive a minimum \$.50/ton host community fee (or an equivalent benefit) beginning in 2021 for any food waste recycling facility within their borders.
- A Food Waste Recycling Market Development Council will be created, which must prepare a report within 18 months on existing markets, feasibility for preferences for products and energy, and recommendations for changes to State laws or regulations.
- State departments or agencies that engage in landscaping or construction will be required to use compost, mulch or other recycled organic materials when price is competitive and quality satisfactory.
- Food waste recycling facilities will now be given a “Class I renewable energy certificate”, providing financial incentives for energy generated on site.

Next Steps:

NJDEP must adopt rules and regulations governing the transport and recycling of food waste. These must include:

- Recordkeeping and reporting requirements
- Guidelines for businesses to determine applicability
- Guidance on which food waste products must be recycled
- Standards for on-site composting or digestion of food waste by generators
- Procedures for generators to petition for a waiver of the requirements

The mandate is set to take effect October 2021.