

# Lack of data leaves state flying blind in efforts to reduce food waste in landfills

BY: BEATRICE BURACK - APRIL 4, 2023 5:00 AM



For some high-volume food waste producers, the proposed 1-ton cap wouldn't be a problem. (Joseph A. Bernat Bacete | Getty Images)

The New Hampshire Department of Environmental Services projects that if Granite Staters keep trashing their waste at the same rate, without changes to existing landfill capacity, the state will run out of places to put its refuse in about 10 years.

Limited landfill capacity, in part due to huge amounts of imported trash from nearby states, is also driving up the tipping fees that municipalities have to pay when disposing of their waste.

One solution is to build more landfills. But, as Dalton residents made clear last year, those projects can be extremely unpopular with the people who have to live near them.

Rep. Karen Ebel, a New London Democrat, has another idea: reducing the amount of food waste New Hampshire throws away.

“We should be working not to build more landfills, but to be doing a better job of managing the waste that we’re generating,” Ebel said in an interview.

In 2021, the Legislature agreed to put a renewed focus on waste management. A bill signed into law by Gov. Chris Sununu that year set goals for reducing New Hampshire’s waste 25 percent from 2018 levels by 2030, and 45 percent by 2050. The state also updated its solid waste plan last year for the first time since 2003.

But the goals signed by Sununu are just that – goals. As the law clearly states, a goal “shall not establish a mandate.”

Ebel has proposed two bills this session that she says will help the state meet these goals. Both measures were approved by the House Finance Committee last week as amendments to the House budget bill, and will be voted on by the full House Thursday.

House Bill 300 would address food waste, which, the Environmental Protection Agency estimates, makes up about a quarter of municipal solid waste (MSW) landfilled nationwide.

The bill would require any entity producing more than 1 ton of food waste per week to keep that waste out of the landfill if certain qualifying facilities exist within a 20-mile radius of where the waste was produced. These facilities include food banks, composting centers, and farms that feed food waste to animals.

HB 300 was introduced alongside companion House Bill 462, which would provide \$2 million for programs to help keep food waste out of landfills.

No one spoke in opposition to either bill at their January hearing.

Advocates of the bills say New Hampshire has fallen behind other New England states on waste management, and they point to the 1-ton cap and funding for waste diversion as steps in the right direction.

## ‘The data is definitely lacking’

However, neither Michael Nork of the Department of Environmental Services nor Ebel could provide a list of the producers likely to be affected by HB 300. And neither could confidently estimate the amount of waste that the 1-ton limit would keep out of landfills.

Nork, a supervisor in the DES solid waste management division, said that is because oversight of waste production in the state is scarce.

“The data is definitely lacking in New Hampshire,” he noted.

Nork said that not only is DES strapped for the time and resources necessary to collect data, but waste generation is not currently within the department’s purview. It regulates and gathers data on

where waste ends up, not where it comes from.

He believes the passage of HB 300 would change that – leading the department to pay more attention to waste generators and even to hire extra personnel focused on implementing the new regulation.

Until DES shifts its focus and hires those new employees, the state will not have accurate data on who exceeds the 1-ton limit.

For some high-volume food waste producers, the cap wouldn't be a problem.

Kevin Daigle, president and CEO of the New Hampshire Grocers Association, said he is not concerned about the bill because even the largest stores in his association are already taking measures to keep their weekly landfilled food waste well below 1 ton.

According to Daigle, many stores are nearing “zero-waste” because they donate and compost much of their unsold food.

Chris Michael, food service director for the Merrimack Valley School District, said the district does not track food waste.

Using a rough food waste estimation tool recommended by Nork, he calculated that none of his schools are likely to run up against the 1-ton limit.

But even if they did, that would be difficult for him or DES to track.

For other high-volume producers like universities, hospitals, and prisons, the measure might present more of a challenge, but that data was not readily available either.

## How other states are regulating food waste

To learn how DES might approach enforcement of a food waste cap, Nork reached out to other states with similar policies.

He didn't have to look far – every other state in New England, barring Maine, has one.

Nork said other states tend to focus on spreading the word about the policy, as opposed to inspecting every entity that produces waste.

If HB 300 became law in New Hampshire, he anticipates that DES “would probably have to take a similar tack” due to a lack of resources for conducting frequent inspections.

A 1-ton per week limit on food waste landfilling was implemented in Massachusetts in 2014, and in Vermont in 2015. These states have seen mixed results.

Massachusetts saw an annual decrease in food waste of 210,000 tons in the five years following passage of its policy.

A Vermont Department of Environmental Conservation report noted no major change in residential food waste entering landfills from 2012 to 2017, a time period that includes adoption and implementation of the bill. Institutional, commercial, and industrial food waste was, in fact, reported to increase in that same time frame.

Reagan Bissonnette, executive director of the Northeast Resource Recovery Association, works with municipalities in Vermont, Massachusetts, and New Hampshire, and has seen firsthand the impact of both policies.

