



REPORT

ILLINOIS FOOD WASTE POLICY GAP ANALYSIS AND INVENTORY



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This report was prepared for NRDC by the Center for EcoTechnology, in collaboration with the Harvard Law School Food Law and Policy Clinic and BioCycle Connect, LLC.

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Glossary of Terms

Food rescue. This term refers to donation or recovery of surplus food for feeding hungry people.

Food waste reduction. This term encompasses all tiers of the food recovery hierarchy: prevention, donation, animal feed, composting, and anaerobic digestion.

Source-separated organics (SSO). This term references organic material separated for processing and may encompass food scraps as well as yard waste.

GAP ANALYSIS COLOR CODING

No Policy
Weak Policy
Moderate Policy
Strong Policy

Introduction

This report comprises a gap analysis and detailed inventory of food waste-related policies in Illinois. Whereas the inventory provides an overview of existing state policies, the gap analysis identifies policy opportunities for furthering food waste reduction. Categories were chosen to represent areas across the food recovery hierarchy and include: organics disposal bans and recycling laws; date labeling; food donation liability protections; tax incentives for food rescue; organics processing infrastructure permitting; food safety policies for share tables; food systems plans, goals, and targets; plans targeting solid waste; climate action goals; and grants and incentive programs related to food waste reduction. The goal of this report is to equip NRDC Food Matters city partners with a comprehensive overview of their state’s respective policy landscape and how it helps and/or hinders efforts to reduce food waste.

The gap analysis can be read as a summary digest of the more detailed policy inventory. This section serves to highlight particularly strong policies that can be leveraged to further a city’s food waste reduction goals, as well as advocacy opportunities where policies are weak or non-existent. The inventory provides a more comprehensive overview of any policies, executive orders, goals, targets, or programs that exist across the ten covered categories. Users may choose to read the gap analysis to gain a basic understanding of their state’s policy landscape and then reference the inventory for detailed information.

Policy Gap Analysis Approach and Applications

To provide a consistent and objective analysis, policy categories were assessed using a rubric that defines “No Policy,” “Weak Policy,” “Moderate Policy,” and “Strong Policy” for each category. Below is the rationale and definition for each tier of the rubric for the ten policy categories, as well as examples of policies in practice for select categories. For full rubric, see Food Waste Reduction Policy Gap Analysis Rubric.

ORGANICS DISPOSAL BANS AND RECYCLING LAWS

Organics disposal bans and mandatory recycling laws are an effective means of achieving food waste reduction, including via prevention and other strategies across the hierarchy. By limiting the amount of organic waste that entities can dispose of in landfills or incinerators, organics disposal bans and waste recycling laws compel food waste generators to explore more sustainable practices like waste prevention, donation, composting, and anaerobic digestion (AD). A Strong Policy applies to all commercial generators (and possibly individuals at the household level) and is actively enforced. A Moderate Policy is similarly enforced but imposed only on select commercial generators, and Weak Policies are ones that provide several exemptions from the law’s applicability, such as exemptions based on distance from a processing facility or the cost of processing. It is quite common for states to start with a Weak Policy and gradually strengthen it as the marketplace evolves and impacted stakeholders are educated and gain the resources to comply.

Policy in Action

While there are no states in the Great Lakes that have organics disposal bans or mandatory recycling laws, elsewhere they have received a lot of attention in recent years as an increasing number of states and localities have adopted this policy approach. In many cases, other actions were taken in the years leading up to the legislation or regulation that enabled it to get political and practical traction. For example, in Massachusetts, one of the first states to ban food waste, the state made incremental changes during the years ahead of the ban’s effective date, including:

- Modernizing the permitting structure for composting and AD facilities;
- Investing in infrastructure through grants and low-interest loan programs;
- Providing regulatory relief from other waste ban materials if supermarkets diverted food waste through an innovative partnership with the Massachusetts Food Association called the Supermarket Recycling Program Certification; and
- Developing RecyclingWorks in Massachusetts, a no-cost technical assistance program to help businesses comply.

New York State has taken similar steps by providing grants for infrastructure, supporting food donation networks, and establishing business assistance in advance of its legislation. New York is also an example of a state where a major city (New York City) enacted a waste ban ahead of the statewide law.

Bans and Beyond: Designing and Implementing Organic Waste Bans and Mandatory Organics Recycling Laws, a resource produced by the Harvard Food Law and Policy Clinic and the Center for EcoTechnology, provides further detail on these policies, including their development and structure, for cities and states that are considering this policy option.¹

DATE LABELING

Date labels affixed to food products are a major driver of food waste and an obstacle to food donation. There is currently no federal system regulating the use of date labels such as “sell by,” “best by,” and “use by” on foods. Instead, each state individually decides whether and how to regulate date labels. Manufacturers often have broad discretion over how the dates on foods are selected. These dates typically reflect quality and taste rather than safety, yet businesses, individuals, and even state regulators frequently misunderstand the dates and interpret them to be indicators of when food is no longer safe to eat.

