



Senate

General Assembly

File No. 105

January Session, 2023

Substitute Senate Bill No. 1046

Senate, March 16, 2023

The Committee on Children reported through SEN. MAHER, C. of the 26th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE REDUCTION OF FOOD WASTE IN SCHOOLS.

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

1 Section 1. Section 22a-226e of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2023*):

3 (a) (1) On and after January 1, 2014, each commercial food wholesaler
4 or distributor, industrial food manufacturer or processor, supermarket,
5 resort or conference center that is located not more than twenty miles
6 from an authorized source-separated organic material composting
7 facility and that generates an average projected volume of not less than
8 one hundred four tons per year of source-separated organic materials
9 shall: (A) Separate such source-separated organic materials from other
10 solid waste; and (B) ensure that such source-separated organic materials
11 are recycled at any authorized source-separated organic material
12 composting facility that has available capacity and that will accept such
13 source-separated organic material.

14 (2) On and after January 1, 2020, each commercial food wholesaler or
15 distributor, industrial food manufacturer or processor, supermarket,
16 resort or conference center that is located not more than twenty miles
17 from an authorized source-separated organic material composting
18 facility and that generates an average projected volume of not less than
19 fifty-two tons per year of source-separated organic materials shall: (A)
20 Separate such source-separated organic materials from other solid
21 waste; and (B) ensure that such source-separated organic materials are
22 recycled at any authorized source-separated organic material
23 composting facility that has available capacity and that will accept such
24 source-separated organic material.

25 (3) On and after January 1, 2022, each commercial food wholesaler or
26 distributor, industrial food manufacturer or processor, supermarket,
27 resort [or] and conference center, and, on and after January 1, 2024, each
28 local and regional board of education for a school district that is located
29 not more than twenty miles from an authorized source-separated
30 organic material composting facility and that generates an average
31 projected volume of not less than twenty-six tons per year of source-
32 separated organic materials shall: (A) Separate such source-separated
33 organic materials from other solid waste; and (B) ensure that such
34 source-separated organic materials are recycled at any authorized
35 source-separated organic material composting facility that has available
36 capacity and that will accept such source-separated organic material.

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

44 (c) Any permitted source-separated organic material composting
45 facility that receives such source-separated organic materials shall
46 report to the Commissioner of Energy and Environmental Protection, as

47 part of such facility's reporting obligations, a summary of fees charged
48 for receipt of such source-separated organic materials.

49 (d) (1) Not later than January 1, 2022, the Commissioner of Energy
50 and Environmental Protection shall establish a voluntary pilot program
51 for any municipality that seeks to separate source-separated organic
52 materials and ensure that such source-separated organic materials are
53 recycled at authorized source-separated organic material composting
54 facilities that have available capacity and that will accept such source-
55 separated organic material.

56 (2) Not later than January 1, 2024, the Commissioner of Energy and
57 Environmental Protection shall establish a voluntary pilot program for
58 any local or regional board of education that seeks to separate source-
59 separated organic materials and ensure that such source-separated
60 organic materials are recycled at authorized source-separated organic
61 material composting facilities that have available capacity and that will
62 accept such source-separated organic material.

63 Sec. 2. Subsection (a) of section 10-158a of the general statutes is
64 repealed and the following is substituted in lieu thereof (*Effective July 1,*
65 *2023*):

66 (a) Any two or more boards of education may, in writing, agree to
67 establish cooperative arrangements to provide school accommodations
68 services, programs or activities, special education services, health care
69 services, alternative education, as defined in section 10-74j, [or]
70 administrative and central office duties, or for the composting of source-
71 separated organic materials pursuant to section 22a-226e, as amended
72 by this act, to enable such boards to carry out the duties specified in the
73 general statutes. Such arrangements may include the establishment of a
74 committee to supervise such programs, the membership of the
75 committee to be determined by the agreement of the cooperating
76 boards. Such committee shall have the power, in accordance with the
77 terms of the agreement, to (1) apply for, receive directly and expend on
78 behalf of the school districts which have designated the committee an
79 agent for such purpose any state or federal grants which may be

