



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3093

Introduced 2/19/2021, by Rep. Sonya M. Harper

SYNOPSIS AS INTRODUCED:

30 ILCS 105/5.935 new
415 ILCS 5/22.34a new

Amends the Environmental Protection Act. Presents the findings of the General Assembly. Establishes a goal of the State to reduce by 50% the amount of food waste generated annually by 2030. Provides that the goal includes reducing the amount of edible food that is wasted. Provides that, by October 1, 2022, the Environmental Protection Agency, in consultation with the Department of Agriculture and the Department of Public Health, must develop and adopt a State Wasted Food Reduction and Food Waste Diversion Plan designed to achieve the goal. Provides requirements for the Plan. Creates the Waste Reduction, Recycling, and Litter Control Fund to be used for specified purposes regarding litter and food waste reduction. Makes a conforming change in the State Finance Act. Contains other provisions. Effective January 1, 2022.

LRB102 15019 CPF 20374 b

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The State Finance Act is amended by adding
5 Section 5.935 as follows:

6 (30 ILCS 105/5.935 new)

7 Sec. 5.935. Waste Reduction, Recycling, and Litter Control
8 FundThe Waste Reduction, Recycling, and Litter Control Fund.

9 Section 10. The Environmental Protection Act is amended by
10 adding Section 22.34a as follows:

11 (415 ILCS 5/22.34a new)

12 Sec. 22.34a. Food waste reduction.

13 (a) The General Assembly finds that:

14 (1) The wasting of food represents a misuse of
15 resources, including the water, land, energy, labor, and
16 capital that go into growing, harvesting, processing,
17 transporting, and retailing food for human consumption.
18 Wasting edible food occurs all along the food production
19 supply chain, and reducing the waste of edible food is a
20 goal that can be achieved only with the collective efforts
21 of growers, processors, distributors, retailers, consumers

1 of food, and food bankers and related charities. Inedible
2 food waste can be managed in ways that reduce negative
3 environmental impacts and provide beneficial results to
4 the land, air, soil, and energy infrastructure. Efforts to
5 reduce the waste of food and expand the diversion of food
6 waste to beneficial end uses will also require the mindful
7 support of government policies that shape the behavior and
8 waste reduction opportunities of each of those
9 participants in the food supply chain.

10 (2) Every year, American consumers, businesses, and
11 farms spend billions of dollars growing, processing,
12 transporting, and disposing of food that is never eaten.
13 That represents tens of millions of tons of food sent to
14 landfills annually, plus millions of tons more that are
15 discarded or left unharvested on farms. Worldwide, the
16 United Nations Food and Agriculture Organization has
17 estimated that if one-fourth of the food lost or wasted
18 globally could be saved, it would be enough to feed 870
19 million hungry people. Meanwhile, one in 8 Americans is
20 food insecure, including one in six children. Recent data
21 from indicates that Illinois is not immune to food waste
22 problems, and recent estimates indicate that seventeen
23 percent of all garbage sent to Illinois disposal
24 facilities is food waste, including 8% that is food that
25 was determined to be edible at the time of disposal. In
26 recognition of the widespread benefits that would accrue

1 from reductions in food waste, in 2015, the Administrator
2 of the United States Environmental Protection Agency and
3 the Secretary of the United States Department of
4 Agriculture announced a national goal of reducing food
5 waste by 50% by 2030. The Pacific Coast Collaborative
6 recently agreed to a similar commitment of halving food
7 waste by 2030, including efforts to prevent, rescue, and
8 recover wasted food.

9 (3) By establishing State wasted food reduction goals
10 and developing a State wasted food reduction strategy, it
11 is the intent of the General Assembly to continue its
12 national leadership in solid waste reduction efforts by:

13 (A) improving efficiencies in the food production
14 and distribution system in order to reduce the
15 cradle-to-grave greenhouse gas emissions associated
16 with wasted food;

17 (B) fighting hunger by more efficiently diverting
18 surplus food to feed hungry individuals and families
19 in need; and

20 (C) supporting expansion of management facilities
21 for inedible food waste to improve access and facility
22 performance while reducing the volumes of food that
23 flow through those facilities.

24 (b) In this Section:

25 "Food waste" means waste from fruits, vegetables, meats,
26 dairy products, fish, shellfish, nuts, seeds, grains, and

1 similar materials that results from the storage, preparation,
2 cooking, handling, selling, or serving of food for human
3 consumption.

4 "Food waste" includes, but is not limited to, excess,
5 spoiled, or unusable food and inedible parts commonly
6 associated with food preparation such as pits, shells, bones,
7 and peels. "Food waste" does not include dead animals not
8 intended for human consumption or animal excrement.

