

NEW YORK CITY ORGANICS RULES ASSISTANCE

Organic material, such as food scraps and landscape trimmings, make up one-third of the waste generated by businesses in New York City. As part of its efforts to manage its waste streams, New York City is requiring certain businesses to divert organic materials from landfills and arrange to have them composted or digested.

Covered facilities have the option of arranging for a private hauler, self-hauling to a composter or digester, or processing organics on-site. Food grinding is not a permitted form of treatment.

More information on this local law may be found here:
on.nyc.gov/commercial-organics

What does this mean for foodservice operators who are covered by the law? And how does packaging fit in?

Covered facilities must arrange to keep food scraps, yard trimmings, food soiled paper, and certified compostable products out of landfills. This means these materials must be collected separately or sorted out of the trash, then composted or digested. As it pertains to foodservice packaging, you don't have to use compostable coffee cups, but if you do, any collected on-site must be kept out of landfills.

For operations with a public-facing component, asking the public to put food scraps in their own separate bin is an uphill battle. Many people simply put everything in one bin and don't take the time to read bin signage. If you use conventional packaging, it is very likely that non-compostable plastic cups and cutlery will end up with the food. Most composters have a limit on the level of "contamination" they will accept because it won't break down, is expensive to remove, and decreases the value of the finished compost. No one wants bits of plastic in their garden.

This is where compostable packaging can help. It allows people to put their half-eaten sandwich in the same bin as the compostable plate because this type of packaging will break down into healthy nutrients for soil. This makes things much easier for the foodservice operator. While a sort to remove non-compostable contamination may still be necessary, shifting to all compostable packaging significantly reduces the foodservice operator's efforts to compost their organics.

New York City Local Law 146 of 2013

As of July 19, 2016, the following businesses must source separate organic material and arrange to have it composted, aerobically digested or anaerobically digested:

- All food service establishments in hotels with 150 or more rooms
- All food service vendors in arenas and stadiums with seating capacity of at least 15,000 people
- Food manufacturers with a floor area of at least 25,000 square feet
- Food wholesalers with a floor area of at least 20,000 square feet

My facility isn't on this list. Am I off the hook?

Not necessarily. The above facilities are the first New York City space types required to divert organics from landfills. However, Local Law 146 of 2013 identified additional space types to be considered in the future. These include certain restaurants, caterers, and special events. Annually, the City will assess organics processing capacity in the region. If there is sufficient capacity and the costs of organics processing are competitive with the costs to dispose by landfill and incineration, then the types of covered facilities will be expanded.

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I'm required to comply with this new law. What do I do to get started?

a. Determine if you want to have a private hauler pick-up your organics, haul your organics to a composter or digester yourself, or process your organics on-site. Note that self-haulers and on-site processors must register with the city. In many cases, having a private hauler take your organics to a licensed facility will be the easiest approach to compliance. Guidance for finding a private hauler may be found here: <http://www1.nyc.gov/assets/dsny/zerowaste/businesses.shtml>.

b. Switch to compostable packaging. As explained, this will make composting packaging much easier. It is important to try to get as close as possible to using only compostables for your packaging (outside of bottles and cans). Any items that must be separated present an opportunity for contamination.

The first step is understanding all of your packaging needs, then reaching out to your distributor or provider of packaging to see which compostable items they offer.

c. Obtain new bins and signs. Once you've secured composting and recycling services and have streamlined your packaging, you will need to provide bins for collecting landfill, compostable, and recyclable materials. Be sure to think through front-of-house and back-of-house collection areas. In front-of-house, make sure you co-locate bins for all three streams. People like to dispose of all materials in one place.

Signage is key – for both your customers and your staff. Be sure to include photos or images of the actual products you use. For example, don't just show a picture of a generic compostable cup. Show a picture of *your* compostable cup.

d. Educate your staff. Employees play a very important role in successful waste diversion programs. They need to understand the proper destination for all materials generated at your operation. This includes understanding where to empty bins in back-of-house collection areas or large containers outside. Depending on the level of contamination allowed by your composter or recycler, employees may need to conduct a sort to remove contamination. Employees can also help educate customers as they interact them. Provide training on composting and recycling when you launch the program, as well as on an on-going basis.

If you have any questions, feel free to contact Eco-Products' Sustainability Maven at sustainabilitymaven@ecoproducts.com.