



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB2524

Introduced 2/15/2023, by Rep. Sonya M. Harper

#### SYNOPSIS AS INTRODUCED:

415 ILCS 5/22.34a new  
30 ILCS 105/5.990 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, 2024, 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, 2024.

LRB103 25814 CPF 52165 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 Environmental Protection Act is amended by  
5 adding Section 22.34a as follows:

6 (415 ILCS 5/22.34a new)

7 Sec. 22.34a. Food waste reduction.

8 (a) The General Assembly finds that:

9 (1) The wasting of food represents a misuse of  
10 resources, including the water, land, energy, labor, and  
11 capital that go into growing, harvesting, processing,  
12 transporting, and retailing food for human consumption.  
13 Wasting edible food occurs all along the food production  
14 supply chain and reducing the waste of edible food is a  
15 goal that can be achieved only with the collective efforts  
16 of growers, processors, distributors, retailers, consumers  
17 of food, and food banks and related charities. Inedible  
18 food waste can be managed in ways that reduce negative  
19 environmental impacts and provide beneficial results to  
20 the land, air, soil, and energy infrastructure. Efforts to  
21 reduce the waste of food and expand the diversion of food  
22 waste to beneficial end uses will also require the mindful  
23 support of government policies that shape the behavior and

1 waste reduction opportunities of each of those  
2 participants in the food supply chain.

3 (2) Every year, American consumers, businesses, and  
4 farms spend billions of dollars growing, processing,  
5 transporting, and disposing of food that is never eaten.  
6 That represents tens of millions of tons of food sent to  
7 landfills annually, plus millions of tons more that are  
8 discarded or left unharvested on farms. Worldwide, the  
9 United Nations Food and Agriculture Organization has  
10 estimated that if one-fourth of the food lost or wasted  
11 globally could be saved, it would be enough to feed 870  
12 million hungry people. Meanwhile, one in 8 Americans is  
13 food insecure, including one in 6 children. Recent data  
14 indicates that Illinois is not immune to food waste  
15 problems, and recent estimates indicate that 17% of all  
16 garbage sent to Illinois disposal facilities is food  
17 waste, including 8% that is food that was determined to be  
18 edible at the time of disposal. In recognition of the  
19 widespread benefits that would accrue from reductions in  
20 food waste, in 2015, the Administrator of the United  
21 States Environmental Protection Agency and the Secretary  
22 of the United States Department of Agriculture announced a  
23 national goal of reducing food waste by 50% by 2030. The  
24 Pacific Coast Collaborative recently agreed to a similar  
25 commitment of halving food waste by 2030, including  
26 efforts to prevent, rescue, and recover wasted food.

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

5                   (A) improving efficiencies in the food production  
6                   and distribution system in order to reduce the  
7                   cradle-to-grave greenhouse gas emissions associated  
8                   with wasted food;

9                   (B) fighting hunger by more efficiently diverting  
10                   surplus food to feed hungry individuals and families  
11                   in need; and

12                   (C) supporting expansion of management facilities  
13                   for inedible food waste to improve access and facility  
14                   performance while reducing the volumes of food that  
15                   flow through those facilities.

16           (b) In this Section:

17                   "Food waste" means waste from fruits, vegetables, meats,  
18                   dairy products, fish, shellfish, nuts, seeds, grains, and  
19                   similar materials that results from the storage, preparation,  
20                   cooking, handling, selling, or serving of food for human  
21                   consumption.

22                   "Food waste" includes, but is not limited to, excess,  
23                   spoiled, or unusable food and inedible parts commonly  
24                   associated with food preparation such as pits, shells, bones,  
25                   and peels. "Food waste" does not include animal excrement or  
26                   dead animals not intended for human consumption.

1       "Fund" means the Waste Reduction, Recycling, and Litter  
2 Control Fund.

3       "Plan" means the State Wasted Food Reduction and Food  
4 Waste Diversion Plan developed and adopted under subsection  
5 (e).

6       "Prevention" means avoiding the wasting of food, which  
7 represents the greatest potential for cost savings and  
8 environmental benefits for businesses, governments, and  
9 consumers.

10       "Recovery" means processing inedible food waste to extract  
11 value from it through composting, anaerobic digestion, or use  
12 as animal feedstock.