9 "Fund" means the Waste Reduction, Recycling, and Litter
10 Control Fund.

11 "Plan" means the State Wasted Food Reduction and Food
12 Waste Diversion Plan developed and adopted under subsection
13 (e).

14 "Prevention" refers to avoiding the wasting of food in the
15 first place and represents the greatest potential for cost
16 savings and environmental benefits for businesses,
17 governments, and consumers.

18 "Recovery" means processing inedible food waste to extract
19 value from it through composting, anaerobic digestion, or use
20 as animal feedstock.

21 "Rescue" means the redistribution of surplus edible food
22 to other users.

23 "Wasted food" means the edible portion of food waste.

24 (c) A goal is established for the State to reduce by 50%
25 the amount of food waste generated annually by 2030, relative
26 to 2015 levels. A subset of this goal must include a prevention

1 goal to reduce the amount of edible food that is wasted.

2 (d) The Agency may estimate 2015 levels of wasted food in
3 Illinois using any combination of solid waste reporting data
4 obtained under this Act and surveys and studies measuring
5 wasted food and food waste in other jurisdictions. For the
6 purposes of measuring progress towards the goal in subsection
7 (c), the Agency must adopt standardized metrics and processes
8 for measuring or estimating volumes of wasted food and food
9 waste generated in the State.

10 (e) By October 1, 2022, the Agency, in consultation with
11 the Department of Agriculture and the Department of Public
12 Health, must develop and adopt a State Wasted Food Reduction
13 and Food Waste Diversion Plan designed to achieve the goal
14 established under subsection (c). The Plan must comply with
15 all of the following:

16 (1) The Plan must include strategies, in descending
17 order of priority, to:

18 (A) prevent and reduce the wasting of edible food
19 by residents and businesses;

20 (B) help match and support the capacity for edible
21 food that would otherwise be wasted with food banks
22 and other distributors that will ensure the food
23 reaches those who need it; and

24 (C) support productive uses of inedible food
25 materials, including using it for animal feed, energy
26 production through anaerobic digestion, or other

1 commercial uses, and for off-site or on-site
2 management systems, including composting,
3 vermicomposting, or other biological systems.

4 (2) The Plan must achieve the following:

5 (A) Recommend a regulatory environment that
6 optimizes activities and processes to rescue safe,
7 nutritious, edible food.

8 (B) Recommend a funding environment in which
9 stable, predictable resources are provided to wasted
10 food prevention and rescue and food waste recovery
11 activities in such a way as to allow the development of
12 additional capacity and the use of new technologies.

13 (C) Avoid placing burdensome regulations on the
14 hunger relief system, and ensure that organizations
15 involved in wasted food prevention and rescue and food
16 waste recovery retain discretion to accept or reject
17 donations of food when appropriate.

18 (D) Provide State technical support to wasted food
19 prevention and rescue and food waste recovery
20 organizations.

21 (E) Support the development and distribution of
22 equitable materials to support food waste and wasted
23 food educational and programmatic efforts in K-12
24 schools, in collaboration with the State Board of
25 Education, and aligned with Illinois science and
26 social studies learning standards.

1 (F) Facilitate and encourage restaurants and other
2 retail food establishments to safely donate food to
3 food banks and food assistance programs through
4 education and outreach regarding safe food donation
5 opportunities, practices, and benefits.

6 (3) The Plan must include suggested best practices
7 that local governments may incorporate into solid waste
8 management plans developed.

9 (4) The Agency must solicit feedback from the public
10 and interested stakeholders throughout the process of
11 developing and adopting the Plan. To assist with its Plan
12 development responsibilities, the Agency may designate a
13 stakeholder advisory panel. If the Agency designates a
14 stakeholder advisory panel, it must consist of local
15 government health departments, local government solid
16 waste departments, food banks, hunger-focused nonprofit
17 organizations, waste-focused nonprofit organizations,
18 K-12 public education, and food businesses or food
19 business associations.

20 (5) The Agency must identify the sources of
21 scientific, economic, or other technical information it
22 relied upon in developing the Plan required under this
23 subsection, including peer-reviewed science.

