



## Food Residuals Law

### What You Need to Know

During the 2021 legislative session, the Maryland General Assembly passed House Bill 264, Solid Waste Management – Organics Recycling and Waste Division – Food Residuals, which would require certain “persons” that generate food residuals to separate said residuals and divert them from refuse disposal systems. This legislation was enacted under Article II, Section 17(c) of the Maryland Constitution - Chapter 439.

### Categories

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A *person*, as defined in the law, includes **large food waste generators** such as schools, supermarkets, business and institutional cafeterias, food manufacturers, etc. A *person* **does not** include a restaurant that accommodates the public and is equipped with a dining room with facilities for preparing and serving regular meals. Beginning **January 1, 2023**, the law applies to a person that generates at least 2 tons of food residuals each week and beginning **January 1, 2024**, it applies to a person that generates at least 1 ton of food residuals each week. Note that individual schools are considered separately under the law, as opposed to an aggregate of all school facilities within a school system.

### Diversion – Minimum and Methods

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A person is **only required** to separate and divert food residuals if the residuals are generated within 30 miles of an organics recycling facility with capacity and willingness to enter into a contract to accept all of the person’s food residuals. Diversion may be accomplished by any combination of the following: reducing residuals generated, donating servable food, managing residuals in an organics recycling system on-site, providing collection and transportation for agricultural use, and/or providing collection and transportation for processing in an organics recycling facility.

### Documentation and Waivers

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“Persons” should maintain documentation on-site, which includes items such as weight of food residuals generated each week and any correspondence between organics recycling facilities located within 30 miles.

The Maryland Department of the Environment may authorize a waiver from the requirement to divert food residuals if a person demonstrates food diversion costs in excess of 10% more than the cost of disposing the food residuals at a refuse disposal facility or for other reasonable circumstances.

### Outreach, Education and Questions

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Signup for our mailing list to learn about outreach and education at [bit.ly/MDEFoodWasteSignup](https://bit.ly/MDEFoodWasteSignup).

Please contact Shannon McDonald [[Shannon.McDonald@maryland.gov](mailto:Shannon.McDonald@maryland.gov), 410-537-3143] or Tim Kerr [[Timothy.Kerr2@maryland.gov](mailto:Timothy.Kerr2@maryland.gov), 410-537-4205] in the Waste Diversion Division of the Land and Materials Administration with any questions.