



## Food Residuals vs Food Processing Residuals

### What You Need to Know

This document provides guidance on Maryland's laws and regulations regarding food residuals and food processing residuals.

#### Defined in law and regulation

**Food Residuals** means material derived from the processing or discarding of food, including pre- and postconsumer vegetables, fruits, grains, dairy products, and meats. *Food residuals does not include animal mortalities, compostable products, or wastewater that contains material derived from the processing or discarding of food.*

**Food Processing Residuals** means an organic material that is: (a) Generated by processing agricultural commodities for human or animal consumption and includes: (i) Food residuals; (ii) Food coproducts; (iii) Food processing wastes; (iv) Food processing sludges; (v) Organic material that is mixed or otherwise comingled with food residuals, food coproducts, food processing wastes, food processing sludges; or (vi) Any other incidental material whose characteristics are derived from processing agricultural products for human consumption or animal consumption.

### Food Residual Diversion Law & Regulation (MDE)

Maryland law requires certain generators of food residuals to separate and divert them from disposal, effective January 1, 2023. Regulations define reporting requirements.

Law: [2021 Md. Laws 439 and 440](#), Regulation: [COMAR 26.04.13](#)

#### All facilities must:

- Complete an [assessment](#) to determine applicability (i.e., 1 ton a week food residuals and within [30 miles of an organics recycling facility](#))
- If applicable, begin diversion and [report annually](#) to the [county](#) in which you are located all recycling tonnages (food, papers, plastics, etc.)
- If not applicable, maintain records on-site and evaluate at least every 6 months.

### Food Processing Residuals Law & Regulation (MDA)

In 2024, Maryland passed a law prohibiting the utilization of food processing residuals without a permit. Regulations define sampling, testing, record-keeping, reporting, permits, bonds, and transportation requirements

Law: [2024 Md. Laws 531 and 532](#), Regulation: [COMAR 15.20.13](#)

#### All facilities must:

- Apply for separate permits for transportation, storage and land application based on FSA Farm assignments, including permit fees and proof of Bond coverage.
- Complete quarterly reporting forms indicating sources and tonnage transported.
- Report to MDA semi-annually total tonnage transported from sources to farms for land application, and submit payment of tonnage fees (\$4 per wet ton).



#### Wasted Food Scale

How to reduce the environmental impacts of wasted food