24 (6) In conjunction with the Plan, the Agency, the
25 Department of Agriculture, and the Department of Public
26 Health must consider recommending changes to State

1 statutory or administrative law or rule, including changes
2 to relevant food quality, labeling, inspection
3 requirements, and the donation of food waste or wasted
4 food for animals, in order to achieve the goal established
5 under subsection (c). Any such recommendations must be
6 explained via a report to the General Assembly on or
7 before December 1, 2022. Prior to any implementation of
8 the Plan, for the activities, programs, or policies in the
9 Plan that would impose new obligations on State agencies,
10 local governments, businesses, or citizens, the December
11 1, 2022, report must outline any recommended changes to
12 State statutory or administrative law or rule in the Plan.
13 This outline must include the Agency's or the appropriate
14 State agency's plan to make recommendations for statutory
15 laws or administrative rule changes identified. In
16 combination with any identified statutory or
17 administrative rule changes, the Agency or the appropriate
18 State agency must include expected cost estimates for both
19 government entities and private persons or businesses to
20 comply with any recommended changes.

21 (7) In support of the development of the Plan, the
22 Department of Commerce and Economic Opportunity must
23 contract for an independent evaluation of the State's food
24 waste and wasted food management system.

25 (f) The Waste Reduction, Recycling, and Litter Control
26 Fund is created as a special fund in the State treasury. Moneys

1 in the Fund may be spent only after appropriation.

2 Expenditures from the Fund shall be used as follows:

3 (1) 50% to the Agency, primarily for use by the
4 Agency, the Department of Natural Resources, Department of
5 Revenue, the Department of Transportation, and the
6 Department of Corrections for litter collection programs.

7 The amount to the Agency shall also be used:

8 (A) for a central coordination function for litter
9 control efforts statewide;

10 (B) to support employment of youth in litter
11 cleanup, and for litter pick up using other authorized
12 agencies; and

13 (C) for statewide public awareness programs.

14 The amount to the Agency under this paragraph (1)
15 shall also be used to defray the costs of administering
16 the funding, coordination, and oversight of local
17 government programs for waste reduction, litter control,
18 recycling, and composting so that local governments can
19 apply 100% of their funding to achieving program goals.

20 The amount to the Department of Revenue shall be used to
21 enforce compliance with any applicable litter taxes.

22 (2) 20% to the Agency for unit of local government
23 programs for waste reduction, litter control, recycling
24 activities, and composting activities by cities and
25 counties, to be administered by the Agency.

26 (3) Any unspent funds under paragraph (2) may be used

1 to create and pay for a Matching Fund Competitive Grant
2 program to be used by units of local government for the
3 development and implementation of contamination reduction
4 and outreach plans for inclusion in comprehensive solid
5 waste management plans or by units of local government and
6 nonprofit organizations for local or statewide education
7 programs designed to help the public with litter control,
8 waste reduction, recycling, and composting. Recipients
9 under this paragraph (3) include programs to reduce wasted
10 food and food waste that are designed to achieve the goal
11 established under subsection (c) and that are consistent
12 with the Plan developed under subsection (e). Grants under
13 this paragraph (3) must adhere to the following
14 requirements:

15 (A) No grant may exceed \$60,000.

16 (B) Grant recipients shall match the grant funding
17 allocated by the Agency by an amount equal to 25% of
18 eligible expenses. A unit of local government's share
19 of these costs may be met by cash or contributed
20 services.

21 (C) The obligation of the Agency to make grant
22 payments is contingent upon the availability of the
23 amount of money appropriated for paragraph (2).

24 (D) Grants must be managed under the guidelines
25 for existing grant programs.

26 (E) Funding programs to collect yard waste and

1 food waste, if the unit of local government submitting
2 the plan finds that there are adequate markets or
3 capacity for composted yard waste and food waste
4 within or near the service area to consume the
5 majority of the material collected.

6 Each county and city comprehensive solid waste
7 management plan submitted under this paragraph (3) shall
8 include a waste reduction and recycling element with waste
9 reduction strategies, which may include strategies to
10 reduce wasted food and food waste that are designed to
11 achieve the goal established under subsection (c) and that
12 are consistent with the Plan developed under subsection
13 (e).

14 (4) 30% to the Agency to:

15 (A) implement activities for waste reduction,
16 recycling, and composting efforts;

17 (B) provide technical assistance to local
18 governments and commercial businesses to increase
19 recycling markets and recycling and composting
20 programs designed to educate citizens about waste
21 reduction, litter control, and recyclable and
22 compostable products and programs;

23 (C) increase access to waste reduction,
24 composting, and recycling programs, particularly for
25 food packaging and plastic bags and appropriate
26 composting techniques; and

1 (D) for programs to reduce wasted food and food
2 waste that are designed to achieve the goals
3 established under subsection (c) and that are
4 consistent with the Plan developed under subsection
5 (e).

6 Section 99. Effective date. This Act takes effect January
7 1, 2022.