Standardization of date labeling is a cost-effective solution to food waste. By educating consumers about the meaning of date labels on products sold within the state and eliminating bans on the donation or sale of past-date foods, states can make date labels comprehensible to consumers and avoid the systematized waste of safe and wholesome foods. A Strong Policy requires that manufacturers or retailers who choose to affix date labels to foods use one of two prescribed date labels, a quality label or a safety label. In addition, a Strong Policy expressly permits the donation of food after the quality date. A Moderate Policy requires date labels for certain foods, but does not prohibit or limit the sale or donation of food after its label date. A Weak Policy—and potentially a detrimental one—requires date labels for certain foods and prohibits or limits the sale or donation of food after its label date. Federal guidance recommends the use of the phrase “BEST If Used By” to indicate a food’s quality. Federal legislative proposals as well as industry efforts have recommended the same, and further recommend the phrase “USE By” to indicate safety concerns. States should align their standards with these efforts.

Policy in Action

States in the Great Lakes region have not established dual date labeling systems that clearly distinguish between quality and safety. Many states in the region have conflicting or unnecessarily restrictive date labeling requirements. With a lack of clear guidelines, food manufacturers and processors have largely created their own labeling schemes. In some cases, decisions on how these dates are determined can be driven by business interests, and the labels often have a wide range of wording that increases confusion. In addition, even where state date labeling regulations exist, they often are not based on science-backed food safety concerns. As a result, consumers or businesses often dispose of food when it reaches the label date, even though it may be safe to eat. Thus, date labels are an important part of any policy strategy to prevent food waste, and one that cities can encourage states to pursue. Until federal legislation or regulations standardizing date labels are adopted, states can remove problematic components of their own date labeling policies using guidelines recommended in this analysis, and even help pave the way for federal standardization.

FOOD DONATION LIABILITY PROTECTIONS

Restaurants, retailers, and other food businesses are often hesitant to donate food because they fear being held liable for harm caused by the donated food. While the federal Bill Emerson Good Samaritan Food Donation Act provides robust liability protection for both food donors and food rescue organizations, state liability protections can strengthen this and encourage food donation by further reducing liability risks for those participating in food rescue. A Strong Policy provides liability protection for donations directly to individuals, allowing restaurants and food service organizations to donate small amounts of food that may be cost-prohibitive to transport or store; it also offers protection for donations supplied to the final consumer for a small fee, thereby extending protection to innovative food rescue models like social supermarkets. A Moderate Policy is broader than federal-level protections and may provide protections for donations directly to individuals or donations made for a small fee. A Weak Policy provides protections that are no broader than federal-level ones, or only protects one party, such as the donor or food rescue organization.

Tools to Support Policy

Legal fact sheets or guidance documents can serve as a beneficial tool in communicating legal protections and considerations for potential donors. These documents can relay legal language using easily understood terms that help clarify requirements for protection to apply and alleviate concerns related to donation. The Harvard Law School Food Law and Policy Clinic has created many of these state-specific food donation fact sheets (including on the topic of liability protection for food donation) and a number of other useful documents; these can be found in the organization's online resource library.

TAX INCENTIVES FOR FOOD RESCUE

Donating food can be expensive, because it requires money to harvest, package, store, and transport food that would otherwise be discarded. Tax credits or deductions can help offset those expenses and offer an economic incentive for food donations. A federal tax incentive exists, but certain businesses struggle to utilize it. State-level tax incentives for food donation can help support the agricultural economy and food producers, strengthen ties between local businesses and consumers, reduce the amount of wasted food, and improve the healthy options available to state residents who use emergency food outlets. A Strong Policy is one in which tax deductions or credits fully offset the costs associated with food donation, including transportation. A Moderate Policy provides a tax incentive for food donation, but the incentive does not fully offset the associated costs.

Policy in Action

States and cities may issue tax incentives that help promote food rescue. None of the states in the Great Lakes have tax incentives for food rescue, and none of the states or jurisdictions reviewed in the Mid-Atlantic or Southeast regions have a Strong Policy designation in this category. However, Philadelphia provides an example of a policy enacted at the local level that helps to incentivize food donation. The city implemented a sustainable business tax incentive that allows businesses who meet certain sustainability criteria—including participating in food donation—to receive a tax credit of up to \$4,000 on the Business Income & Receipts Tax (BIRT). As another example, Maryland, a state with a Moderate Policy in this category, offers a tax credit only for food donation by qualifying farms and farm businesses. These businesses can claim up to 50 percent of the value of the donation for conventional products, and up to 75 percent of the value of certified organic produce donations to charitable organizations.

ORGANICS PROCESSING INFRASTRUCTURE PERMITTING

Strong processing infrastructure policies actively facilitate the development and permitting of organic waste processing facilities—including both composting and anaerobic digestion facilities and small-scale composting operations—and are in sync with current best practices for organics processing. A Strong Policy includes a regulatory tier for source-separated organics (SSO) and provides opportunities for market development. Further, a Strong Policy minimizes barriers to entry, is aligned with best management practices for composting SSO, and offers a separate permitting process for anaerobic digestion of SSO. A Moderate Policy similarly offers a dedicated regulatory tier for SSO and considerations for market development, but it may have the same composting requirements for SSO as for mixed solid waste, may negatively impact economic viability by limiting the quantity or site acreage, or may include vague language for handling SSO through anaerobic digestion. A Weak Policy still includes a regulatory tier for SSO, but two of the drawbacks noted above (e.g., limitations on site acreage) are present. No Policy refers to locales with no processing tier for SSO, no acknowledgement of anaerobic digestion of SSO, and no exemption tier for small quantities of SSO.

A commitment to recycled organics market development is another mechanism to bolster organics processing infrastructure. Examples of market development mechanisms include procurement or bidding mandates that require developers to use compost products or recycled organic materials in their development projects.

