



**Vermont Department of Environmental Conservation**  
Waste Management & Prevention Division, Solid Waste Program  
One National Life Drive, Davis 1 802-828-1138  
Montpelier, VT 05620-3520 [VTrecycles.com](http://VTrecycles.com)

## **DRAFT Policy for Source Separation of Food Residuals & Heavily Packaged Food Residuals** February 15, 2023

### **Background:**

In 2012 Vermont passed Act 148, commonly known as the Universal Recycling Law. Stakeholders, members of the Vermont Legislature and State agencies agreed to implement measures to preserve the value of Vermont's food residuals so they would be available for the highest and best use. The goal was to utilize these organic materials in accordance with the priorities established in the [Vermont Food Recovery Hierarchy](#). The Hierarchy structure aims to reduce food waste at the source, recover edible food to feed Vermonters, support agriculture by reducing a farm's dependence on raw materials, purchased animal feed, and imported soil amendments and fertilizers, and offset imported energy and soil enrichment commodities via anaerobic digestion and composting.

The food residual management system in Vermont needs to be flexible and responsive to the materials being managed, generator density, and existing local and regional infrastructure. Success will require a robust and diverse network of options for food donation, hauling, and food waste management. There is a place for feeding people, feeding animals, depackaging technology, resource recovery, anaerobic digestion, composting, energy production, vermiculture, etc. in a thriving state-wide organics recycling system.

### **Policy:**

Food residuals - are defined in statute (10 V.S.A. 6602(31)) as:

*"source separated and uncontaminated material that is derived from processing or discarding of food and that is recyclable, in a manner consistent with section 6605k of this title. Food residual may include preconsumer and postconsumer food scraps. "Food residual" does not mean meat and meat-related products when the food residuals are composted by a resident on site."*

Source Separated – is defined in statute (10 V.S.A. 6602(32)) as:

*"the separation of compostable and recyclable materials from noncompostable, nonrecyclable materials at the point of generation."*

After considering applicable statute, the intent of the Universal Recycling Law (Act 148 of 2012), the [recommendations made by the Act 170 Stakeholder Group](#) and evaluating the environmental impacts of food residuals management strategies being employed across the state including the value of source separation, **it is the Agency's policy that source separated food residuals shall not be mixed with heavily packaged food residuals at the point of generation.**

How this policy will apply to various stakeholders is provided below.

### ***Applicability to Generators:***

With a few exceptions, the generator is responsible for source separating all non-compostable materials from food residuals at the point of generation and arranging for the transfer of organic materials to a facility that manages them consistently with the hierarchy (10 V.S.A. 6605k). The Agency recognizes that managing the packaged food portion of the waste stream can be challenging for generators and has developed the following policy to recover food residuals.

#### **Generators:**

1. Shall source separate food residuals from non-compostable materials at the point of generation, unless those foods are still edible by people and are being separated for collection or delivery to food donation and hunger relief organizations and,
2. Shall separate lightly packaged food from its packaging at the point of generation and,
  - a. Lightly packaged food is categorized as food that is easily separated from the enclosing packaging. Examples of lightly packaged food include:
    - i. prepared foods in clamshells, plastic wrap, rotisserie bags, or snap together bases and covers.
    - ii. produce or baked goods in bags, containers, and clamshells
    - iii. meats in plastic wrap and Styrofoam,
    - iv. bulk containers of food i.e. 5-gallon buckets of pickles
3. Shall manage heavily packaged food in accordance with the following:
  - a. Heavily packaged food is categorized as food that is difficult to separate from the enclosing packaging but can be separated with depackaging technology. Examples of heavily packaged food include:
    - i. Foods with multiple layers of packaging. (i.e. frozen heat-and-serve meals, meal kits, bulk snack packs with individually wrapped or packaged contents).
    - ii. Foods in packaging that is difficult to open (i.e. glass jars, cans, etc.)
    - iii. Packaged food from a manufacturer that is palletized or otherwise packed for shipping or distribution.
  - b. Large food generators (generally greater than 1-ton of total food residuals per week) such as food and beverage manufacturers, grocers, distributors, and wholesalers, regularly producing large quantities of heavily packaged food products shall:
    - i. Separate heavily packaged food from its packaging at the point of generation, or,
    - ii. Outsource source separation to a depackager (or other second party) for the separation of heavily packaged food from its enclosing packaging or,
    - iii. Request approval from the Agency to dispose of heavily packaged food in the trash provided there:
      1. is an established program to separate food residuals and lightly packaged food and the program includes a component for educating staff of the source separation protocols and,
      2. there is no second-party willing and able to contract with the generator to process the heavily packaged food (e.g. packaging and/or contents are not compatible with the processing facility's equipment or certification).
  - c. All other commercial and institutional generators (producing less than 1-ton per week of food residuals) who produce heavily packaged food products may dispose of heavily packaged food in the trash provided that the generator has an established program to source separate food residuals and remove lightly packaged food from its packaging and the program includes a component for educating employees managing the generator's wastes and source separation protocols.

