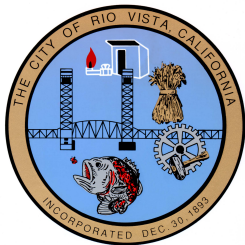


SB 1383: SHORT-LIVED CLIMATE POLLUTANTS – ORGANIC WASTE REDUCTIONS



EDIBLE FOOD GENERATOR GUIDE

WHAT IS SB 1383?

In September 2016, former Governor Jerry Brown signed into law Senate Bill 1383 (SB 1383) establishing a statewide effort to reduce emissions of short-lived climate pollutants (SLCP). The law specifically set the following targets:

- Reduce statewide disposal of organic waste by 50% by January 1, 2020 and by 75% by January 1, 2025 (based on 2014 disposal levels)
- Recover and redistribute at least 20% of currently disposed edible food for human consumption by 2025

CalRecycle, the state agency responsible for creating the regulatory standards for SB 1383, has established the following key dates:

- **Effective January 1, 2022:** CalRecycle's regulations to meet statewide organics reduction and food recovery requirements take effect
- **Effective January 1, 2024:** Regulations may require local jurisdictions to impose penalties for non-compliance on regulated businesses

WHY ORGANIC WASTE?

When organic waste, such as food, green waste, and paper products decompose in a landfill, they produce methane gas – a potent greenhouse gas pollutant. The intent of the organic waste diversion goal is to reduce the emissions of methane gas to combat global climate change.





WHAT DO BUSINESSES NEED TO DO?

SB 1383 applies to all businesses in California. If you own a business, beginning January 1, 2022 you are required to:

■ **Divert organic waste** from the landfill by:

- Subscribing to and participating in the organics collection service via Republic Services, *or*
- Arrange for organic waste to be self-hauled and transported to permitted organic waste facilities.

■ **Provide collection containers** for organic waste and recyclable materials to employees, contractors, tenants, and customers.

- Provide indoor containers for organic waste and recyclables in all areas where disposal containers are provided for customers, except in restrooms

■ **Containers must meet standardized color requirements:** Gray or black for garbage, blue for recycling, and green for organics. Additionally, containers must have labels with graphic images to indicate acceptable and unacceptable materials. The City of Fairfield and Republic Services may be able to provide these labels at no additional cost.

■ **Annually provide employees with educational information** about the legal requirements to compost and recycle, including how to properly sort between the three waste streams.

WHAT IS AN EDIBLE FOOD GENERATOR?

To reduce unnecessary food waste and help address food insecurity, SB 1383 requires certain businesses to implement programs designed to distribute edible food to those who are food insecure. Edible food is food intended for people to eat, including food not sold because of appearance, age, freshness, grade, surplus, etc. Edible food includes, but is not limited to, prepared foods, packaged foods, and produce. All edible food must meet the food safety requirements of the California Retail Food Code.

For the recovery of edible food waste, edible food generators are split into two tiers:

TIER ONE

Must comply with edible food recovery requirements by January 1st, 2022.

This includes:

- Supermarkets
- Grocery stores (with a total facility size $\geq 10,000$ sq. ft.)
- Food service distributors
- Wholesale food markets

TIER TWO

Must comply with edible food recovery requirements by January 1st, 2024. This includes:

- Restaurants (with 250+ seats, or $\geq 5,000$ sq. ft.)
- Hotels (with on-site food facility and ≥ 200 rooms)
- Health facilities (with on-site food facility and ≥ 100 beds)
- State agencies (with a cafeteria with ≥ 250 seats, or $\geq 5,000$ sq. ft.)
- Local education agencies (with on-site food facility)
- Large venues and events



WHAT ARE THE REQUIREMENTS FOR EDIBLE FOOD RECOVERY?

SB 1383 requires edible food generators to do the following:

■ **Recover excess edible food** – It is not required that businesses donate *all* excess edible food, however SB 1383 does include the following guidelines:

- Edible food generators must recover the maximum amount of edible food that would otherwise be disposed of,
- Edible food generators cannot intentionally spoil edible food,
- Edible food generators are allowed to give away excess food to employees, take it home for personal use, or give it away to customers.

■ **Establish contracts or written agreements**

Amounts and types of food accepted may vary, therefore edible food generators may need to establish contracts or written agreements with multiple food recovery organizations and services.

■ **Maintain Records** – Edible food generators must maintain records of their food recovery activities. This includes:

- A list of each food recovery service or organization that collects or receives its edible food under a contract or written agreement,
- A copy of contracts or written agreements between the edible food generator and a food recovery organization with the following:

- 1 Name, address and contact information of the service or organization
- 2 The types of food that will be collected by or self-hauled to the service or organization
- 3 The established frequency that food will be collected or self-hauled
- 4 The quantity of food, measured in pounds per month, collected or self-hauled to the service or organization for food recovery

Mt. Diablo Resource Recovery is required to monitor compliance by performing annual inspections to review the following records:

- Contracts or written agreements with food recovery organizations and services
- Schedules for food recovery deliveries or collections
- Quantity of food recovered in pounds per month
- Types of food each food recovery organization will receive or collect

RESOURCES

Mt. Diablo Resource Recovery at <https://mdrr.com/laws-and-mandates/>

CalRecycle at <https://calrecycle.ca.gov/climate/sicp/progress/>