States with strong policies for diversion to animal feed do not regulate feeding food scraps to animals or have minimal restrictions on such activity; they may also offer education and guidance on relevant laws and regulations and/or encourage collaboration with local farms.

An Evolution of Infrastructure Permitting

Permitting for organics processing infrastructure has evolved over the decades in response to the unique characteristics of different feedstocks, including biosolids, leaf and yard waste, and now, increasingly, food waste. In the 1980s, the U.S. Environmental Protection Agency (EPA) promulgated regulations codified at 40 CFR 503 that established pathogen and vector attraction reduction requirements and pollutant limits for biosolids recycling, including composting. Those requirements are included in most state solid waste regulations for composting, such as PFRP, the process to further reduce pathogens (e.g., maintaining temperature of 55 °C for three days in aerated static piles or 15 consecutive days in windrows). Later in the 1980s and into the 1990s, about two dozen states passed bans on landfill disposal of leaves, grass, and/or brush. This was in response to a perceived shortfall in landfill capacity and led to the creation of composting facilities specifically for yard trimmings in many states. To facilitate the development of yard trimmings processing capacity, states created a “permit by rule” approach (essentially a notification) to facility permitting or established an exemption. Permit-by-rule was an early example of a tiered permitting approach to composting regulations.

Interest in composting of source-separated food scraps grew throughout the 1990s. On-site composting of food scraps, for example, was enabled by in-vessel systems on the market. State solid waste agencies, recognizing that on-site food scrap composting poses minimal threats to public health and the environment, began adopting on-site composting exemptions. Some states also created exemptions for composting food scraps on farms during this time. In some instances, farms were not allowed to sell the compost but instead were required to use it all for their own agricultural operations.

Permit-by-rule, on-site exemptions, and on-farm composting exemptions are the foundation of a tiered approach to regulating composting facilities that process source-separated organic waste streams, including food scraps. Site and operational requirements for processing SSO tend to be less restrictive at smaller volumes and then become more restrictive, e.g., more stringent storm water management and pad requirements, as the quantities of feedstock increase. Tiered approaches reduce barriers to entry for SSO composting, which is why this regulatory approach was prioritized in this report’s policy rubric. As reflected in the rubric structure, it is generally acknowledged that a tiered approach to permitting facilitates development of food scrap processing facilities. This is especially the case for existing yard trimmings composting operations that can move from a permit-by-rule status to a registration or permitted status (depending on quantity of food scraps received) without significant financial hardship (in terms of permitting fees, site improvement costs, etc.). What typically changes are the operating procedures, such as requiring that food scraps be incorporated into the composting process soon after their arrival. PFRP temperature requirements must also be met, especially when meat, dairy, and shellfish are included in the food scraps stream.

To date, regulation of anaerobic digestion facilities receiving food scraps (codigestion) varies by state. In Pennsylvania, for example, the state solid waste agency has a permit for codigestion on dairy farms; however, oversight of codigestion at wastewater treatment plants is done by the water/wastewater division (and by the EPA in some cases, in terms of discharge permits). In Ohio, the state solid waste agency defers permitting of digesters taking food scraps to the air and water quality divisions. The organics processing permitting infrastructure inventories illustrate these variations among states.

Policies in the Great Lakes Region

The organics processing infrastructure permitting policy inventories for the four Great Lakes states covered in this report reveal a regulatory hodgepodge—from essentially no permitting oversight of food scrap composting in Michigan to a well-established, tiered regulatory approach in Ohio.

An official in the Solid Waste Section of the Michigan Department of Environment, Great Lakes, and Energy (MI EGLE) said new composting regulations that use a tiered approach to the permitting of composting facilities will be introduced in the legislature in 2021. The department also proposes to change the existing term for food waste (*garbage*) to *source-separated food waste*. Currently, MI EGLE does not have a permit for sites to accept source-separated food waste. Facilities processing less than 5,000 cubic yards per acre are required only to register with the state; facilities wanting to process more than that must show they have capacity and capability to compost a greater volume of material.

Illinois regulations accommodate food scrap composting, but the allowance (“up to 49 percent additives,” which include food waste) is in a Public Act rather than the solid waste regulation. The Illinois Environmental Protection Agency (IL EPA) is revising its regulations in 2021 to include food scrap composting permitting in its solid waste rule.

Ohio has had tiered regulation since its composting rules were promulgated in 1993. It revises the rules as necessary. For example, in 2012 the Ohio Environmental Protection Agency (OHEPA) added a 300-square-foot area-based (versus quantity-based) exemption for small-scale composting of yard trimmings and food scraps, such as at community gardens. Rule revisions made in 2018 increased that limit to 500 square feet, in large part because the agency observed that these sites were operated without causing public nuisances.

The Wisconsin Department of Natural Resources (WI DNR) exempts facilities from obtaining a compost license if they process less than 50 cubic yards of yard materials or food scraps at one time. All facilities handling matter that meets the state's definition of source-separated compostable materials and that are processing more than 50 cubic yards of it must obtain a composting "license" (permit). Food scraps are categorized as a source-separated material; sites that manage no more than 5,000 cubic yards source-separated compostable material on site at one time may operate under reduced regulatory requirements.

