

Salem Environmental Faith Network

Support for HB 3018

Dear Chair Lively, Vice Chairs Gamba and Levy, and members of the Committee,

I am Susan Lea Smith, Professor of Law Emeritus at Willamette University. I am writing on behalf of myself, Team Earth of First Congregational UCC of Salem, OR, and the Salem Environmental Faith Network.

We support HB 3018. The benefits of composting food waste include protecting our climate by reducing methane emissions from landfills, recycling organic waste into a valuable soil amendment (compost), creating green jobs, and extending municipal landfill life by diverting organic materials to composting facilities.

At least 30-40% of food in the United States goes to waste. According to EPA, 66.2 million tons of wasted food were generated in the food retail, food service and residential sectors in 2019. Only 5% of that wasted food was composted. Food waste is the single most common material sent to landfills, comprising 24.1 % of municipal solid waste. When yard trimmings, wood and paper/paperboard are added to food, these organic materials comprise 51.4 % of municipal solid waste in landfills. (<https://www.epa.gov/sustainable-management-food/composting#benefits>)

When food and yard waste decompose in a landfill where anaerobic (without oxygen) conditions are present, they generate methane, an extremely damaging greenhouse gas. Indeed, municipal solid waste landfills are the third largest source of human-related methane emissions, currently amounting to 14% of all methane emissions. Wasted food is responsible for 58% of landfill methane emissions, so nearly 10% of all methane emissions in the US are from landfilled food waste.

HB 3018 would provide for composting rather than landfilling and anaerobic decomposition of most food waste. I would suggest strengthening HB 3018 by amending section 2 to give residential renters and commercial businesses an opportunity to have their food and yard waste composted when their trash and recycling is collected. An amendment to HB 3018 that would accomplish this goal is attached.

Thank you for your concern and care for God's creation.

Susan Lea Smith

House Bill 3018

Sponsored by Representative NERON, Senators SOLLMAN, PATTERSON (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: This Act makes new laws to prevent and dispose of food waste. (Flesch Readability Score: 95.9).

Requires entities that cook, assemble, process, serve or sell food to recover and dispose of food waste as specified in the Act.

Directs the Department of Environmental Quality to establish a program to educate entities on food waste separation and disposal requirements.

Modifies food date labeling laws to require foods packaged with a date label to use uniform terms.

A BILL FOR AN ACT

Relating to food waste; creating new provisions; amending ORS 616.805, 616.815, 616.825, 616.830 and 616.835; repealing ORS 616.800; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

FOOD WASTE DISPOSAL

SECTION 1. As used in sections 1 to 4 of this 2025 Act:

(1)(a) "Covered entity" means a person that:

(A) Cooks, assembles, processes, serves or sells food; and

(B) Generates more than 1,000 pounds of food waste per week at a single site.

(b) "Covered entity" does not include individuals or households.

(2)(a) "Food waste" means solid waste consisting of discarded food.

(b) "Food waste" does not include:

(A) Food that is fit for human consumption and accepted for donation by a charitable organization;

(B) Food collected to feed animals in compliance with all applicable laws; or

(C) Liquids, oils or meats collected for rendering, fuel production or other nondisposal applications.

(3) "Person" has the meaning given that term in ORS 459.005.

(4) "Solid waste" has the meaning given that term in ORS 459.005.

SECTION 2. (1) A covered entity must, for each site owned or operated by the covered entity that generates more than 1,000 pounds of food waste per week:

(a)(A) Recover food waste that is controlled by the employees or agents of the covered entity;

(B) The requirements of this paragraph do not apply to food waste discarded by the covered entity's customers or other individuals served by the covered entity;

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (b) Source separate food waste for collection;

2 (c) Correctly label food waste collection containers; and

3 (d) Arrange for food waste to be collected and transported to a facility authorized to ac-
4 cept food waste for composting.

5 (2) Notwithstanding subsection (1)(a) of this section, a covered entity may implement a
6 system for the individuals that are served by the covered entity to separate food waste from
7 other solid waste. The system must be designed to ensure that food waste is not contam-
8 inated with other solid waste.

9 (3) Any person who owns or controls the premises on which a covered entity subject to
10 the requirements of this section generates food waste must allow, and make reasonable ac-
11 commodations for, the covered entity to comply with the requirements of this section.