13       "Rescue" means the redistribution of surplus edible food  
14 to other consumers.

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

16       (c) A goal is established for the State to reduce by 50%  
17 the amount of food waste generated annually by 2030, relative  
18 to 2015 levels. A subset of this goal must include a prevention  
19 goal to reduce the amount of edible food that is wasted.

20       (d) The Agency may estimate 2015 levels of wasted food in  
21 Illinois using any combination of solid waste reporting data  
22 obtained under this Act and surveys and studies measuring  
23 wasted food and food waste in other jurisdictions. For the  
24 purposes of measuring progress toward the goal under  
25 subsection (c), the Agency must adopt standardized metrics and  
26 processes for measuring or estimating volumes of wasted food

1 and food waste generated in the State.

2 (e) By October 1, 2024, the Agency, in consultation with  
3 the Department of Agriculture and the Department of Public  
4 Health, must develop and adopt a State Wasted Food Reduction  
5 and Food Waste Diversion Plan designed to achieve the goal  
6 established under subsection (c). The Plan must comply with  
7 all of the following:

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

10 (A) prevent and reduce the wasting of edible food  
11 by residents and businesses;

12 (B) help match and support the capacity for edible  
13 food that would otherwise be wasted with food banks  
14 and other distributors that will ensure the food  
15 reaches those who need it; and

16 (C) support productive uses of inedible food  
17 materials, including use for animal feed, energy  
18 production through anaerobic digestion, or other  
19 commercial uses, and for off-site or on-site  
20 management systems, including composting,  
21 vermicomposting, or other biological systems.

22 (2) The Plan must:

23 (A) recommend a regulatory environment that  
24 optimizes activities and processes to rescue safe,  
25 nutritious, edible food;

26 (B) recommend a funding environment in which

1 stable, predictable resources are provided to wasted  
2 food prevention and rescue and food waste recovery  
3 activities in such a way as to allow the development of  
4 additional capacity and the use of new technologies;

5 (C) avoid placing burdensome regulations on the  
6 hunger relief system, and ensure that organizations  
7 involved in wasted food prevention and rescue and food  
8 waste recovery retain discretion to accept or reject  
9 donations of food when appropriate;

10 (D) provide State technical support to wasted food  
11 prevention and rescue and food waste recovery  
12 organizations;

13 (E) support the development and distribution of  
14 equitable materials to support food waste and wasted  
15 food educational and programmatic efforts in K-12  
16 schools, in collaboration with the State Board of  
17 Education, and aligned with Illinois science and  
18 social studies learning standards; and

19 (F) facilitate and encourage restaurants and other  
20 retail food establishments to safely donate food to  
21 food banks and food assistance programs through  
22 education and outreach regarding safe food donation  
23 opportunities, practices, and benefits.

24 (3) The Plan must include suggested best practices  
25 that local governments may incorporate into solid waste  
26 management plans.

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

12           (5) The Agency must identify the sources of  
13           scientific, economic, or other technical information it  
14           relies upon in developing the Plan required under this  
15           subsection, including peer-reviewed science.

16           In conjunction with the Plan, the Agency, the Department  
17           of Agriculture, and the Department of Public Health must  
18           consider recommending changes to State statutory or  
19           administrative laws or rules, including changes to relevant  
20           food quality, labeling, and inspection requirements and the  
21           donation of food waste or wasted food for animals, in order to  
22           achieve the goal established under subsection (c). Any such  
23           recommendations must be explained via a report to the General  
24           Assembly on or before December 1, 2024. Prior to any  
25           implementation of the Plan, for the activities, programs, or  
26           policies in the Plan that would impose new obligations on



1 State agencies, local governments, businesses, or citizens,  
2 the report must outline any recommended changes to State  
3 statutory or administrative laws or rules in the Plan. This  
4 outline must include the Agency's or the appropriate State  
5 agency's plan to make recommendations for any identified  
6 changes to statutory laws or administrative rules. In  
7 combination with any identified statutory or administrative  
8 rule changes, the Agency or the appropriate State agency must  
9 include expected cost estimates for government entities and  
10 private persons or businesses to comply with any recommended  
11 changes.

