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TESTIMONY OF
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DIVISION OF MATERIALS MANAGEMENT
MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

SPEAKING IN OPPOSITION TO L.D. 1065
AN ACT REGARDING THE REDUCTION AND RECYCLING OF FOOD WASTE

SPONSORED BY SENATOR BRENNER

BEFORE THE JOINT STANDING COMMITTEE
ON
ENVIRONMENT AND NATURAL RESOURCES

DATE OF HEARING:

APRIL 16, 2025

Senator Tepler, Representative Doudera, and members of the Committee, I am Carla Hopkins, Director of the Division of Materials Management at the Department of Environmental Protection, speaking in opposition to L.D. 1065.

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This bill proposes certain mandates related to the management of food waste in Maine. Given that the preliminary data obtained through the Waste Characterization Study indicate that ~26.7% of the waste stream is composed of organics, with ~19% being packaged or unpackaged food waste, the Department fully supports the goals of food waste diversion. However, the Department has several substantial concerns regarding the feasibility, implementation, and cost of the approach proposed in this bill. The bill would, among other things:

- Ban the disposal of food waste at a landfill or incinerator beginning July 1, 2027, for entities generating 2 tons or more per week of food waste that are located within 20 miles of an organics recycler with available capacity and beginning July 1, 2029, for entities generating 1 ton or more per week of food waste that are located within 25 miles of an organics recycler with available capacity. Those designated food waste generators would instead be required to separate food waste from their regular solid waste stream and follow a proposed hierarchy of diversion as follows: reduce the amount generated, donate edible food for consumption by people, use as animal feed, composting or anaerobic digestion with use of the resultant material as a soil amendment, and finally anaerobic digestion without the use of the material as a soil amendment.
- Beginning March 1, 2028, and annually thereafter, require designated food waste generators to report the following information to the Department: the amount of excess edible food donated; the amount of food waste transferred to organics recyclers; and any other information required by the Department.

The 2024 Food Loss and Waste Generation Study¹ (the Study), indicates that approximately 361,506 tons of food waste is generated in Maine annually. The residential and agricultural sectors account for approximately 61% of that total. However, it is very important to remember that the ~25% of food “waste” generated by

¹ Food Loss and Waste Generation Study, prepared by RRS, commissioned by the Maine Department of Environmental Protection, April 2024

the agricultural sector is not wasted but rather turned back into the soil to fertilize the following years' crops. Of the remaining 39% (or ~140,987 tons), 37% is generated by commercial businesses such as restaurants, grocery stores, and food manufacturers and processors with the remaining 2% attributed to institutions such as schools, universities and hospitals. Based on these figures, as many as 200 entities generate more than 2 tons of food waste per week and another 188 generate more than 1 ton per week. We also need to take into account seasonal fluctuations of food waste generation and the potential number of entities affected by a ban given that Maine has a large influx of visitors each year. Please also keep in mind that the timeframe for completing the Study was short (approximately 5 months) and provided best estimates based on published data available at the time of the study along with 70 phone interviews and surveys conducted across a variety of sectors. These estimates would require Department staff to do extensive outreach and education to potentially affected food waste generators in order to "ground truth" these estimates.

Along with ground truthing the data contained in the Study, the Department would need to do the following:

- Develop rules to implement the program and develop and provide an education and outreach program to assist in implementing the proposed legislation.
- Develop and administer a new program to implement these provisions which would require:
 - Develop an annual reporting system for food waste generators; and
 - Develop procedures for enforcement.

Because of the scope and scale of this proposal which would require standing up an entirely new program, it is anticipated that additional resources would be necessary for implementation.

In addition to tasks that would need to be completed by the Department, all food waste generators would need to determine whether they would meet the definition of

“designated food waste generator” which would require the generator to perform a waste audit. If they determine they are a “designated food waste generator,” they would then need to identify whether there is an organics recycler within 20 or 25 miles of their facility with the ability to accept their food waste. This would likely need to be done more than once depending on whether the business grows and whether an organics recycling facility is subsequently located within the defined distance from the generator’s facility. The Department suggests that the Legislature should consider the recommendation of the Maine Climate Council in Maine’s four-year climate plan, *Maine Won’t Wait* (November 2024)². Strategy E(4) (page 120) of *Maine Won’t Wait* recommends simply requiring large food waste generators who generate more than one ton of food waste per week to track and report food waste tonnages to the Department, and later expand to those who generate one-half ton per week. This would enable food waste generators to understand if they would be affected by proposed legislation like this and would give them information they would need to either contract with an organics recycler or design their own composting or anaerobic digestion system, where possible.

If the generator determines that it is a “designated food waste generator,” they would need to set up a diversion program which would include:

- Educating staff on how to properly handle food waste generated at the facility;
- Providing for the separation of food waste from other types of waste;
- Collecting all food waste generated at the facility;
- Properly storing the food waste prior to sending it off-site;
- Identifying a hauler to transport the food waste to an organics recycler; and
- Reporting all required information to the Department each year.

The monetary impacts to entities affected by the proposed program including restaurants, grocery stores, municipalities, school districts, hospitals, and universities to name a few could be substantial since the vast majority currently lack the infrastructure

² Maine Won’t Wait, A Four-Year Plan for Climate Action, Maine Climate Council, November 2024

to implement the program. Costs likely will include items like staffing, transportation and logistics, and new contracts with approved alternate organics recycling facilities.

Currently, Maine has approximately 83,600 tons of composting and anaerobic digestion capacity. Many of these facilities are currently at their licensed capacity, with the exception of the anaerobic digester in Exeter, Maine.

The Department continues to diligently work toward the goals proposed in this bill in the following ways:

- The Department continues to award grant funding and provide technical support under the Solid Waste Diversion Grant Program (38 M.R.S. § 2201-B). To date, this program has awarded more than \$1.4 million to fund more than 80 projects, including many that divert food waste and enhance food scrap collection and composting efforts. In early 2025, we held a bonus “organics only” grant round which will fund 9 projects totaling nearly \$253,000. We are planning an additional “organics only” round this August making another \$250,000 in grant funding available.
- The Department continues to work with the University of Maine’s Mitchell Center for Sustainability Solutions to develop a model based on the consolidated collection of food scraps and other organic materials.
- Department staff also continue to work with Maine municipalities and institutions to develop collection, transportation, and composting infrastructure to support strategies in accordance with the Food Recovery and Solid Waste Management Hierarchies. Staff continue to develop guidance for recovering and composting organics in Maine as well as working with many regional partners to promote strategies to divert food scraps and waste from disposal.

Thank you for the opportunity to provide testimony. I am available to answer questions of the Committee, both now and at work session.