FOOD SAFETY POLICIES FOR SHARE TABLES

Share tables in schools can promote food rescue efforts and also teach children about food waste and rescue. While the U.S. Department of Agriculture (USDA) provides guidance on establishing share tables in schools, a Strong Policy at the state level goes above and beyond this guidance by encouraging share tables and developing state-specific guidelines or instructions about food safety as it relates to donation. A Moderate Policy allows share tables but provides only limited guidance. A Weak Policy also allows share tables but provides no guidance or offers more restrictive rules and guidance than the federal government does.

From a broader food policy perspective, food donors and food rescue organizations must also comply with food safety regulations. These regulations often do not directly address food donation specifically and can be difficult to navigate for food donors and health inspectors alike. To facilitate increased food rescue, state and local actors can create better and more consistent food safety regulations, produce guidance on food safety regulations for food donation, and prepare health inspectors to serve as food donation advocates. While many of the states analyzed for this project have produced guidance on implementing share tables in schools, very few have promulgated clear, science-based food safety regulations for food donations or offered food safety guidance for food donation more broadly. Given this gap, an opportunity remains for policymakers and advocates at the state and local levels to push for the following changes: regulations that explicitly state what foods can be donated, state-wide uniformity among regulations that apply to donated foods, clarifying guidance on food safety for food donation to support potential food donors, and trainings for local health inspectors on safe food donation.

Policy in Action

Three of the four Great Lakes states analyzed here have established strong policies to provide guidance for share tables in schools. Notably, Wisconsin offers guidance on food rescue in schools as well as food safety requirements. In 2016 the state's Department of Public Instruction issued a letter encouraging efforts to reduce waste at school meals. Actions along these lines can also help to feed hungry people. Connecticut offers a cautionary tale of the importance of clear communication and coordinated efforts among stakeholders. In 2017, the Connecticut State Department of Education released a memorandum noting that the state's share table regulations limit their use to foods that are packaged or unpeeled and that do not require temperature control. This caused confusion among schools who thought the regulations could also apply to external donation—and thus felt compelled to dispose of foods like untouched apples and unopened cartons of milk. State agencies subsequently endorsed a guidance document that clarifies the distinction between share tables and donation to food rescue organizations, and the different regulations for each, and it has been made widely available to schools.

FOOD SYSTEMS PLANS, GOALS, AND TARGETS

Statewide food systems plans, where goals and targets are given the support of state infrastructure, will have a much broader impact than regional or local food systems plans. However, any food systems plan that actively considers food waste reduction and sets clear targets to reduce food loss and waste demonstrates a clear commitment to improving food systems. A Strong Policy designation indicates that there is a comprehensive statewide plan with a set of clear goals and targets that also incorporates food loss and waste reduction. A Moderate Policy features regional food systems plans or a state plan in which one of the following is true: There is limited support to achieve goals, there is a failure to coordinate with other regional plans, or there is little to no consideration of food waste reduction. Weak Policies are designated where there is a regional food systems plan that does not have broader state support and does not address food waste reduction.

Policy in Action

Illinois offers an example of a strong policy in this category, having developed a comprehensive statewide plan for managing both food and agriculture systems that takes food waste reduction into consideration. In the absence of state-level documents, many cities have also taken a leadership role in developing their food systems plans. Policies across the country, such as in Massachusetts, Rhode Island, and San Diego, have included very direct language about how reducing food waste is central to the success of the statewide food systems plan. Rhode Island's food strategy, *Relish Rhody*, supports a robust food system that also protects natural resources, promotes clean energy goals, and connects these goals to reducing food waste. To illustrate, one of the five integrated focus areas in Rhode Island's policy is "to minimize food waste & divert it from the waste stream."

PLANS TARGETING SOLID WASTE

Solid waste management plans set targets and a framework for achieving overall materials management and waste diversion goals. Plans that include food waste diversion demonstrate that a state actively considers the impact of food waste on materials management infrastructure, and the best ones are continuously updating their guidance to stay current. A Strong Policy features a current solid waste management plan, zero waste plan, or organics management plan that addresses food waste reduction and offers a strategy for reducing waste. A Moderate Policy highlights food waste as a diversion opportunity but has limitations or is out of date. States with a Weak Policy have plans that are more than a decade out of date and do not acknowledge the role of food waste reduction in diversion strategies.

Measuring Goals

States use a number of strategies to set goals and measure progress on food waste diversion, including analysis of recycling rates, waste reduction rates, or waste generation rates. Recycling rates compare the quantifiable amount of material generated in a territory with the amount of municipal solid waste disposed, but it can be challenging to accurately capture this data, and this approach does not account for waste reduction efforts. A waste reduction rate encompasses the information included in the recycling rate but adds consideration of waste reduction efforts. However, since it can be difficult to measure what is not created (as when food is not wasted), the calculation process can be complicated and the data provided can be less reliable than a recycling rate. A third strategy is to track the waste generation rate over time, either overall or per capita. In areas where waste handling facilities have finite capacity, this data point also helps state officials monitor infrastructure needs as they evolve.

Massachusetts is an example of a state that has evolved its goal-setting and data collection strategies over time, using each data point in different iterations of its solid waste master plan. Massachusetts arrived at using an overall waste generation rate to reduce staff labor required in monitoring goals and allow a focus on various materials reduction rates. As another example, in its *Beyond Waste* plan, New York took a per-capita waste generation rate approach, accounting for variations in population across the state.