12 (4) A covered entity shall annually report to the Department of Environmental Quality:

13 (a) The amount of food waste the covered entity generated in the previous year;

14 (b) Any strategies used by the covered entity to reduce food waste; and

15 (c) The amount of food waste generated by the covered entity and the method used to
16 dispose of the food waste.

17 (5) Any person that is not subject to the requirements of this section may, and is en-
18 couraged to, voluntarily comply with this section.

19 (6) The Environmental Quality Commission may adopt rules as necessary to implement
20 this section.

21 **SECTION 3.** The Department of Environmental Quality shall establish a program to ed-
22 ucate covered entities on the requirements of section 2 of this 2025 Act. Under the program,
23 the department shall:

24 (1) Notify covered entities of the requirements of section 2 of this 2025 Act.

25 (2) Provide technical support to covered entities on the implementation of food waste
26 separation systems that satisfy the requirements of section 2 of this 2025 Act.

27 (3) Provide education to covered entities on food waste reduction and donation of food
28 that is fit for human consumption.

29 **SECTION 4.** (1) The Department of Environmental Quality shall have the power to enter
30 upon and inspect, at any reasonable time, any public or private property, premises or place
31 for the purpose of investigating either an actual or suspected violation of section 2 of this
32 2025 Act or rules adopted under section 2 of this 2025 Act.

33 (2) In accordance with the applicable provisions of ORS chapter 183 relating to contested
34 case proceedings, and in accordance with ORS 468.130 and rules adopted pursuant to ORS
35 468.130, the department may issue civil penalties for violations of section 2 of this 2025 Act
36 and rules adopted under section 2 of this 2025 Act. All penalties recovered for violations of
37 section 2 of this 2025 Act or rules adopted under section 2 of this 2025 Act shall be paid into
38 the State Treasury and credited to the General Fund.

39 (3) The Environmental Quality Commission shall establish by rule criteria and procedures
40 for waivers from the requirements of section 2 of this 2025 Act for good cause. The duration
41 of a waiver may not exceed one year.

42 **SECTION 5.** Section 1 of this 2025 Act is amended to read:

43 **Sec. 1.** As used in sections 1 to 4 of this 2025 Act:

44 (1)(a) "Covered entity" means a person that:

45 (A) Cooks, assembles, processes, serves or sells food; and

(B) Generates more than [1,000] **500** pounds of food waste per week at a single site.

(b) "Covered entity" does not include individuals or households.

(2)(a) "Food waste" means solid waste consisting of discarded food.

(b) "Food waste" does not include:

(A) Food that is fit for human consumption and accepted for donation by a charitable organization;

(B) Food collected to feed animals in compliance with all applicable laws; or

(C) Liquids, oils or meats collected for rendering, fuel production or other nondisposal applications.

(3) "Person" has the meaning given that term in ORS 459.005.

(4) "Solid waste" has the meaning given that term in ORS 459.005.

SECTION 6. Section 2 of this 2025 Act is amended to read:

Sec. 2. (1) A covered entity must, for each site owned or operated by the covered entity that generates more than [1,000] **500** pounds of food waste per week:

(a)(A) Recover food waste that is controlled by the employees or agents of the covered entity;

(B) The requirements of this paragraph do not apply to food waste discarded by the covered entity's customers or other individuals served by the covered entity;

(b) Source separate food waste for collection;

(c) Correctly label food waste collection containers; and

(d) Arrange for food waste to be collected and transported to a facility authorized to accept food waste for composting.

(2) Notwithstanding subsection (1)(a) of this section, a covered entity may implement a system for the individuals that are served by the covered entity to separate food waste from other solid waste. The system must be designed to ensure that food waste is not contaminated with other solid waste.

3(b) All transporters of commercial solid waste shall provide separate containers to collect food and yard waste and transport food and yard waste to a facility authorized to accept food and yard waste for composting. Any person who owns or controls the premises from which commercial waste is collected must allow and make reasonable accommodations for separate collection of food and yard waste.

(3)^a Any person who owns or controls the premises on which a covered entity subject to the requirements of this section generates food waste must allow, and make reasonable accommodations for, the covered entity to comply with the requirements of this section.

