

House Committee on Climate, Energy, and Environment
Testimony of Divert, Inc. in Support of H.B. 3018
“Relating to Food Waste”

Submitted on Behalf of Divert, Inc.
Chris Thomas, Vice President of Public Affairs
February 17, 2022

Dear Chair Lively, Vice Chair Gamba, Vice Chair Levy, and esteemed members of the committee,

Divert is a circular economy company on a mission to prevent food from being wasted. Since 2007, we've worked with prominent retailers like Kroger, Albertsons, Safeway, Target, and CVS to ensure that food is prevented from going to waste, rescued for communities in need, diverted from landfills, and transformed into renewable energy by utilizing a mix of infrastructure and technology solutions.

Divert currently operates 14 facilities across the U.S. and supports nearly 8,000 customer locations. Divert works across the retail food supply chain, helping our customers manage unsold food products responsibly through training, data, and sophisticated depackaging technology. We provide insights that enable retailers to change behaviors and ultimately reduce waste. For inedible food, we have created the first FDA Food Safety Modernization Act (FSMA)-compliant reverse logistics process to aggregate inedible pre-consumer food from food manufacturers and retail food stores. Once aggregated, we transform these inedible products into carbon negative renewable energy. One of Divert's facilities operates under a Designated Facility Agreement with Oregon Metro to accept source-separated, packaged, or unpackaged wasted food products generated by businesses within its jurisdictional boundaries.

Divert facilities fulfill a unique market need for many commercial food manufacturers and retailers that are looking for industrial-scale diversion solutions that can actually accept their inedible, pre-consumer food. This material is impractical for use in composting operations, which typically do not have equipment to safely and efficiently process material with excess moisture content and contamination. We often hear from composters that they can accept residential food in small amounts up to roughly 10% of their overall input but are hesitant to accept commercially generated wasted food that would otherwise be landfilled. Before wasted food is transformed into energy at Divert facilities, it is processed through a proprietary depackaging system to remove incidental inorganic contaminants – such as wrappers, stickers, and rubber bands. Commercially generated wasted food is made up of 80-85% water and often still has ancillary packaging material that is critical to preservation during transportation and merchandizing. At Divert facilities, the water that would otherwise become hazardous leachate in a landfill or compost pile is instead captured, treated, and reintroduced back into the food supply chain. The contaminants are also reliably removed without shredding packaging material and other incidental contaminants that can be difficult to screen from traditional composting operations. Divert's facilities produce two byproducts from commercially generated wasted food

produces: 1) a biogas that is naturally released during anaerobic digestion and purified into utility-scale carbon negative renewable natural gas for hard to electrify industries, and 2) a digestate soil amendment that is used to reintroduce circularity into our food supply chain. Divert recently broke ground in Longview, Washington on one of our new Integrated Diversion & Energy Facilities. This 65,000 square foot facility will sit on 19 acres and have capabilities to receive wasted food from generators, analyze, depackage and process that wasted food, and break down this wasted food through anaerobic digestion. This facility will become operational around Q4 of 2025, and within the next decade Divert will open 30 of these facilities within 100 miles of 80% of the entire US population.

Currently, the carbon footprint of food waste in the United States is greater than that of the entire airline industry.¹ Organic landfill waste is responsible for 15% of U.S. methane emissions² and 10% of overall global greenhouse gas (GHG) emissions³. In addition to its massive impact on the environment, unsold but still edible food going to landfills is a missed opportunity to feed the growing number of food insecure people nationwide (33.8 million, according to the USDA⁴). As written, this bill will help to build upon the efforts of Oregon Metro, Oregon food banks, and Oregon waste generators to divert large amounts of food waste from Oregon landfills and assist local rescue organizations in feeding families in need. These facts show that a strong effort needs to be made to address the landfilling of organics in the United States and Divert commends the work this committee is doing to highlight that effort.

Divert is committed to working with Oregon to develop organics diversion solutions that work for them and is generally supportive of the language outlined in H.B. 3018 as it relates to the diversion of organics from the landfill. We do, however, encourage the state to also consider opportunities to reduce contamination in finished compost and digestate products. It's critical that while we solve one environmental problem, we are not creating another one by harming the soil we intend to regenerate with this wasted food material. By addressing these concerns upfront, the state is ensuring it will be able to build out the infrastructure needed to prevent contamination in every step of the process and encourage circular solutions.

Divert is supportive of the efforts on HB 3018 and thanks Representative Neron for the collaborative stakeholder process she helped organize as this bill was developed. With so many states seeking innovative opportunities to reduce their carbon footprints, we applaud the steps that Oregon is taking to meet its organics diversion goals and welcome the conversations that

¹ The Washington Post (February 25, 2021), "[A third of all food in the U.S. gets wasted. Fixing that could help fight climate change.](#)"

² USEPA (2022), [Basic Information about Landfill Gas](#)

³ World Wildlife Fund (2021), "[10% of all greenhouse gas emissions come from food we throw in the bin](#)"

⁴ <https://www.ers.usda.gov/topics/food-nutrition-assistance/food-security-in-the-u-s/key-statistics-graphics/>

will unfold as the state pushes forward on this initiative. We are committed to engaging further with the committee on the topics raised in this bill and other matters. Thank you for your time and your consideration.

A handwritten signature in black ink, appearing to read "Chris M. Thomas". The signature is written in a cursive, flowing style.

Chris Thomas
Vice President of Public Affairs
Divert Inc.