



The State of New Hampshire  
**Department of Environmental Services**



**Robert R. Scott, Commissioner**

January 23, 2023

The Honorable Judy Aron  
Chair, House Environment & Agriculture Committee  
Legislative Office Building, Room 303  
Concord, NH 03301

**RE: HB 300-FN, An Act Prohibiting the Disposal of Certain Food Waste**

Dear Chair Aron and Members of the Committee:

Thank you for the opportunity to testify on HB 300. This bill would prohibit entities generating one ton of food waste or more per week (at least 52 tons in aggregate per year) from disposing such food waste in a landfill or incinerator, provided that an alternative facility with adequate capacity is located within 50 miles of the generating entity. The purpose of the bill is to discourage disposal of food waste and encourage its diversion to more preferred management methods. NHDES supports the bill's intent but is not taking a position on the bill. However, we do wish to provide the Committee with some relevant information and to express some specific concerns with the bill that we believe should be considered.

Separation and diversion of food waste is an important strategy for decreasing disposal in landfills and incinerators and is a topic that NHDES has identified as a priority in the 2022 New Hampshire Solid Waste Management Plan. According to the most recent estimates from the US Environmental Protection Agency (EPA), food waste comprises between 22 to 24 percent of the municipal solid waste (MSW) that is disposed nationally.<sup>1</sup> While MSW is only one of several categories of waste disposed in New Hampshire, it is the largest component of the disposal stream and efforts to spur diversion and recovery of food waste will be a necessary step toward achieving the disposal reduction goal established by the General Court in RSA 149-M:2. Applying the EPA's estimate to New Hampshire, we can infer that Granite Staters disposed of approximately 180,500 tons of food waste in 2021.<sup>2</sup>

Food waste disposal bans have been implemented in several states across the Northeast since 2012, including Connecticut, Massachusetts, New York, Rhode Island, and Vermont. These laws have shown to be an effective means for encouraging development of infrastructure for composting and anaerobic digestion, as well as development of networks for food donation. While similar legislation in New Hampshire could be effective, NHDES has two concerns with HB 300 as written. First, as

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<sup>1</sup> US EPA estimates that in 2018 food waste comprised 21.85% of MSW sent to combustion, and 24.14% of MSW sent to landfills <https://www.epa.gov/facts-and-figures-about-materials-waste-and-recycling/national-overview-facts-and-figures-materials>

<sup>2</sup> This figure is 24% of the 752,305 tons of MSW that New Hampshire residents and businesses disposed in 2021

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mentioned in the fiscal note attached to this bill, NHDES would be responsible for implementing and enforcing this ban, which would require NHDES to regulate commercial and institutional food waste generators including food wholesalers, supermarkets, industrial food manufacturers, food service establishments, hotels, resorts, schools, universities, healthcare facilities, and correctional facilities. This would be a significant expansion of responsibilities for the Department that cannot be absorbed through existing program resources. NHDES assumes that administering this ban would require at least one full time employee, however the bill does not make provision for establishing such a position within the Department.

Second, NHDES has concerns about the 50-mile radius proposed in this bill. This would require food waste generators to divert their food waste if they are located within 50 miles of a composting facility, food donation outlet or other alternative facility. NHDES notes that this is a more stringent requirement than many other states, where a compliance radius of 20 miles is more common. Requiring generators to transport their food waste up to 50 miles may present economic and logistical hardships in some areas of the state.

In summary, food waste diversion is an important issue that needs attention in New Hampshire. However, NHDES is concerned that this bill would require the Department to undertake new and expanded responsibilities for which it is not currently resourced, and that the 50-mile radius may pose a hardship for some entities subject to the disposal ban.

Thank you again for the opportunity to comment on HB 300. Should you have questions or need additional information, please feel free to contact either Michael Nork, Solid Waste Management Bureau ([michael.nork@des.nh.gov](mailto:michael.nork@des.nh.gov), 271-2906) or Michael Wimsatt, Waste Management Division Director ([michael.wimsatt@des.nh.gov](mailto:michael.wimsatt@des.nh.gov), 271-1997).

Sincerely,

A handwritten signature in black ink, appearing to read "Robert R. Scott", with a long horizontal flourish extending to the right.

Robert R. Scott  
Commissioner

ec: Sponsors of HB 300: Representatives: Ebel, M. Murray, Almy, Grote, Massimilla, Mangipudi, Merner, Wolf; Senators Watters, Prentiss, Pearl, Chandley