4. Shall keep source separated food residuals separate from heavily packaged food residuals and arrange hauling that maintains the separation of these two material categories.
5. Are not required to source separate non-saleable food residuals (packaged or unpackaged) that contain physical, chemical or biological contaminants or that result from one-time emergency events such as power outages or refrigeration equipment failure, those materials may be disposed.

In summary, every generator of food residuals shall have a source separated food residual material stream, and some large generators may elect to have a source separated food residual stream AND a distinct heavily packaged food residual stream. The two streams shall be kept separate and shall not be co-mingled.

Generators are encouraged to contact the Agency, DEC Solid Waste Management Program 802-828-1138, with questions on food residual and/or packaged food management. For additional information on determining what is a food residual, or source separation requirements, please refer to these guidance documents prepared by the Agency on the subject of food residual and packaged food management. [\[LINK TO FUTURE GUIDANCE\]](#).

#### ***Applicability to Haulers:***

Licensed solid waste haulers play an integral role in transporting solid waste in the state of Vermont. When it comes to food residual management, haulers have a few key responsibilities which function to preserve the quality of the source separated food residuals for downstream uses. It is important to the integrity of the food residuals management system that all haulers provide consistent baseline contaminant screening when picking up food residuals from a generator. The Agency has prepared the following policy for haulers of food residuals and heavily packaged food residuals.

Haulers shall not co-mingle source separated food residuals with heavily packaged food residuals. Source separated food residuals, heavily packaged food residuals, other solid wastes, or recyclables may be transported simultaneously on the same vehicle provided there is an effective means to physically keep each stream separate.

Haulers should check food residuals upon pick-up and reject any contaminated loads that are not compliant with the generator requirements in the policy above. Haulers hired to transport heavily packaged food residuals, should check to confirm that loads contain heavily packaged food residuals only. Heavily packaged food loads that contain lightly packaged food residuals or source separated food residuals should be rejected. Haulers should refer chronic noncompliant generators to the State. The Agency recognizes that load auditing may be new for some haulers and ANR will prepare guidance documents to assist haulers with establishing a load auditing and generator communication plan as well as other resources in the following hauler toolkit. [\[LINK TO FUTURE GUIDANCE\]](#).

#### ***Applicability to Facilities:***

Certified facilities accepting source separated food residuals or heavily packaged food residuals shall manage these materials in accordance with their certifications and facility management plans. Certifications may contain more specific management requirements or prohibitions that are outside of this policy.

Similar to haulers, facilities also play a critical check-and-balance role in the system. Facilities managing source separated food residuals shall follow their Certification conditions and approved facility management plans to screen food residual loads and other organic feedstocks for contamination at the time delivery. Including response actions for when contaminated loads are observed, communicating the contaminated load issue to the

---

generator/hauler, and provisions for load refusal due to excessive contamination. Facilities should refer chronic load contamination to the State. The Agency recognizes that load auditing may be new for some facilities and will prepare guidance documents to assist with establishing a load auditing and communication plan as well as other resources in the following toolkit. [[LINK TO FUTURE GUIDANCE](#)].

***Conclusion:***

The Agency is responsible for implementing the requirements of the Universal Recycling Law. To succeed, this will require cooperation across the board, from households, generators, haulers, and facilities. Additionally, the state-wide food residuals management system will need to be adaptable, sustainable, diverse and resilient. To best comply with the source separation requirements and the food residuals management hierarchy established in Vermont statute the Agency requires that food residuals be source separated and managed separately from heavily packaged food residuals at the point of generation.

The human health and environmental impacts of Vermont's food recycling system will continue to be evaluated going forward by the Agency to ensure safe resource management practices.

DRAFT