CLIMATE ACTION GOALS

A climate action plan sets clear targets for addressing climate change and establishes clear pathways to meet those targets. With respect to policy vehicles, legislation ranks higher in this policy rubric because it demonstrates a statewide commitment to climate action, whereas executive orders can be revoked by later administrations. Even in the absence of explicit goals for food waste reduction, carbon reduction targets can be leveraged to justify and drive food waste reduction activities at the city and state level. Where state-level political support for climate action is lacking, cities can adopt their own plans and policies. These can incorporate the contribution that food waste reduction makes towards decreasing emissions while providing economic benefits.

Since food waste is a significant contributor to greenhouse gas emissions, a Strong Policy will incorporate a plan to reduce food waste and will identify action steps for specific departments to carry out the work outlined in the plan. A Moderate Policy features a plan that outlines climate action goals, along with supporting legislation or specific departments that have been tasked with action steps. A Weak Policy for a climate action goal is set by executive order with no legislative framework or enacted with limited legislative action and no framework to achieve goals.

GRANTS AND INCENTIVE PROGRAMS RELATED TO FOOD WASTE REDUCTION

State or local grant and incentive programs can be important catalysts for expanding food waste reduction activities across the hierarchy, from helping offset the costs of donation, to seeding startup food rescue organizations and supporting targeted infrastructure expansion, to providing technical assistance to marketplace stakeholders. A Strong Policy has a sustainable funding model to create grants and incentive programs that are explicitly aimed at food waste reduction. These programs also offer free technical assistance to support food waste reduction in an effort to lower the barriers to diversion. A Moderate Policy includes grants and funding for food waste reduction, but the funding may not be dedicated to this category or may be unsustainable, or technical assistance may not be offered. In states with a Weak Policy, grants to support food waste reduction are available, but more than one of the following is true: funding is not dedicated to this category, funding opportunities are not advertised or accessible, funding is unsustainable, or technical assistance is not provided.

Policy in Action

In addition to providing financial support, states and local entities are increasingly seeing the value and impact of educational programs and technical assistance for food waste generators. Several states provide technical assistance—tailored one-on-one support to an entity to implement food waste reduction strategies—which can lay the groundwork for a future waste ban or recycling mandate. In the absence of such legislation, a robust technical assistance program can still achieve meaningful results at all levels of the hierarchy. Complementary education and promotional campaigns allow broad outreach to constituents and can be an effective tool for raising awareness and spurring individual action. Every state and city has the opportunity to promote, and support constituents in, reducing food waste.

Austin, Texas, has implemented an ordinance that requires certain businesses to rescue surplus food and source-separate food scraps for processing separate from municipal solid waste. Each covered business must submit an annual diversion plan that gives an overview of the types of material that will be recovered and the handling strategy for each of these waste streams. To support enforcement efforts, city staff may inspect hauling and recycling contracts. The city also offers a Reduction or Reuse Credit, whereby businesses can offset performance standards for organics recycling through source reduction efforts. A Zero Waste Business Rebate of up to \$1,800 is also available to support businesses that are beginning or expanding zero waste initiatives, such as composting or recycling programs. Further, Austin Resource Recovery offers direct technical assistance to entities initiating organics diversion programs.

Establishing a framework for the state's highway department or other state agencies to use compost in construction projects is another incentive program that can be pursued to support compost markets. For example, Illinois's Compost-Amended Soil Construction Act requires state agencies using off-site soil for construction projects to bid for a compost-amended soil if a facility is located within 10 miles of the project. Not only does this provide a broader incentive for use of compost in state projects, but it also helps create an end market for finished compost, acknowledging the importance of compost sales on the sustainability of processing facilities.

Illinois Food Waste Policy Gap Analysis

Policy Category	Status	Recommendations and Potential Advocacy Opportunities
Organics Disposal Bans and Recycling Laws	<p>No Policy</p> <p>Illinois has a landfill disposal ban for yard trimmings.² But it has not enacted a food waste disposal ban, and there is no financial incentive structure to encourage food waste diversion.</p>	<ul style="list-style-type: none"> Enact an organic waste ban or mandatory organics recycling law for all commercial generators. Introduce a solid waste disposal tip fee that would help incentivize waste diversion while generating a revenue stream to fund food waste prevention and diversion programs. Cities or counties may be able to enact their own organic waste bans for food waste or establish incentive programs for food donation or waste diversion because they have the power to develop their own solid waste disposal plans. Incentive programs can come in the form of recognition, certification, or regulatory relief. <p>Note: Progress on the recommendations below, particularly in the areas of Liability Protection, Tax Incentives, Organics Processing Permitting, Food Systems Plans, and Solid Waste Management Plans can help make food waste reduction more common, which can lower barriers to implementing policies like a disposal ban.</p>
Date Labeling	<p>Weak Policy</p> <p>Illinois imposes date labeling requirements on eggs, which allows manufacturers to mark containers with an expiration date.³ However, there is no differentiation between quality-based and safety-based dates and no clear permission to donate after the quality-based date.</p>	<ul style="list-style-type: none"> Establish guidelines expressly allowing the donation or the freezing of food after a quality-based date, and educate businesses about donation. Launch education campaigns and guidance documents that promote consumer awareness and education on the meaning of date labels. Align any updates to date labeling policy with federal guidance.
Food Donation Liability Protections	<p>Weak Policy</p> <p>Illinois provides liability protection for donors and distributors of food offered for free and includes a presumption of good faith.⁴ This protection also includes donations of wild game and offers protection to farmers, food producers, processors, distributors, wholesalers, retailers, gleaners, individuals, and nonprofit or charitable organizations. However, liability protections do not explicitly cover donations directly to needy individuals or donations that are eventually supplied for a small fee.</p>	<ul style="list-style-type: none"> Provide liability protection beyond that offered at the federal level by the Bill Emerson Good Samaritan Food Donation Act, including: <ul style="list-style-type: none"> Liability protection for donations sold at a low price by distributing nonprofits. Liability protection for certain direct donations made by food businesses directly to those in need. Explicit liability protection when donors provide food products past a quality-based date.
Tax Incentives for Food Rescue	<p>No Policy</p> <p>Illinois provides no additional tax deductions or credits for the donation of food beyond those offered by the federal government.</p>	<ul style="list-style-type: none"> Offer tax incentives to offset the costs of food donation, including the cost of transporting donated food. Offer a tax credit for donation by farmers.

