



For a thriving New England

CLF Maine 53 Exchange Street, Suite 200
Portland, ME 04101
P: 207.210.6439
F: 207.221.1240
www.clf.org

**Testimony before the
Committee on Environment and Natural Resources
Nora Bosworth
Conservation Law Foundation
March 22, 2023**

RE: Testimony in Support of LD 1009 – An Act Regarding the Reduction and Recycling of Food Waste

Good morning Senator Brenner, Representative Gramlich, and members of the Environment and Natural Resources Committee:

My name is Nora Bosworth, and I am a Staff Attorney with the Conservation Law Foundation's Zero Waste Project. CLF's Zero Waste Project works to identify and address polluting and unsustainable waste management practices while promoting proven and effective solutions such as source reduction, reuse, recycling and composting. These are the same solutions outlined in Maine's solid waste hierarchy.¹

Conservation Law Foundation ("CLF") enthusiastically supports LD 1009 – An Act Regarding the Reduction and Recycling of Food Waste. The bill establishes a hierarchy for the management of food scraps and requires producers of food scraps to separate the scraps from waste and then ensure that the scraps are transferred to organic recyclers for management according to the hierarchy of uses. The bill will first apply to large producers of food scraps, and then over the following 12 years will gradually apply to smaller producers, and eventually to all individuals.

LD 1009 would have clear environmental benefits by helping Maine reach its statutory waste diversion goals, decreasing Maine's reliance on landfills, furthering the State's statutory greenhouse gas emission goals, and lowering the use of resources required to produce more food. The effects of this legislation would also be felt by Maine's most underserved populations, as the waste hierarchy prioritizes redistributing excess edible food to hungry people. Lastly, this bill could help grow Maine's recycling and composting economy, creating more jobs and increasing revenue. Maine is a leader in sustainability in many ways; diverting food scraps from disposal and incineration is a logical next step in Maine's progress. Our neighbors in Vermont and Massachusetts have enacted similar bills and the environmental, social, and economic benefits are already manifest.

¹ 38 M.R.S.A. 2101

Keeping food out of Maine’s landfills and incinerators will help our state reach its statutory goals for waste diversion and we are currently falling short. Maine’s objective, laid out in 38 M.R.S.A. 2132, is to recycle or compost half the municipal solid waste generated in Maine by 2021, and to reduce our municipal solid waste disposal rate by 5% per capita every 5 years.² We know from the Department of Environmental Protection’s reporting that Maine has not met these goals.³ Food waste is the largest component of landfill waste, constituting roughly 24% of landfill material.⁴ An estimated 30-40% of the food supply in the United States is wasted.⁵ Food diversion legislation like LD 1009 can change these statistics. In 2014 Vermont enacted their Universal Recycling Law with a food scraps diversion component very similar to LD 1009, that applied to all Vermonters as of 2020. By 2022, residents reported increasing the amount of food scraps that they separate from their trash from 48% before the ban, to 71% after the ban.⁶ In short, this type of legislation works. Eliminating food scraps from landfills would immediately and significantly reduce the amount of waste being placed in Maine landfills, advancing Maine’s statutory goal for reducing waste disposal.

In addition to decreasing landfill material, this bill would support state and federal climate change initiatives by reducing greenhouse gas emissions. Landfills pollute local communities and the environment in various ways, but one well established route is their greenhouse gas emissions, which are produced by organic waste—primarily, food. Food waste exacerbates the climate crisis because food decomposing in landfills creates methane, a greenhouse gas that has over 80 times the warming power of carbon dioxide in its first twenty years in the atmosphere.⁷ The EPA has found that landfills are the third-largest source of human-related methane emissions in the United States.⁸ Moreover, when we waste food we do not only squander the food but also the water, land, labor and energy (i.e., emissions) required to make

² 38 M.R.S.A. 2132

³ Maine Department of Environmental Protection, 2020&2021 Municipal Solid Waste Generation & Disposal, 9-10, Jan. 2023, available at [2023-DEP-WGDC-Report-CY-2020-21 \(3\).pdf](https://www.dep.state.me.us/waste/2020-2021%20Municipal%20Solid%20Waste%20Generation%20and%20Disposal%20Report%20CY%2020-21%20(3).pdf)

⁴ U.S. Environmental Protection Agency, Facts and Figures about Materials, Waste and Recycling, available at <https://www.epa.gov/facts-and-figures-about-materials-waste-and-recycling/national-overview-facts-and-figures-materials#Landfilling>

⁵ U.S. Department of Agriculture, Food Waste FAQs, available at <https://www.usda.gov/foodwaste/faqs>