80 allocated to school districts for specified programs, the supervision of
81 which has been delegated to such committee, provided such grants are
82 payable before implementation of any such program or are to reimburse
83 the committee pursuant to subsection (d) of this section for
84 transportation provided to a school operated by a cooperative
85 arrangement; (2) receive and disburse funds appropriated to the use of
86 such committee by the cooperating school districts, the state or the
87 United States, or given to the committee by individuals or private
88 corporations; (3) hold title to real or personal property in trust, or as
89 otherwise agreed to by the parties, for the appointing boards; (4) employ
90 personnel; (5) enter into contracts; and (6) otherwise provide the
91 specified programs, services and activities. Teachers employed by any
92 such committee shall be subject to the provisions of the general statutes
93 applicable to teachers employed by the board of education of any town
94 or regional school district. For purposes of this section, the term
95 "teacher" shall include each professional employee of a committee below
96 the rank of superintendent who holds a regular certificate issued by the
97 State Board of Education and who is in a position requiring such
98 certification.

99 Sec. 3. (NEW) (*Effective July 1, 2023*) (a) For the purposes of this
100 section, "composting station" means a designated location in a school
101 cafeteria where students and employees of the school may deposit
102 unconsumed organic material for composting.

103 (b) Not later than January 1, 2024, the Department of Education shall,
104 in consultation with the Department of Energy and Environmental
105 Protection, develop guidelines concerning the implementation of a
106 composting station program at schools. Such guidelines shall include,
107 but need not be limited to, (1) the types of organic material that may be
108 deposited in a composting station, (2) best practices for food and
109 beverage management and safety with respect to the items deposited at
110 a composting station, and (3) processes for the disposal of any organic
111 material not used for composting. Such guidelines shall be consistent
112 with the rules and regulations of the Department of Public Health, the
113 United States Food and Drug Administration and the United States

114 Department of Agriculture.

115 (c) For the school year commencing July 1, 2023, and each school year
116 thereafter, any school under the jurisdiction of a local or regional board
117 of education may implement a composting station program at such
118 school in accordance with the guidelines developed pursuant to
119 subsection (b) of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2023	22a-226e
Sec. 2	July 1, 2023	10-158a(a)
Sec. 3	July 1, 2023	New section

Statement of Legislative Commissioners:

In Section 1(a)(3), "resort or conference" was changed to "resort [or] and conference" and "any local or regional" was changed to "each local and regional", for proper form.

KID Joint Favorable Subst. -LCO

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 24 \$	FY 25 \$
Department of Energy and Environmental Protection	GF - Potential Cost	See Below	See Below

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 24 \$	FY 25 \$
Local and Regional School Districts	STATE MANDATE ¹ - Cost	Potential	Potential

Explanation

The bill results in potential costs for certain school districts by establishing several requirements for the disposal of organic material (primarily food waste) in public schools, and by establishing a related voluntary pilot program.

The bill requires districts that (1) generate at least 26 tons of organic materials annually and (2) are located within 20 miles of a composting facility to separate organic materials from other solid waste and ensure that those materials are recycled at an authorized composting facility beginning in FY 24.² It also allows districts that do not meet these thresholds to participate in a voluntary pilot program to recycle organic

¹ State mandate is defined in Sec. 2-32b(2) of the Connecticut General Statutes, "state mandate" means any state initiated constitutional, statutory or executive action that requires a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

² Seven such facilities currently exist in the state, located in Berlin, Ellington, New Milford, North Haven, Thompson, and two in Southington.

material in the same manner.

Districts subject to the bill's requirements, or districts that choose to participate in the voluntary pilot program, will incur costs associated with storing and transporting organic materials separately from nonorganic materials and with disposing organic materials at appropriate facilities. In districts that pay tipping fees to the waste management companies they currently use, the cost incurred by the bill may be at least partially offset by savings associated with reduced tipping fees, as organic waste will no longer be disposed of by those companies.

Current costs for solid waste disposal across ten school districts range from \$18,000 in a small district (enrollment of 452) to \$345,000 in a medium sized district (enrollment 9,800), among the 13 districts for which information is available. In most instances, these costs made up less than half of one percent of the district's annual budget. It is not known if any of these districts would meet the bill's thresholds for the requirement to separate organic and non-organic waste, rather than the option to participate in the voluntary pilot program.

The bill allows local and regional school districts to share services related to the recycling of organic materials. Any savings achieved via such service sharing agreements would at least partially offset the costs in the bill.