(4) A covered entity shall annually report to the Department of Environmental Quality:

(a) The amount of food waste the covered entity generated in the previous year;

(b) Any strategies used by the covered entity to reduce food waste; and

(c) The amount of food waste generated by the covered entity and the method used to dispose of the food waste.

(5) Any person that is not subject to the requirements of this section may, and is encouraged to, voluntarily comply with this section.

(6) The Environmental Quality Commission may adopt rules as necessary to implement this section.

SECTION 7. (1) Section 2 of this 2025 Act becomes operative on January 1, 2027.

(2) The Department of Environmental Quality and the Environmental Quality Commission may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the department or the commission to exercise, on and after the operative date specified in subsection (1) of this section, all of the duties, functions and powers conferred on the department and the commission by section 2 of this 2025 Act.

SECTION 8. (1) The amendments to sections 1 and 2 of this 2025 Act by sections 5 and 6 of this 2025 Act become operative on January 1, 2028.

FOOD LABELING

SECTION 9. ORS 616.805 is amended to read:

616.805. As used in ORS 616.800 to 616.835 and 616.994, unless the context requires otherwise:

(1)(a) “Food” means any substance used or intended to be used for human consumption as food, drink or condiment.

(b) “Food” does not include:

(A) Any article containing cannabis; or

(B) Infant formula.

[(2) “Open date” means a date clearly visible to retail consumers showing the pull date, packing date or other date described in ORS 616.835 (2).]

(2) “Food establishment” has the meaning given that term in ORS 616.205.

(3) “Packing date” means the date specifying the time a perishable food was packaged in its final form for sale to the consumer.

(4) “Perishable food” means any food that may spoil or otherwise become unfit for human consumption because of its nature, type or physical condition. “Perishable food” includes, but is not limited to, fresh or processed meats, poultry, seafood, dairy products, bakery products, eggs in the shell, and foods that have been packaged or refrigerated. ORS 616.800 to 616.835 and 616.994 shall not apply to fresh fruits or vegetables or to foods that have been canned or frozen.

[(5) “Pull date” means, whichever is earlier, the date specifying the time:]

[(a) The perishable food manufacturer, processor or packager recommends that a perishable food should be removed from retail sale, allowing the consumer time for normal home consumption or use under proper care and storage conditions; or]

[(b) A perishable food should no longer be offered for sale or sold as fresh. A perishable food shall be considered fresh only so long as significant changes in appearance, taste, odor, nutritional value, or other indicia of quality or fitness for human consumption have not taken place or are not likely to have taken place under generally accepted food handling practices for that particular food.]

(5) “Quality date” means a date on a label affixed to the packaging or container of food that communicates to consumers the date after which the food quality may begin to deteriorate but the food may still be acceptable for consumption.

(6) “Safety date” means a date on a label affixed to the packaging or container of food that communicates to consumers that the food should be consumed, or frozen, if appropriate, by the date listed on the package.

SECTION 10. Section 11 of this 2025 Act is added to and made a part of ORS 616.800 to 616.835.

SECTION 11. (1) A food establishment responsible for the labeling of food that is required by any law, including ORS 616.815 or rules adopted under ORS 616.835, or that chooses to display a date label to communicate a quality or safety date on food shall use one of the following uniform terms on the date label:

(a) “BEST if Used by” or “BEST if Used or Frozen by” to indicate the quality date of the food.

(b) “USE by” or “USE by or Freeze by” to indicate the safety date of the food.

(c) “BB” to indicate the quality date of the food if the food is too small to include the uniform term described in paragraph (a) of this subsection.

(d) “UB” to indicate the safety date of the food if the food is too small to include the

1 **uniform term described in paragraph (b) of this subsection.**

2 (2) **A person may not sell or offer for sale in or into this state food that is not labeled**
 3 **in accordance with subsection (1) of this section.**

4 (3) **A person may not sell or offer for sale in or into this state food that is labeled with**
 5 **the phrase “sell by.”**

6 (4) **This section does not prohibit the use or display of a label that allows consumers to**
 7 **view online information about the food.**

8 (5) **This section does not apply to the extent that any law governing the labeling of**
 9 **shellfish requires the use of terms that are inconsistent with this section.**

10 **SECTION 12.** ORS 616.815 is amended to read:

11 616.815. *[No person shall]* **A person may not** sell or offer for sale at retail any packaged per-
 12 ishable food unless the package bears a clearly marked, printed or stamped label showing the *[open*
 13 *date]* **quality date or safety date** for the perishable food in the package. Such label shall be so
 14 designed and placed as to be clearly visible to the consumer.