Though supportive of food waste diversion efforts, she says a bill like HB 300 with such a small scope is unlikely to make a major dent in the problem right off the bat.

“If this law was passed in New Hampshire, I don’t think we would see any kind of immediate or dramatic changes. This would definitely be something that would, slowly but surely, over time, help improve options for diverting food waste in New Hampshire,” Bissonnette said.

## Unclear if the measures will stay in budget bill

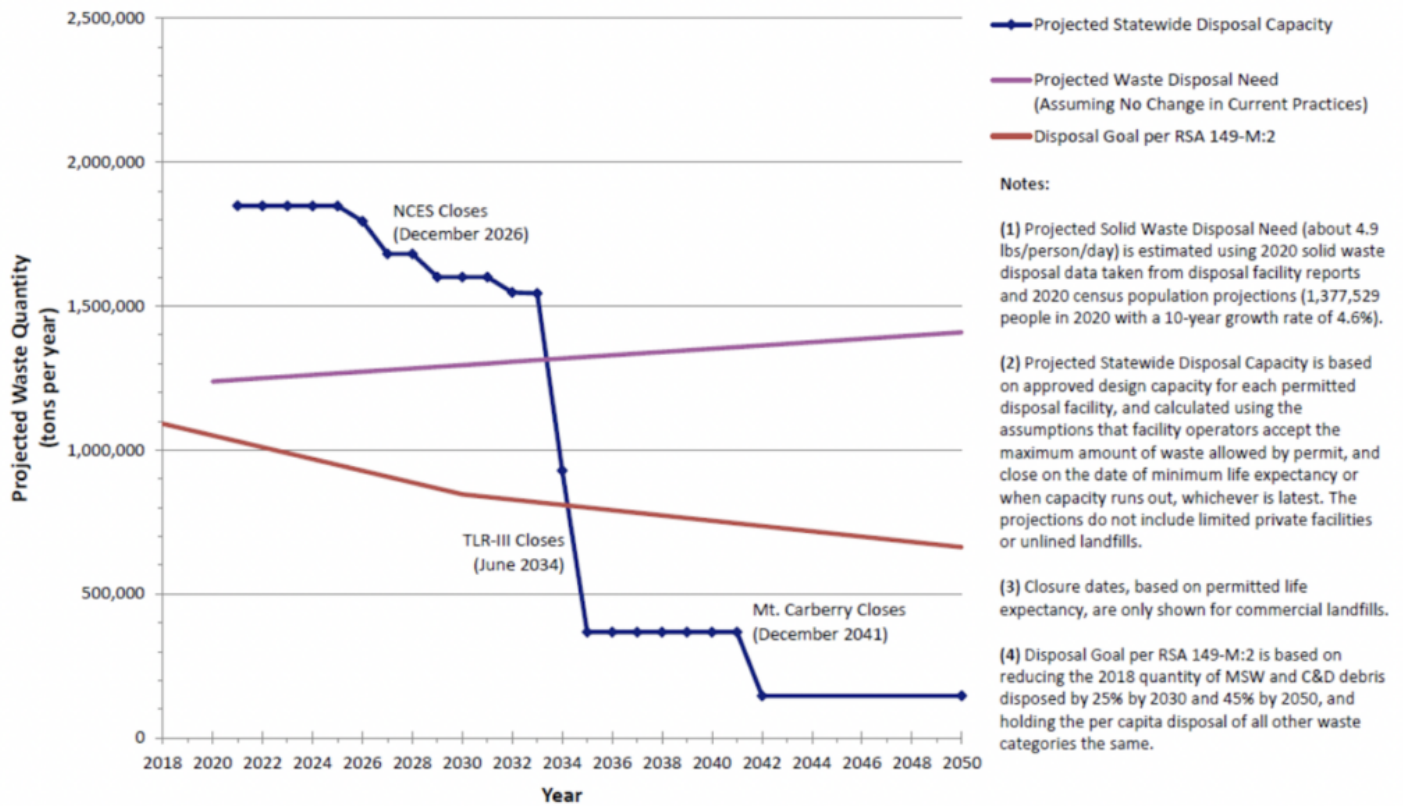
It remains to be seen if the 1-ton food waste cap and accompanying funding will still be in the budget when the Senate takes it up this month.

Sen. David Watters, a Dover Democrat and one of the bill’s co-sponsors, is optimistic. In an interview, Watters said he sees growing interest in solid waste management in both the House and Senate, in light of recent conversations about limited landfill capacity in the state.

Bissonnette, too, emphasized how important this issue is for Granite Staters.

“Anything that can be done to reduce the amount of food waste that’s being disposed (of) is beneficial for communities and taxpayer dollars,” she said.

**Figure 2. Projected Waste Disposal Need & Capacity for New Hampshire (2022 - 2042)**  
Projections Based on 2020 per capita disposal data and approved permitted facility capacity as of April 2022



(Screenshot: N.H. Department of Environmental Services 2020-2021 Biennial Solid Waste Report)