It is estimated that organic waste (i.e. food scraps) makes up 22% of all municipal solid waste generated annually, not specific to school districts. In FY 22, the average tip fee was \$102 per ton across all waste management facilities according to the Department of Energy and Environmental Protection (DEEP).

The bill requires DEEP to administer the voluntary pilot program for organic materials composting for local and regional school districts beginning in FY 24. Any administrative cost to DEEP will depend on the scope of the program.

Lastly, the bill requires the State Department of Education (SDE) to develop guidelines in FY 24 concerning the implementation of a composting station program in schools. This has no fiscal impact, as it is anticipated that SDE can develop these guidelines with existing resources.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation and the volume of organic materials sent by schools to composting facilities instead of waste management companies

OLR Bill Analysis**sSB 1046*****AN ACT CONCERNING THE REDUCTION OF FOOD WASTE IN SCHOOLS.*****SUMMARY**

This bill establishes several requirements related to the disposal of organic material (e.g., food) in public schools.

Beginning January 1, 2024, the bill extends to local and regional boards of education the law's requirement for certain larger organic material generators to separate the materials and recycle them at composting facilities.

By the same date, the bill requires the Department of Energy and Environmental Protection (DEEP) commissioner to establish a voluntary pilot program for any local or regional board of education that wants to (1) separate source-separated organic materials and (2) ensure that the materials are recycled at authorized composting facilities with available capacity that will accept them.

It also allows any school under a local or regional board of education's authority, beginning with the 2023 school year, to implement a composting station program consistent with guidelines the State Department of Education (SDE) develops in consultation with DEEP.

Lastly, the bill allows two or more boards of education, upon written agreement, to enter into a cooperative arrangement to compost source-separated organic materials, just as they may already do to provide certain programs, services, and activities. By law, a cooperative arrangement may include the formation of a committee, whose

membership the cooperating boards set, to supervise the program.

EFFECTIVE DATE: July 1, 2023

ORGANIC MATERIALS LAW EXPANSION

Under the bill, beginning January 1, 2024, each local and regional board of education for a school district generating an annual average projected volume of at least 26 tons of source-separated organic materials and located within 20 miles of an authorized source-separated organic material composting facility must (1) separate the materials from other solid waste and (2) ensure that they are recycled at an authorized, source-separated organic material composting facility that has available capacity and is willing to accept them.

Currently, this requirement applies to commercial food wholesalers or distributors, industrial food manufacturers or processors, supermarkets, resorts, and conference centers.

Under existing law, generators may comply with the requirements by composting the organic materials or treating them with certain organic treatment equipment onsite. The bill correspondingly applies this exemption to the local and regional boards of education.

COMPOSTING STATION PROGRAM

Beginning with the school year starting July 1, 2023, the bill allows any school under a local or regional board of education’s authority to implement a composting station program. The school must do so consistent with guidelines that SDE must develop, in consultation with DEEP, by January 1, 2024. For these purposes, a “composting station” is a designated location in a school cafeteria where students and school employees may deposit unconsumed organic material for composting.

Under the bill, the composting station program guidelines must at least include the following:

1. the types of organic material that may be deposited in a composting station,

2. best practices for food and beverage management and safety concerning the items deposited at a composting station, and
3. disposal processes for any organic material not used for composting.

The bill also requires the guidelines to be consistent with the rules and regulations of the state Department of Public Health, the U.S. Food and Drug Administration, and the U.S. Department of Agriculture.

BACKGROUND

Organic Material and Composting Facilities

By law, “source-separated organic material” includes such things as food scraps, food processing residue, and soiled or unrecyclable paper that are separated, at generation, from nonorganic material (CGS § 22a-207(30)).

A “composting facility” is land, appurtenances, structures, or equipment where organic materials originating from another process or location and separated at generation from nonorganic material are recovered through accelerated biological decomposition under controlled aerobic or anaerobic conditions (CGS § 22a-207(29)).

Related Bill

sHB 5577, favorably reported by the Environment Committee, (1) requires DEEP, by October 1, 2023, to amend its regulations to expand the list of designated (i.e., mandated) recyclable items to include food scraps and (2) requires municipalities, by January 1, 2024, to separate their organic materials and have them recycled at a composting facility.

COMMITTEE ACTION

Committee on Children

Joint Favorable

Yea 14 Nay 5 (02/28/2023)