



New Jersey to Establish Food Waste Reduction Plan

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New Jersey formally joined the national conversation regarding food waste earlier this summer, but the specifics of how food waste will be regulated in New Jersey are not yet clear. In 2015, the United States Environmental Protection Agency (“EPA”) announced an initiative to cut domestic food waste in half by 2030 and many states across the country have their own initiatives to reduce food waste. On July 21, New Jersey Governor Chris Christie signed legislation adopting the EPA’s goal of cutting the amount of food waste in New Jersey in half by 2030. In passing the law, the Legislature detailed the societal and environmental burdens of excessive food waste in New Jersey and identified the reduction of food waste as a “moral imperative.” The legislation, however, does not explain how the State should accomplish this goal.

Instead, the legislation requires the New Jersey Departments of Environmental Protection and Agriculture (the “Agencies”) to develop and commence implementation of a plan to accomplish this goal within one year. In developing this plan, the Agencies are required to hold three public meetings and are encouraged to consult with appropriate stakeholders. Interestingly, the legislation does not explicitly delegate authority to the Agencies to enact rules regarding food waste reduction, but it does require the Agencies to develop recommendations for further administrative or legislative action necessary to achieve the goal. Consequently, it will be interesting to observe how the Agencies interpret the scope of their authorities to “implement” the plan within one year.

The State of New Jersey also recently overhauled its electronic waste program. This overhaul was designed to put the onus on electronic manufacturers to bear the cost and obligation of recycling electronic waste. It seems likely that New Jersey also will place the primary burden of food waste reduction on the commercial sector. In fact, separate legislation already has been proposed to require large food waste generators to recycle their waste.

Under this other legislation, a large food waste generator currently includes any commercial food wholesaler, supermarket, resort, conference center, banquet hall, restaurant, educational or religious institution, military installation, prison, hospital, medical facility, or casino. If the Agencies consider such a recycling mandate, they should also consider the practical consequences, including the need for enhanced recycling and collection infrastructure and appropriate guidance regarding best practices.

There are many possible approaches that the New Jersey Departments of Environmental Protection and Agriculture may suggest to reduce food waste. The ongoing national dialogue regarding food waste reduction may serve as a guide for New Jersey in other ways as well. For instance, many states, including New Jersey, have already initiated other programs to reduce food waste. These programs include proliferation of residential food waste collection programs, composting facilities, food labelling programs, and non-profit education programs. It is important that interested stakeholders participate and comment in the public meetings that will be held over the next year to shape the future of food waste reduction programs in New Jersey.

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