<p>Organics Processing Infrastructure Permitting</p>	<p>Moderate Policy</p> <p>Illinois does not have a separate tier for food waste composting facilities, but the IL EPA does allow acceptance of up to 49 percent food waste at permitted landscape waste composting operations. Very small garden composting operations are exempt from permitting and may incorporate food scraps.⁵ The state has no policies on anaerobic digestion facility permitting.</p>	<ul style="list-style-type: none"> ■ Increase the threshold volume of composted material to qualify for the permitting exemption—by adopting the IL EPA’s proposed threshold of 1,000 cubic yards. These proposed compost rule revisions should consider a tiered approach to permitting food scrap composting. ■ Ensure that source-separated organics permitting reduces barriers to entry for composting source-separated food waste through simplified permitting for the addition of food scraps at existing yard trimmings composting facilities. Also, provide an exemption from permitting for small-scale and/or community composting operations. Such a permitting process should be in sync with best management practices for composting source-separated food waste. ■ Develop a separate permitting pathway for anaerobic digestion of source-separated food waste that includes, where applicable, requirements similar to those imposed on composting source-separated food waste. ■ Bolster the market for finished compost by making permanent the existing procurement requirements issued on a pilot basis for the Illinois Department of Transportation. Also, expand procurement requirements for commercial developers and/or other government agencies (e.g., mandatory consideration of a bid for use of compost).
<p>Food Safety Policies for Share Tables</p>	<p>Weak Policy</p> <p>Illinois allows share tables but provides no resources or guidance on food safety for donation. All food safety guidelines are promulgated by local health departments, which may reference the USDA share table memo.⁶</p>	<ul style="list-style-type: none"> ■ Develop comprehensive and state-specific food safety guidance for share tables and food rescue. ■ Promote opportunities for schools to increase food rescue through share tables and other methods.
<p>Food Systems Plans, Goals, and Targets</p>	<p>Strong Policy</p> <p>Illinois has a comprehensive statewide plan for managing its food and agriculture systems.⁷ It identifies sustainable resource management, including reduction of food waste, as a goal and recommends more robust composting for food unfit for consumption.</p>	<ul style="list-style-type: none"> ■ Continue to update this plan, and include plain language about how strategies at all levels of the food recovery hierarchy directly bolster a strong food system. This can help garner resources to support food waste reduction programming that advances the goals of the plan.
<p>Plans Targeting Solid Waste</p>	<p>Strong Policy</p> <p>Illinois has passed a Solid Waste Planning and Recycling Act that gives counties and local municipalities primary responsibility for solid waste planning and identifies waste reduction and recycling as preferable to disposal.⁸ An amendment to this act created a Statewide Materials Management Advisory Committee, which is required to develop, by July 2021, a report documenting current practices and recommendations for setting and meeting waste diversion goals.</p>	<ul style="list-style-type: none"> ■ Complete the July 2021 report summarizing current materials management practices in the state and recommended actions to increase diversion. Use data collected to support recommendations further bolstering food waste as a diversion opportunity and exploration into other policy developments such as composting or anaerobic digestion. ■ Maintain and continue to develop existing plans to outline incremental goals and steps toward furthering organics diversion. ■ Municipalities can modify county and local solid waste management plans to strengthen their focus on food waste reduction, including by establishing a timeline for achieving diversion goals.

<p>Climate Action Goals</p>	<p>Weak Policy</p> <p>The legislature passed the Future Energy Jobs Act, which shifts the state to a clean energy economy and includes anaerobic digestion in the definition of renewable energy resources.⁹ But there is no legislative framework for climate action goals. The governor did sign an executive order entering Illinois into the U.S. Climate Alliance.¹⁰</p>	<ul style="list-style-type: none"> ■ Pass legislation to establish climate action goals that specifically address food waste reduction as it pertains to climate goals. ■ Task specific departments with actionable next steps for advancing emissions reductions in the context of reducing food waste. ■ Create specific recommendations for reducing food waste through climate action planning, and assign to specific departments actionable next steps for moving policy forward. ■ Local climate action goals and plans can be passed to draw the connection between emission reductions and reducing food waste and to further local efforts.
<p>Grants and Incentive Programs Related to Food Waste Reduction</p>	<p>Weak Policy</p> <p>Illinois established a Solid Waste Management Fund that provides support for recycling programs in the state, but other opportunities are limited.</p>	<ul style="list-style-type: none"> ■ Establish specific grants, incentives, and funding for food loss and waste prevention and for promotion of food rescue. ■ Build on existing incentive programs to advance food waste reduction and management activity. ■ Establish a free technical assistance program to help businesses divert organics from the waste stream. Local technical assistance programs can also support these efforts. ■ As a near-term, incremental option, consider implementing an incentive program to encourage businesses to divert food from the waste stream through donation or other measures. Incentives could come in the form of government recognition, certification, or other encouragement.

