



Senate

General Assembly

File No. 456

January Session, 2011

Substitute Senate Bill No. 1116

Senate, April 7, 2011

The Committee on Environment reported through SEN. MEYER of the 12th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE RECYCLING OF ORGANIC MATERIALS BY CERTAIN FOOD WHOLESALERS, MANUFACTURERS, SUPERMARKETS AND CONFERENCE CENTERS AND THE LABELING OF FOOD THAT CONTAINS GENETICALLY MODIFIED ORGANISMS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22a-207 of the general statutes is amended by
2 adding subdivision (29) as follows (*Effective October 1, 2011*):

3 (NEW) (29) "Source-separated organic material" means organic
4 material, including, but not limited to, food scraps, food processing
5 residue and soiled or unrecyclable paper that has been separated at the
6 point or source of generation from nonorganic material.

7 Sec. 2. Section 22a-260 of the general statutes is amended by adding
8 subdivisions (26) and (27) as follows (*Effective October 1, 2011*):

9 (NEW) (26) "Composting facility" means land, appurtenances,
10 structures or equipment where organic materials originating from

11 another process or location that have been separated at the point or
12 source of generation from nonorganic material are recovered using a
13 process of accelerated biological decomposition of organic material
14 under controlled aerobic or anaerobic conditions.

15 (NEW) (27) "Source-separated organic material" means organic
16 material, including, but not limited to, food scraps, food processing
17 residue and soiled or unrecyclable paper that has been separated at the
18 point or source of generation from nonorganic material.

19 Sec. 3. (NEW) (*Effective October 1, 2011*) (a) Not later than six months
20 after the establishment of service in the state by two or more permitted
21 source-separated organic material composting facilities, as defined in
22 section 22a-207 of the general statutes, as amended by this act, that
23 have a combined capacity to service the needs of commercial food
24 wholesalers or distributors, industrial food manufacturers or
25 processors, supermarkets, resorts or conference centers that each
26 generate an average projected volume of not less than one hundred
27 four tons per year of source-separated organic materials, each
28 commercial food wholesaler or distributor, industrial food
29 manufacturer or processor, supermarket, resort or conference center
30 that generates an average projected volume of not less than one
31 hundred four tons per year of source-separated organic materials shall:
32 (1) Separate such materials from other solid waste; and (2) ensure that
33 such source-separated organic materials are recycled at a permitted
34 source-separated organic material composting facility that is not more
35 than twenty miles from such wholesaler, distributor, manufacturer,
36 processor, supermarket, resort or conference center, as applicable.

37 (b) Any such wholesaler, distributor, manufacturer, processor,
38 supermarket, resort or conference center that performs composting of
39 source-separated organic materials on site or treats source-separated
40 organic materials via on-site organic treatment equipment permitted
41 pursuant to the general statutes or federal law shall be deemed in
42 compliance with the provisions of this section.

43 (c) Any permitted source-separated organic material composting

44 facility that receives such source-separated organic materials shall
 45 report to the Commissioner of Environmental Protection, as part of
 46 such facility's reporting obligations, a summary of fees charged for
 47 receipt of such source-separated organic materials.

48 Sec. 4. (NEW) (*Effective October 1, 2011*) Any food or food product
 49 that contains genetically modified organisms shall contain a label
 50 indicating that such food or food product contains genetically
 51 modified organisms. The Commissioner of Environmental Protection,
 52 in consultation with the Commissioner of Consumer Protection, shall
 53 prescribe the content and form of such label.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	22a-207
Sec. 2	<i>October 1, 2011</i>	22a-260
Sec. 3	<i>October 1, 2011</i>	New section
Sec. 4	<i>October 1, 2011</i>	New section

ENV *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 12 \$	FY 13 \$
Consumer Protection, Dept.	GF - Cost	31,000	31,000
Comptroller Misc. Accounts (Fringe Benefits) ¹	GF - Cost	6,653	6,653

Note: GF=General Fund

Municipal Impact: See Below

Explanation

The bill results in a cost to the state of \$37,653 in FY 12 and FY 13 as it requires food or food products that contain genetically modified organisms to be labeled accordingly. The Department of Consumer Protection (DCP) would require a half-time Food Safety Inspector (salary of \$28,000, fringe benefits of \$6,653 and other related expenses of \$3,000) to monitor product labeling and investigate complaints.