12 In support of the development of the Plan, the Department  
13 of Commerce and Economic Opportunity must contract for an  
14 independent evaluation of the State's food waste and wasted  
15 food management system.

16 (f) The Waste Reduction, Recycling, and Litter Control  
17 Fund is created as a special fund in the State treasury. Moneys  
18 in the Fund may be spent only after being appropriated.  
19 Expenditures from the Fund shall be as follows:

20 (1) 50% to the Agency, primarily for use by the  
21 Agency, the Department of Natural Resources, the  
22 Department of Revenue, the Department of Transportation,  
23 and the Department of Corrections for litter collection  
24 programs. The amount to the Agency shall also be used:

25 (A) for a central coordination function for litter  
26 control efforts statewide;

1           (B) to support employment of youth in litter  
2           cleanup and for litter pick-up using other authorized  
3           agencies; and

4           (C) for statewide public awareness programs.

5           The amount to the Agency under this paragraph (1)  
6           shall also be used to defray the costs of administering  
7           the funding, coordination, and oversight of local  
8           government programs for waste reduction, litter control,  
9           recycling, and composting so that local governments can  
10          apply 100% of their funding to achieving program goals.

11          The amount provided to the Department of Revenue shall be  
12          used to enforce compliance with any applicable litter  
13          taxes.

14          (2) 20% to the Agency for unit of local government  
15          programs for waste reduction, litter control, recycling  
16          activities, and composting activities by cities and  
17          counties, to be administered by the Agency.

18          (3) Any unspent funds under paragraph (2) may be used  
19          (i) to create and pay for a matching fund competitive  
20          grant program to be used by units of local government for  
21          the development and implementation of contamination  
22          reduction and outreach plans for inclusion in  
23          comprehensive solid waste management plans or (ii) by  
24          units of local government and nonprofit organizations for  
25          local or statewide education programs designed to help the  
26          public with litter control, waste reduction, recycling,

1 and composting. Recipients under this paragraph (3) shall  
2 include programs to reduce wasted food and food waste that  
3 are designed to achieve the goal established under  
4 subsection (c) and that are consistent with the Plan  
5 developed under subsection (e). Grants under this  
6 paragraph (3) must adhere to the following requirements:

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

8 (B) Grant recipients shall match the grant funding  
9 allocated by the Agency by an amount equal to 25% of  
10 eligible expenses. A unit of local government's share  
11 of these costs may be met by contributing cash or  
12 services.

13 (C) The obligation of the Agency to make grant  
14 payments is contingent upon the availability of the  
15 amount of money appropriated for paragraph (2).

16 (D) Grants must be managed under the Agency's  
17 guidelines for existing grant programs.

18 (E) Funding programs to collect yard waste and  
19 food waste, if the unit of local government submitting  
20 the plan finds that there are adequate markets or  
21 capacity for composted yard waste and food waste  
22 within or near a service area to consume the majority  
23 of the material collected.

24 Each comprehensive solid waste management plan  
25 submitted under this paragraph shall include a waste  
26 reduction and recycling element with waste reduction

1 strategies, which may include strategies to reduce wasted  
2 food and food waste that are designed to achieve the goal  
3 established under subsection (c) and that are consistent  
4 with the Plan developed under subsection (e).

5 (4) 30% to the Agency to:

6 (A) implement activities for waste reduction,  
7 recycling, and composting efforts;

8 (B) provide technical assistance to local  
9 governments and commercial businesses to increase  
10 recycling markets and recycling and composting  
11 programs designed to educate citizens about waste  
12 reduction, litter control, and recyclable and  
13 compostable products and programs;

14 (C) increase access to waste reduction,  
15 composting, and recycling programs, particularly for  
16 food packaging, plastic bags, or appropriate  
17 composting techniques; and

18 (D) fund programs to reduce wasted food and food  
19 waste that are designed to achieve the goals  
20 established under subsection (c) and that are  
21 consistent with the Plan developed under subsection  
22 (e).

23 Section 10. The State Finance Act is amended by adding  
24 Section 5.990 as follows:

1 (30 ILCS 105/5.990 new)

2 Sec. 5.990. The Waste Reduction, Recycling, and Litter  
3 Control Fund.

4 Section 99. Effective date. This Act takes effect January  
5 1, 2024.