

April 25, 2025

To: The Joint Standing Committee on Environment and Natural Resources

Re: In Opposition to LD 1065 – *An Act Regarding the Reduction and Recycling of Food Waste*

Senator Tepler, Representative Doudera and Members of the Committee:

The undersigned organizations representing businesses of all sizes, including restaurants, hotels, grocers, food producers, hospitals, and county commissioners across Maine, respectfully submit this testimony in opposition to LD 1065. While we share the bill's goal of reducing food waste, we have concerns about its timeline, practicality, and implementation.

Due to a scheduling conflict between the public hearing for LD 1065 and the Department of Environmental Protection's (DEP) stakeholder meeting on Maine's packaging stewardship program, many of the stakeholders were unable to testify in person. We appreciate the opportunity to provide input here and look forward to attending the work session to offer further perspective should the committee have questions.

### **Implementation Challenges and Infrastructure Gaps**

We support efforts to reduce food waste across Maine; however, LD 1065 introduces requirements that outpace the current infrastructure and operational realities in many parts of the state. The bill would require "designated food waste generators" to divert food waste to organics recycling facilities starting in 2027. However, DEP's *Food Loss and Waste Generation Study*<sup>1</sup> identified only eight such facilities in Maine, most of which are already operating at or near their licensed capacity.

Significant regions of the state lack access to composting or anaerobic digestion facilities. The 20–25-mile siting radius in the bill may be achievable in more urbanized areas, but it excludes many rural and coastal communities. Without local access to collection and processing, compliance would involve costly and impractical transportation logistics. We believe a successful statewide program must be aligned with the available infrastructure. A 2027 phase-in

---

<sup>1</sup> *FOOD LOSS AND WASTE GENERATION STUDY Maine Department of Environmental Protection commissioned BY: PREPARED BY: 2 EXECUTIVE SUMMARY*. (n.d.).  
[https://www.maine.gov/dep/waste/publications/documents/ME%20DEP%20Food%20Loss%20and%20Waste%20Generation%20Study\\_RRS\\_4.1.29.pdf](https://www.maine.gov/dep/waste/publications/documents/ME%20DEP%20Food%20Loss%20and%20Waste%20Generation%20Study_RRS_4.1.29.pdf)

does not provide sufficient time to build out the necessary hauling, processing, and educational capacity to support broad participation—particularly from large generators.

### **Impact on Ongoing Department Programs**

Maine DEP is already hard at work implementing several complex, resource-intensive initiatives—from PFAS regulations to the Extended Producer Responsibility (EPR) law for packaging. These programs demand significant time and coordination, including stakeholder engagement, data collection, rulemaking, and long-term oversight. On top of that, the department is managing other high-priority efforts, like climate resilience planning, water quality standards updates, and emissions reduction strategies.

With so many large-scale initiatives already underway, we're concerned about layering on another expansive regulatory program before current ones are fully up and running. Doing so could stretch DEP's capacity too thin, which may delay implementation timelines, reduce effectiveness, and contribute to public confusion or frustration.

The same holds true for the regulated community. Many of the businesses and organizations subject to DEP oversight are already working to understand and comply with new packaging and PFAS requirements. Adding a statewide food waste mandate on top of those obligations—especially one with reporting and infrastructure demands—compounds the cost and complexity of doing business in Maine.

### **Operational and Financial Burdens**

The bill also places substantial new obligations on food waste generators, many of which are already working to manage waste responsibly.

- It requires generators to conduct food waste audits, track volumes, and submit annual reports to DEP starting in 2028. For many operators, especially small businesses, schools, and public institutions, this would involve new equipment, recordkeeping systems, and staff training.
- Even organizations already practicing source reduction and food donation will face additional operational and administrative costs.
- For small businesses, schools, healthcare facilities, and municipal programs operating on tight margins, these costs could divert resources from other critical services.

In addition, while the DEP study offered helpful insights, it was limited in scope—based on just 70 phone interviews and surveys. Rolling out a policy of this scale would require extensive outreach and education by DEP to ensure that generators are aware of the mandate and understand how to properly estimate and manage their food waste.

## **Delegation of Broad Regulatory Authority**

The bill also grants DEP significant authority to lower the regulatory threshold well beyond what is initially outlined. While the bill starts with a two-tons-per-week average threshold (reduced to a one-ton average in 2029), it allows DEP to later apply the requirements to entities generating as little as 100 pounds per week, as long as they are within 25 miles of an organics recycling facility.

This represents a major policy shift and a broad expansion in scope that could eventually include small operators, nonprofits, and rural businesses not originally intended to fall under the law's purview. Changes of this scale should be considered through the legislative process rather than left entirely to agency rulemaking.

## **Alternative Pathways to Food Waste Reduction**

We strongly support the goal of reducing food waste as part of Maine's broader sustainability efforts. However, we believe voluntary programs, incentives, and strategic infrastructure development offer a more effective and equitable path forward. We encourage the committee to consider:

1. **Expanding Food Donation Capacity and Incentives:** Strengthen liability protections and tax incentives and ensure that food rescue organizations have the capacity to safely receive and distribute more donations.
2. **Enhancing DEP Grant Programs:** Maine's Solid Waste Diversion Grant Program has supported food scrap collection efforts in some areas—more robust funding would help others participate.
3. **Infrastructure Planning First:** Continued study and assessment of where composting and digestion infrastructure is most needed. A mandate of this scale should follow infrastructure development—not precede it.

## **Conclusion**

LD 1065 represents an important step in Maine's conversation around food waste, but it would introduce sweeping requirements before many businesses, institutions, and communities are ready. The scope of the bill, its accelerated timeline, and the current limitations in infrastructure and education all raise important concerns.

We respectfully urge the committee to explore more flexible, capacity-building approaches that reflect the diversity of Maine's communities and support the good-faith efforts already underway in both the public and private sectors.

Thank you for your consideration.

Sincerely,

HospitalityMaine

Maine County Commissioners Association

Maine Grocers and Food Producers Association

Maine Hospital Association

Maine State Chamber of Commerce

Maine Tourism Association

Cc: Melanie Loyzim, Commissioner, Maine DEP

Carla Hopkins, Director, Div. of Materials Management, Maine DEP