The bill requires large generators of source-separated organic materials to begin recycling these materials within six months after at least two source-separated organic material composting facilities are permitted to conduct business in the state.

To the extent that this diverts some amount of municipal solid waste (MSW) out of the MSW stream, municipalities would attain savings from reduced tipping fees. MSW is subject to tipping fees at an average rate of approximately \$57-70/ton.

¹ The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated non-pension fringe benefit cost associated with personnel changes is 23.76% of payroll in FY 12 and FY 13. In addition, there could be an impact to potential liability for the applicable state pension funds.

The Out Years

The annualized ongoing fiscal impact identified above to the DCP would continue into the future subject to inflation.

The annualized ongoing fiscal impact to municipalities described above would continue into the future subject to 1) the permitting date of the organic composting facilities described above, 2) the amount of organic material diverted away from the MSW stream and 3) the actual tipping fees of the impacted municipalities at the time of the organic material diversion.

OLR Bill Analysis**sSB 1116****AN ACT CONCERNING THE RECYCLING OF ORGANIC MATERIALS BY CERTAIN FOOD WHOLESALERS, MANUFACTURERS, SUPERMARKETS AND CONFERENCE CENTERS AND THE LABELING OF FOOD THAT CONTAINS GENETICALLY MODIFIED ORGANISMS.****SUMMARY:**

This bill requires large generators of source-separated organic materials to begin recycling the materials within six months after at least two source-separated organic material composting facilities are permitted to conduct business in Connecticut. (The bill does not require notice; thus, it is unclear how the generators will know when the threshold number of facilities are permitted to do business in the state.) Source-separated organic materials include food scraps, food processing residue, and soiled or unrecyclable paper that are separated, at generation, from nonorganic materials.

The bill requires source-separated organic material composting facilities to include a summary of the recycling fees they charge in their quarterly report to the environmental protection commissioner. By law, this report contains any information the commissioner deems necessary, including the amount of solid waste received from each customer.

Lastly, the bill requires food or food products that contain genetically modified organisms to be labeled accordingly. The environmental protection commissioner must prescribe the label's content and form after consulting the consumer protection commissioner (see BACKGROUND).

EFFECTIVE DATE: October 1, 2011

SOURCE-SEPARATED ORGANIC MATERIAL RECYCLING

The bill requires commercial food wholesalers or distributors, industrial food manufacturers or processors, supermarkets, resorts, and conference centers that generate an average of at least 104 tons of source-separated organic materials a year to (1) separate the organic materials from non-organic materials and (2) recycle the organic materials at a composting facility permitted to receive such materials and located within 20 miles of the generation site. It is unclear what happens if there is no facility within 20 miles of the generation site.

Under the bill, commercial food wholesalers or distributors, industrial food manufacturers or processors, supermarkets, resorts, and conference centers are deemed to have complied with this requirement if they compost source-separated organic materials on-site or treat it on-site with organic treatment equipment as permitted by state or federal law.

BACKGROUND***Federal Labeling Requirements***

Generally, the federal Food Drugs and Cosmetics Act prohibits states from requiring that food transported between states be labeled in a manner inconsistent with federal labeling requirements. However, a state may file a petition requesting exemption from the prohibition if the state labeling:

1. would not cause any food to be in violation of any applicable federal law,
2. would not unduly burden interstate commerce, and
3. is designed to address a particular need for information that is not met by federal labeling requirements (21 USC § 343-1).

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 20 Nay 5 (03/21/2011)