

# NYS Food Donation and Food Scraps Recycling Law

## Guidance for Landfills

### OVERVIEW OF NYS FOOD DONATION & FOOD SCRAPS RECYCLING LAW

Beginning January 1, 2022 the [New York State Food Donation and Food Scraps Recycling Law](#) requires designated food scraps generators to donate edible food and recycle food scraps if a organics recycler exists within 25 miles. A designated food scraps generator (DFSG) produces at least 2 tons of food scraps per week. The Law also contains requirements for food scraps transporters, transfer facilities and other intermediaries, combustion facilities, and landfills.

### EXAMPLES OF DESIGNATED FOOD SCRAPS GENERATORS (DFSG)

DFSG include, but are not limited to:

- Grocery Stores
- Restaurants
- Colleges
- Hotels
- Sport Arenas
- Venue Centers
- Etc.

**This law does not include** businesses within New York City ([local law 146](#) already in place), hospitals, nursing homes, adult care facilities and K-12 schools.

### HOW TO IDENTIFY A DFSG

DEC will publish a list of DFSGs by June 1, 2021 and will be [available on the DEC website](#).

### LANDFILL RESPONSIBILITIES UNDER THE LAW

Landfills must take all reasonable precautions to not accept separated food scraps from DFSGs, unless the DFSG has a waiver.

Food scraps may be accepted as long as they are not from a DFSG. Food scraps may be accepted from a DFSG if they have a temporary waiver, which are renewed on an annual basis.

### BENEFITS TO THE MATERIALS MANAGEMENT COMMUNITY

This law intends to benefit the organics recycling industry as a whole by creating new opportunities for recycling organic materials. Specifically for landfills, this creates potential business opportunities to initiate or expand food scraps recycling efforts co-located at landfills.

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For More Information:

<https://www.dec.ny.gov/chemical/114499.html>

Submit questions to:

[FoodScrapsLaw@dec.ny.gov](mailto:FoodScrapsLaw@dec.ny.gov)



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