Illinois Food Waste Policy Inventory

ORGANICS DISPOSAL BANS AND RECYCLING LAWS

Illinois has a landfill ban for yard waste.¹¹ However, there are currently no disposal bans or recycling laws in Illinois that address food waste. There are a few statutes and rules around composting, but nothing that is mandatory.

DATE LABELING

In Illinois, date labeling is optional for eggs. If an expiration date is labeled on an egg container, the eggs within cannot be sold after that date. Notably, if an egg container does not have a date label, then it can be sold at any point. There are no restrictions on any food items that are donated after the date on the container.

Citation	Summary & Key Elements	Source
Ill. Admin. Code tit. 8 § 65.30 (2019)	<p>Title: Consumer Container Labeling Requirements</p> <p>Summary: Egg containers must be marked with the date on which the determination of grade and size was made. Containers <i>may</i> also include an expiration date, after which sale of the eggs is not permitted.</p> <p>Key Elements:</p> <ul style="list-style-type: none">■ It is allowable to include expiration dates in the labeling of consumer-size containers at retail.■ This expiration date must be no later than 45 days from the candling date for Grade A eggs and no later than 30 days from the candling date for Grade AA eggs.■ Eggs with an expiration date marked on the container shall not be offered for sale or sold to a consumer after the date marked on the container.	https://www.ilga.gov/commission/jcar/admincode/008/008000650000300R.html

FOOD DONATION LIABILITY PROTECTIONS AND TAX INCENTIVES FOR FOOD RESCUE

Illinois does not currently offer any state-level tax incentives for food rescue. Donors and distributors of donated items in good faith are not liable in any civil action.

Citation	Summary & Key Elements	Source
745 Ill. Comp. Stat. 50/1 et seq. (2001)	<p>Title: Good Samaritan Food Donor Act</p> <p>Summary: Extra civil liability protection is offered for both donors and distributors.</p> <p>Key Elements:</p> <ul style="list-style-type: none">■ No person, organization, or governmental agency that donates specified food items in good faith to a nonprofit or charitable organization shall be liable in any civil action, absent a showing of willful, wanton, or reckless acts, or where the donor had actual or constructive knowledge that the food was unsafe.■ No nonprofit or charitable organization that distributes donated food shall be liable in any civil action, absent a showing of willful, wanton, or reckless acts, or where the donor had actual or constructive knowledge that the food was unsafe.■ This protection includes wild game donors, farmers, food producers, processors, distributors, wholesalers, retailers, gleaners, any other person, a nonprofit organization, or charitable organization.	https://ilga.gov/LEGISLATION/ILCS/ilcs3.asp?ActID=2077&ChapterID=58

ORGANICS PROCESSING INFRASTRUCTURE PERMITTING

Title V of the Illinois Environmental Protection Act and 35 Illinois Administrative Code (IAC): Subtitle G regulate composting operations in the state. Landscape waste is regulated separately (under Part 830) from other organic waste, including food scraps, which is regulated under Part 807, IL EPA’s regulations adopted in the 1980s. Anaerobic digestion of food scraps also falls under Part 807. A facility receiving waste for composting is required to obtain a permit before it can accept any waste from off site. Public Act 96-0418 (passed by the Illinois legislature in 2009) made it possible to add food scraps (referred to in the regulation as an “additive”) to a landscape waste composting operation in Illinois without going through the state’s lengthy (and expensive) siting process under Part 807. The quantity of food scraps was originally limited to no more than 10 percent of the total volume handled at the facility. The Illinois Food Scrap Coalition summarized public acts related to compost from 2010 to 2018.¹² The quantity of additives allowed since 2010 has increased over the years. An IL EPA regulator noted in correspondence (in March 2021), “We now say that if you can demonstrate that the additives (excluding sewage and wastewater treatment plant sludge, which are banned by Section 830.202[a]) are compostable and will not detrimentally affect the finished compost, up to 49 percent additives are allowed (51 percent or more must be landscape waste). Composting and anaerobic digestion facilities that accept less than 50 percent landscape waste (i.e., where food scraps are greater than 50 percent) are regulated under Part 807 (note: no specific references to composting could be found in the Part 807 regulatory language).”¹³ IL EPA is updating the 35 Il. Adm. Code Part 830 to include organic waste composting (no longer regulating it under Part 807). The agency aims to submit the revised Part 830 regulations to the Illinois Pollution Control Board in the summer of 2021 for review. Additionally, Illinois has a statute, 415 Ill. Comp. Stat. 5 / 22.55 (2016), Household Waste Drop-Off Points, that outlines the requirements for the collection of compostable waste, including food waste, at temporary locations (e.g., at a one-day event) or permanent drop-off points. Entities operating drop-off points must comply with the requirements outlined in the statute, such as securing materials in nonporous, rigid, covered, leakproof containers and transferring compostable waste to a permitted composting facility within a specified time frame.

Illinois prohibits feeding food scraps, which includes animal-derived waste and vegetable waste, to any animal. The exception to this rule is that individuals may feed their household garbage to their own swine.

