

HB 300-FN - AS INTRODUCED

2023 SESSION

23-0492

08/05

HOUSE BILL ***300-FN***

AN ACT prohibiting the disposal of certain food waste.

SPONSORS: Rep. Ebel, Merr. 7; Rep. M. Murray, Hills. 37; Rep. Almy, Graf. 17; Rep. Grote, Rock. 24; Rep. Massimilla, Graf. 1; Rep. Mangipudi, Hills. 11; Rep. Merner, Coos 1; Rep. Wolf, Merr. 7; Sen. Watters, Dist 4; Sen. Prentiss, Dist 5; Sen. Pearl, Dist 17; Sen. Chandley, Dist 11

COMMITTEE: Environment and Agriculture

ANALYSIS

This bill defines food waste and prohibits its disposal in certain circumstances.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT prohibiting the disposal of certain food waste.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Refuse Reduction; Disposal Prohibited. Amend the section heading of RSA 149-M:27 to read
2 as follows:

3 149-M:27 [~~Refuse Reduction~~] ***Disposal Prohibited.***

4 2 New Paragraph; Food Waste Disposal. Amend RSA 149-M:27 by inserting after paragraph IV
5 the following new paragraph:

6 V.(a) Beginning February 1, 2025, any person generating one ton of food waste per week or
7 greater shall not dispose of such waste in a landfill or incinerator provided that:

8 (1) An alternative facility authorized to manage food waste consistent with the
9 provisions of subparagraph (b) is located within 50 miles of the point of generation; and

10 (2) The alternative facility has adequate capacity to accept the food waste.

11 (b) Food waste prohibited from disposal under subparagraph (a) shall be separated from
12 other types of solid waste and managed in accordance with one or more of the following methods, in
13 order of preference:

14 (1) Reduction of the amount generated at the source;

15 (2) Consumption by humans;

16 (3) Consumption by animals;

17 (4) Composting, digestion, or land application as appropriate; and

18 (5) Energy recovery not involving combustion.

19 3 Definitions; Food Waste. Amend RSA 149-M:4, IX-a to read as follows:

20 IX-a. ***"Food waste" means the organic residues generated by the handling,***
21 ***preparation, storage, sale, and serving of foods and beverages. "Food waste" includes pre-***
22 ***consumer and post-consumer organic residues, food scraps, and non-petroleum oil used for***
23 ***food preparation provided it does not contain sanitary wastewater.***

24 IX-b. "General permit" means a permit which contains terms and conditions applicable to a
25 specific category of facility, which applies to any facility in that category which has submitted the
26 required information and agreed to abide by the stated terms and conditions.

27 4 Solid Waste; Definitions; Source Reduction. RSA 149-M:4, XXIV is repealed and reenacted to
28 read as follows:

29 XXIV. "Source reduction" means the practice of reducing the quantity or toxicity of waste
30 generated at the source, before recycling, processing, disposal or treatment, by changing the
31 processes that first generated the waste. Source reduction includes waste reduction.

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1 5 Effective Date. This act shall take effect January 1, 2024.

**HB 300-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT prohibiting the disposal of certain food waste.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2023	FY 2024	FY 2025	FY 2026
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$97,000	In excess of \$98,000
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

COUNTY:

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	Indeterminable Increase

LOCAL:

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	Indeterminable

METHODOLOGY:

This bill defines food waste and prohibits its disposal in certain circumstances. The Department of Environmental Services assumes the ban would primarily affect commercial facilities, such as food wholesalers and distributors, supermarkets, industrial food manufacturers and processors, restaurants and food service establishments, and hotels/resorts. However, it is conceivable that institutional facilities could also be affected, including schools and universities, hospitals, and correctional facilities, some of which may be operated by State, county, or local governments. As the Department is responsible for enforcing RSA 149-M, the Department assumes it would be responsible for regulating commercial and institutional food waste generators. This represents a new responsibility outside the scope of the Department's current solid waste regulatory programs. To effectively administer this ban, the Department assumes it would need an additional full-time Waste Management Specialist III position, labor grade 24. The annual cost for this position would be approximately \$97,000 in FY 2025 and \$98,000 in FY 2026. The Department assumes this position would be filled by the beginning of FY 2025 in order to commence necessary rulemaking, develop educational materials, engage in outreach to affected entities, and start any other preliminary administrative tasks. Beginning in FY 2026, this

position would be primarily responsible for enforcement, complaint response and compliance assistance.

Segregating and separately managing food waste in accordance with this ban will likely impact expenditures for affected food waste-generating entities starting in FY 2026. However, the Department does not have enough information to determine if there would be a net increase or decrease in costs when compared to the status quo of disposing of food waste in a landfill or incinerator. Variables would include which alternative waste management pathway an entity chooses, the number alternative options that may be available in a given area and transportation costs.

This bill does not include an appropriation or establish a new position.

AGENCIES CONTACTED:

Department of Environmental Services