

HB 3018 -2 STAFF MEASURE SUMMARY

House Committee On Climate, Energy, and Environment

Prepared By: Erin Pischke, LPRO Analyst

Sub-Referral To: Joint Committee On Ways and Means

Meeting Dates: 2/18, 4/8

WHAT THE MEASURE DOES:

The measure requires entities that generate a certain amount of food waste per week to sort and recover food waste and arrange for the food waste to be composted. It also modifies Oregon Revised Statutes related to food labeling requirements.

Detailed summary:

FOOD WASTE DISPOSAL:

SECTION 1

Defines “covered entity” as a person that: cooks, assembles, processes, serves, or sells food; and generates more than 1,000 pounds of food waste per week at a single site. Defines “food waste” as solid waste consisting of discarded food.

SECTION 2

Requires a covered entity, for each site owned or operated by the covered entity that generates more than 1,000 pounds of food waste per week, to:

- Recover food waste that is controlled by the employees or agents of the covered entity;
- Source separate food waste for collection;
- Correctly label food waste collection containers; and
- Arrange for food waste to be collected and transported to a facility authorized to accept food waste for composting.

Allows a covered entity to implement a system for the individuals that are served by the covered entity to separate food waste from other solid waste while ensuring that food waste is not contaminated with other solid waste. Requires a covered entity to annually report to the Oregon Department of Environmental Quality (DEQ):

- The amount of food waste the covered entity generated in the previous year;
- Any strategies used by the covered entity to reduce food waste; and
- The amount of food waste generated by the covered entity and the method used to dispose of the food waste.

Allows the Environmental Quality Commission (EQC) to adopt rules as necessary to implement food waste recovery and disposal and related activities.

SECTION 3

Requires DEQ to establish a program to educate covered entities on the requirements of food waste recovery and disposal and related activities. Requires DEQ, under the program, to:

- Notify covered entities of the requirements of food waste recovery and disposal and related activities.
- Provide technical support to covered entities on the implementation of food waste separation systems that satisfy the requirements food waste recovery and disposal and related activities.
- Provide education to covered entities on food waste reduction and donation of food that is fit for human consumption.

SECTION 4

Requires DEQ to have the power to enter upon and inspect, at any reasonable time, any public or private property, premises, or place for the purpose of investigating either an actual or suspected violation of food waste recovery and disposal and related activities, as well as related rules. Allows DEQ to issue civil penalties for violations of food waste recovery and disposal and related activities, as well as related rules. Allows the EQC to establish by rule criteria and procedures for temporary and renewable waivers from the requirements of recovering food waste.

SECTIONS 5 – 8

Amends definition of “covered entity” (in section 1) to mean a person that generates more than **500** pounds of food waste per week at a single site, operative on January 1, 2028. Amends requirement to recover food waste (in section 2) to apply to covered entities that own or operate sites that generate more than **500** pounds of food waste per week, operative on January 1, 2028. Establishes operative date of January 1, 2027, for section 2.

FOOD LABELING:

SECTION 9

Amends, adds, and deletes definitions in “open date labeling” statute.

SECTIONS 10 – 11

Requires a food establishment responsible for the labeling of food that is required by any law, or that chooses to display a date label to communicate a quality or safety date on food to use specific uniform terms on the date label, and prohibits a person from selling or offering for sale in or into Oregon food that is not labeled as such. Prohibits a person from selling or offering for sale in or into Oregon food that is labeled with the phrase “sell by.” Establishes operational date of this section as July 1, 2026.

SECTIONS 12 – 15

Modifies label requirements in Oregon Revised Statutes (ORS) 616.815, 616.825, 616.830, 616.835 for packaged perishable food a person sells or offer for sale at retail and particular groups or classes of perishable foods, on July 1, 2026.

SECTION 16

Repeals ORS 616.800 on July 1, 2026.

SECTIONS 17 – 19

Provides operational dates. Takes effect on the 91st day following adjournment sine die.

- *FISCAL: May have fiscal impact, but no statement issued yet*
- *REVENUE: May have revenue impact, but no statement issued yet*

ISSUES DISCUSSED:

- Provisions of measure

EFFECT OF AMENDMENT:

-2 The amendment modifies food waste recovery process requirements and exempts certain entities from complying. It changes operative dates. It modifies food labeling requirements.

Detailed summary:

FOOD WASTE DISPOSAL

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Modifies definitions. Modifies food waste recovery process requirements. Adds January 1, 2029, as the date that a covered entity that generates food waste must comply with food waste recovery requirements. Removes requirement that a covered entity to annually report to the Oregon Department of Environmental Quality (DEQ). Requires DEQ to coordinate with the Oregon Department of Agriculture (ODA) to establish a program to educate covered entities on the requirements of food waste recovery and disposal and related activities. Allows, rather than requires, DEQ to take certain actions related to the program. Adds educational component to list of actions DEQ may take related to the program. Modifies requirements of food recovery program and adds exemptions to the program. Requires a city, county, or metropolitan service district responsible for solid waste management to provide collection service to covered entities within the city, county, or metropolitan service district no later than June 30, 2028, in addition to the requirements of ORS 459A.005 and 459A.007. Requires an agency of state government that procures compost products to prioritize the procurement of compost products derived from a feedstock type that includes dead animals, meat, source separated mixed food waste, and industrially produced nonvegetative food waste, and require in any contract with a vendor that involves the purchase or use of a compost product to purchase the same. Changes operative date the food waste weight requirement that a covered entity must meet changes from 1,000 to 500 pounds weekly to January 1, 2030.

FOOD LABELING

Modifies definitions in “open date labeling” statute. Modifies food labeling requirements. Changes operational year of this section from 2026 to 2027. Changes operational year of ORS 616.800 repeal from 2026 to 2027.

- *FISCAL: Fiscal impact statement issued*
- *REVENUE: No revenue impact*

BACKGROUND:

FOOD WASTE

A 2019 study conducted by Portland State University’s Community Environmental Services found that households throw away 6.3 pounds of food per week on average in Oregon. Methane, a greenhouse gas, is produced when food waste goes to landfills. There can be multiple benefits of reducing food waste, including cost savings for consumers and composting the waste to create soil.

FOOD LABELING

According to the Oregon State University’s Extension Service, food product dates help assess the quality, not safety, of foods. The federal government requires dated labels only for infant formula and some baby food. Other dates are set by manufacturers to guide consumers and retailers on when a product is at its best quality. Key terms used in dated labels and set by manufacturers include:

- **Sell-by** date indicates when the store should remove a product for sale, but it can still be good after that date if properly handled.
- **Best-if-used-by (or -before)** date refers to the time when the product will be at its best quality.
- **Use-by** date marks the end of peak quality. Infant formula always has a use-by date for nutritional quality.

After these dates, foods are generally safe to eat if stored properly, unless a food has spoiled. Oregon Revised Statute (ORS) specifies the following state-specific food-labeling requirements: open date, packing date, and pull date (ORS Chapter 616).