⁶ Belarmino, Emily H.; Ryan, Claire; Wang, Qingbin; Niles, Meredith T.; and Torness, Margaret, "Impact of Vermont's Food Waste Ban on Residents and Food Businesses" (2023). College of Agriculture and Life Sciences Faculty Publications. 198., available at <https://scholarworks.uvm.edu/cgi/viewcontent.cgi?article=1201&context=calsfac>

⁷ USDA, Food Waste and its Links to Greenhouse Gases and Climate Change, available at <https://www.usda.gov/media/blog/2022/01/24/food-waste-and-its-links-greenhouse-gases-and-climate-change>; Importance of Methane | US EPA; Environmental Defense Fund, Methane: A Crucial Opportunity in the Climate Fight, available at <https://www.edf.org/climate/methane-crucial-opportunity-climate-fight>

⁸ EPA, Basic Information about Landfill Gas, available at <https://www.epa.gov/lmop/basic-information-about-landfill-gas>

the food.⁹ The massive environmental footprint of our food production is widely known;¹⁰ we should use the food we are producing and reduce overconsumption. An EPA report in 2021 concluded that if the United States is going to meet targets to address climate change, addressing food loss and food waste is essential.¹¹ Thus, reducing food waste in landfills would also further Maine’s statutory goals to achieve carbon neutrality by 2045.¹²

The amount of food sent to landfills is an even bigger loss when we consider the number of people fighting food insecurity in our state. Maine’s Department of Education estimates that one in four children in Maine is at risk for hunger, 37% of whom do not qualify for public assistance.¹³ LD 1009 puts redistributing leftover food for human consumption at the very top of the waste management hierarchy. This means that food rescue organizations, such as food banks, meal programs, and food pantries, will have increased ability to provide for underserved Mainers. In Vermont, food donation is reported to have nearly tripled since their food scrap law was passed.¹⁴ When an estimated third of our state’s food supply is being wasted, and thousands of Mainers are still at risk of hunger, this bill is a moral imperative.

Lastly, LD 1009 could bolster Maine’s local economy by increasing labor and profits in the organics diversion and reuse industry. In 2014, Massachusetts was the first state in the country to implement a ban on the disposal of commercial food materials, beginning with businesses and institutions that generated one ton or more of food waste per week (generators that LD 1009 would apply to as of 2027).¹⁵ Two years later, the Massachusetts Department of Environmental Protection found that the disposal ban had created hundreds of well-paying jobs, increased the Gross State Product by \$77 million, and generated more than \$5 million in state and local tax revenue.¹⁶ The potential for economic development in the organics waste management sector is further reason to support LD 1009.

⁹ EPA, Composting Food Waste: Keeping a Good Thing Going, available at <https://www.epa.gov/snep/composting-food-waste-keeping-good-thing-going>

¹⁰ Ritchie, Hannah; Pablo Rosado; Max Rose (2022), “Environmental Impacts of Food Production” (2022), OurWorldInData.org, available at, <https://ourworldindata.org/environmental-impacts-of-food>

¹¹ EPA, From Farm to Kitchen: the Environmental Impacts of U.S. Food Waste, Nov. 2021, at ii, available at https://www.epa.gov/system/files/documents/2021-11/from-farm-to-kitchen-theenvironmental-impacts-of-u.s.-food-waste_508-tagged.pdf.

¹² 38 M.R.S.A 576-A

¹³ Maine Department of Education, Food Security, available at <https://www.maine.gov/doe/index.php/foodsecurity#:~:text=Hunger%20is%20often%20a%20symptom,not%20qualify%20for%20public%20assistance.>

¹⁴ Vermont Agency of Natural Resources, Universal Recycling Law Boosts Fresh Food Donations, available at <https://anr.vermont.gov/node/901>

¹⁵ Massachusetts Department of Environmental Protection, Commercial Food Material Disposal Ban, [Commercial Food Material Disposal Ban | Mass.gov](https://www.mass.gov/info-details/commercial-food-material-disposal-ban)

¹⁶ *Id.*



For the above environmental, social and economic reasons, CLF urges the committee to support LD 1009. The Department of Environmental Protection stated in its last Municipal Solid Waste report that “there is room to improve Maine’s food scrap collection efforts to increase organics diversion”;¹⁷ this is the bill to do that. Thank you for the opportunity to comment in support of LD 1009.

Respectfully submitted,

Nora Bosworth
Staff Attorney, Zero Waste Project
Conservation Law Foundation
nbosworth@clf.org

¹⁷ Maine DEP, 2020&2021 Municipal Solid Waste Generation & Disposal, 2, Jan. 2023, available at [2023-DEP-WGDC-Report-CY-2020-21 \(3\).pdf](#)