15 **SECTION 13.** ORS 616.825 is amended to read:

16 616.825. (1) *[No person shall]* **A person may not** sell or offer for sale at retail any packaged
 17 perishable food after the expiration of the *[open pull]* **quality date or safety** date appearing on the
 18 label of the package or container unless:

19 (a) The package has been separated from packages of perishable food with *[open pull]* **quality**
 20 **date or safety** dates that have not expired;

21 (b) Each such package or group of packages is clearly identified in retail display as having an
 22 expired *[open pull]* **quality date or safety** date; and

23 (c) The food is fit for human consumption according to applicable state and federal law.

24 (2) Notwithstanding the provisions of this section, a vendor shall be allowed the first eight
 25 business hours after the expiration of the *[open pull]* **quality date or safety** date within which to
 26 remove all packages with an expired *[pull]* **quality date or safety** date.

27 **SECTION 14.** ORS 616.830 is amended to read:

28 616.830. *[No person shall]* **A person may not:**

29 (1) Alter, deface or remove the *[open]* **quality date or safety** date from any perishable food re-
 30 tail or shipping package carton, container or wrapper.

31 (2) Label any perishable food retail or shipping package carton, container or wrapper in a
 32 manner that does not conform to the rules promulgated pursuant to ORS 616.835.

33 **SECTION 15.** ORS 616.835 is amended to read:

34 616.835. In accordance with any applicable provision of ORS chapter 183, the State Department
 35 of Agriculture, in consultation with the industries affected, shall promulgate rules to carry out ORS
 36 616.800 to 616.835 and 616.994. Such rules shall include, but are not limited to:

37 (1) Establishing which particular foods are subject to ORS 616.800 to 616.835 and 616.994.

38 (2) Establishing which one or more of the following types of *[open date]* **dates** is to be used for
 39 particular groups or classes of perishable foods:

40 *[(a) The packing date.]*

41 *[(b) The pull date.]*

42 **(a) The quality date.**

43 **(b) The safety date.**

44 **(c) The packing date in addition to the quality date or safety date.**

45 *[(c)]* **(d) The date on which fowl, including chickens, fryers, turkeys, ducks, geese and other**

1 domesticated birds, are killed or slaughtered to be processed into perishable food.

2 (3) Specifying the size, content and form of the labeling information required by ORS 616.800 to
3 616.835 and 616.994.

4 (4) Exempting from the operation of ORS 616.800 to 616.835 and 616.994 those perishable foods
5 for which [*open*] **quality date or safety** date labeling would be:

6 (a) Impractical or not meaningful because of the size of the package or the nature of the per-
7 ishable food; **or**

8 (b) Possibly unconstitutional as interference with the free movement of goods in interstate
9 commerce.

10 **SECTION 16. ORS 616.800 is repealed.**

11 **SECTION 17. (1) Section 11 of this 2025 Act, the amendments to ORS 616.805, 616.815,
12 616.825, 616.830 and 616.835 by sections 9 and 12 to 15 of this 2025 Act and the repeal of ORS
13 616.800 by section 16 of this 2025 Act become operative on July 1, 2026.**

14 **(2) The State Department of Agriculture may take any action before the operative date
15 specified in subsection (1) of this section that is necessary to enable the department to ex-
16 ercise, on and after the operative date specified in subsection (1) of this section, all of the
17 duties, functions and powers conferred on the department by section 11 of this 2025 Act, the
18 amendments to ORS 616.805, 616.815, 616.825, 616.830 and 616.835 by sections 9 and 12 to 15
19 of this 2025 Act and the repeal of ORS 616.800 by section 16 of this 2025 Act.**

20 **SECTION 18. The unit captions used in this 2025 Act are provided only for the conven-
21 ience of the reader and do not become part of the statutory law of this state or express any
22 legislative intent in the enactment of this 2025 Act.**

23 **SECTION 19. This 2025 Act takes effect on the 91st day after the date on which the 2025
24 regular session of the Eighty-third Legislative Assembly adjourns sine die.**