

LEGISLATIVE DIGEST

[Environment, Health Codes - Requirements for Edible Food Recovery and Organic Waste Collection]

Ordinance amending the Environment and Health Codes to implement state regulations issued under Senate Bill (SB) 1383 (2016), the Short-Lived Climate Pollutant Reduction Law, by: 1) requiring commercial edible food generators to engage in edible food recovery efforts and maintain related records; 2) requiring food service organizations and services to maintain records and report to the Department of the Environment (SFE) on edible food recovery efforts; 3) authorizing SFE to impose fines for violations of the requirements imposed on commercial edible food generators and food services organizations and services; 4) requiring owners and managers of commercial properties to inspect their containers for proper sorting of recyclables, compostables, and trash, and to instruct their employees on sorting requirements; 5) requiring organic waste recovery facilities to report to SFE on their waste recovery capacity; 6) requiring solid waste facilities to report to the Department of Public Health (DPH) on their waste recovery capacity; 7) requiring refuse collectors to transfer organic waste to facilities that recover organic waste, provide DPH with a list of the facilities receiving organic waste, and obtain authorization from DPH to transport organic waste; and 8) authorizing DPH to enforce requirements imposed on solid waste facilities and refuse collectors transporting organic waste.

Existing Law

Chapter 19 of the Environment Code requires owners and managers of multifamily and commercial properties, and owners and managers of food vendors and events, to provide for sorting and collection of recyclables, compostables, and trash at their properties and events.

Chapter 19 of the Environment Code requires all persons in San Francisco to dispose of their recyclables, compostables, and trash in the type of disposal container designated for that form of refuse.

Chapter 19 of the Environment Code requires refuse collectors, refuse transfer stations, and refuse processing facilities to take certain steps to ensure that recyclables, compostables, and trash are disposed of separately

Chapter 19 of the Environment authorizes the Director of the Department of the Environment (SFE) to enforce the requirements of Chapter 19, including by adopting regulations and forms, conducting inspections and audits, and imposing penalties for violation of Chapter 19 requirements. Chapter 19 further authorizes the Director of the Department of Public Health (DPH) and the Director of the Department of Public Works (DPW) to impose fines for violation

of the requirements of Chapter 19 and related regulations that pertain to the jurisdiction of those departments.

Article 6 of the Health Code authorizes DPH to regulate solid waste disposal facilities and refuse collectors.

Amendments to Current Law

This ordinance would comply with requirements imposed by Senate Bill No. 1383 (“SB 1383”), the Short-Lived Climate Pollutant Reduction Act of 2016, and regulations adopted by the state to implement SB 1383 (“SB 1383 Regulations”) by adding the following provisions to local law:

- Requiring owners and managers of commercial properties or their contractors to inspect containers for recyclables, compostables, and trash to ensure that these categories of refuse are separated, and to inform employees of these requirements.
- Requiring owners and operators of waste recovery facilities to provide SFE with information about their organic waste recovery capacity on request.
- Requiring commercial edible food generators such as grocery stores, food distributors, restaurants, and large venues and events, to take steps to recover and redistribute edible food for human consumption (“Food Recovery”) to the maximum extent possible, including by contracting with organizations that transport and/or redistribute food for Food Recovery, maintaining records of such agreements, and submitting to inspections as requested by SFE.
- Requiring Food Recovery organizations that collect and redistribute food for purposes of Food Recovery, and services that transport recovered food to Food Recovery organizations, to maintain records of their Food Recovery operations, report to SFE annually on their Food Recovery operations under contracts with commercial edible food generators, and report to SFE as requested on their Food Recovery capacity.
- Authorizing SFE to enforce the above requirements, including by imposing administrative penalties against entities and individuals that violate these requirements.
- Requiring owners of solid waste facilities that recover organic waste to report to DPH on request regarding their waste recovery capacity.
- Requiring refuse collectors licensed by DPH to obtain authorization from DPH before transporting organic waste, transport organic waste to a facility for recovery of organic waste rather than a landfill, and report annually to DPH on the organic waste facilities to which it transports organic waste.

Background Information

SB 1383 required the California Department of Resources Recycling and Recovery (CalRecycle) to develop regulations to achieve SB 1383’s goal to reduce organics in landfills by 75% by 2025 statewide. These SB 1383 Regulations went into effect January 1, 2022.

Removing organic waste from landfills limits the emission of methane, a climate super pollutant 84 times more potent than carbon dioxide, from the anaerobic breakdown of organics. Methane emission from landfills represent at least 21 percent of the state's methane emissions annually.

To help reduce food waste and help address food insecurity, SB 1383 also requires that by 2025 California will recover 20 percent of edible food that would otherwise be sent to landfills, to feed people in need.

The San Francisco Food Security Task Force created by the Board of Supervisors found that, prior to COVID-19, one in four San Franciscans was at risk of hunger due to low income. The Task Force has found that, since the beginning of the COVID-19 pandemic, there has been a significant increase in the demand for various food assistance programs in the City. The San Francisco-Marín Food Bank increased the amount of food they distribute by 67% since the beginning of the pandemic. The Task Force recommends in their 2022 report a commitment to sustaining critical food programs that communities with the highest needs rely on. The implementation and compliance with the SB 1383 Regulations will help build a consistent and increased supply of high-quality edible food donate and redistributed to those in need within San Francisco.

In 2021, SFE began implementing the requirements of the SB 1383 edible food recovery program by conducting outreach, including mailing to all identified edible food generators and food recovery organizations a notification letter of the edible food recovery requirements, creating a webpage with program requirements and surveying edible food generators and service organizations to assess current edible food capacity and needs. SFE has also engaged consultants to visit edible food generators to assist in complying with donation requirements.

SFE has partnered with DPH to collaborate on ensuring compliance with the edible food recovery requirements. The two departments have developed an MOU outlining respective roles in implementing the edible food recovery program. For example, DPH health inspectors will include edible food recovery requirements in their inspections of food establishments. The inspector's edible food recovery findings will be shared with SFE, which will follow up as necessary to assist generators in complying with the donation requirements. CalRecycle is requiring that local jurisdictions have an enforceable compliance mechanism to penalize noncompliance if necessary. This ordinance would add such an enforcement mechanism to the Environment Code.

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