Citation	Summary & Key Elements	Source
<p>Ill. Admin. Code tit. 35, § 830, Subpart B (1998)</p>	<p>Title: Standards for Owners and Operators of Landscape Waste Compost Facilities</p> <p>Summary: Under Part 830, an IL EPA permit is required for composting activities conducted in Illinois at a facility that accepts landscape waste from off site. Applicability depends on the waste type, the source of the waste, and the location of the composting facility.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Specific measures must be taken to control odors, litter, vectors, and dust and noise generated from truck or equipment operation. ■ Required odor minimization plan must specify: <ul style="list-style-type: none"> □ Readily available supply of bulking agents, additives, or odor-control agents. □ Procedures for avoiding delay in processing and managing landscape waste during all weather conditions. □ Methods that take into consideration time of day, wind direction, moisture percentage, estimated odor potential, and degree of maturity prior to turning or moving composting material. ■ Landscape waste must be processed within 5 days of receipt into windrows or other piles that promote proper conditions for composting. Incoming leaves, brush, or woody landscape waste may be stored in designated areas for use as a carbon source and bulking agent rather than be processed into windrows or other piles. ■ A landscape waste composting facility can request use of additives beneficial to the composting process. All additives must be approved and identified in the facility’s permit. For food waste, permits typically stipulate that it must be incorporated within 24 hours. 	<p>https://www.ilga.gov/commission/Jcar/admincode/035/03500830sections.html</p>

Citation	Summary & Key Elements	Source
<p>Ill. Admin. Code tit. 35, § 830, Subpart B (1998)</p>	<ul style="list-style-type: none"> ■ Facilities must be designed and constructed so that run-on is diverted around the composting area. The runoff from the facility resulting from precipitation less than or equal to a 10-year, 24-hour precipitation event must be controlled so as not to cause or contribute to a violation of the Environmental Protection Act. ■ General-use compost (no restrictions on distribution) must not contain man-made materials larger than 4 millimeters in size exceeding 1 percent of the end-product compost on a dry weight basis. Compost pH must be between 6.5 and 8.5 and must have reached stability (meaning that the compost does not reheat, upon standing, to greater than 20 °C above room temperature (20 to 25 °C), or the end-product compost supports a germination rate of 70 percent for annual ryegrass and radish. Specific protocols for each test are provided.¹⁴ ■ The following types of facilities or activities are exempt, i.e., not required to obtain a permit for composting: <ul style="list-style-type: none"> □ Composting of landscape waste generated by a facility's own activities at the composting site. □ Applying landscape waste or composted landscape waste at agronomic rates (amount of nutrients needed by the crop being grown). □ Landscape waste composting facility on a farm that meets all criteria set forth at 35 Ill. Adm. Code Section 830.106. Criteria specify the amount of land on a farm that can be used for composting, require application of compost on that farm at agronomic rates, and require use of the compost within 18 months of its production. □ Garden composting operation that has no more than 25 cubic yards of landscape waste, composting material, or end product on site at any one time and is not engaging in commercial activity. (Proposed regulations would raise that limit to 1,000 cubic yards, according to IL EPA.) 	<p>https://www.ilga.gov/commission/Jcar/admincode/035/03500830sections.html</p>
<p>Ill. Admin. Code tit. 35, § 807 (2011)</p>	<p>Title: Solid Waste and Special Waste Hauling: Solid Waste</p> <p>Summary: Nonhazardous waste treatment falls under Part 807. This currently includes organic waste composting of feedstocks other than landscape waste as well as anaerobic digestion of organic waste.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Part 807.104 does not include composting or anaerobic digestion on its list of words or terms (definitions) for Part 807, nor were references found in the regulatory language.¹⁵ ■ Forthcoming IL EPA revisions will put organic waste composting under Part 830. ■ An IL EPA regulator notes that Section 807 is the agency's oldest regulation and that permitting is therefore mostly "procedural rather than specific regulations." 	<p>https://www.ilga.gov/commission/jcar/admincode/035/03500807sections.html</p>
<p>720 Ill. Comp. Stat. § 5/48-7 (2015)</p>	<p>Title: Feeding Garbage to Animals</p> <p>Summary: No establishment may feed animal-derived waste or vegetable waste to animals unless it is licensed under the Illinois Dead Animal Disposal Act.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Garbage includes putrescible vegetable waste and any waste material derived from the meat of any animal or other animal material. ■ It is prohibited to feed garbage to any animal, and doing so is a Class B misdemeanor resulting in a first-offense fine of \$100–\$500 and a second-offense fine of \$200–\$500. ■ Individuals are allowed to feed their own swine garbage from their household. 	<p>https://ilga.gov/legislation/ilcs/documents/072000050K48-7.htm</p>

Citation	Summary & Key Elements	Source
225 Ill. Comp. Stat. § 610/ (2015)	<p>Title: Illinois Dead Animal Disposal Act</p> <p>Summary: Sets out requirements for licensing of dead animal disposal operations.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> Waste from animal remains may be blended in order to obtain a desired percentage of protein, degree of quality, or color for use in animal feed, poultry feed, or fertilizers, subject to licensing requirements promulgated by the Illinois Department of Agriculture. 	https://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1376&ChapterID=24

FOOD SAFETY POLICIES FOR SHARE TABLES

Illinois has created no food safety guidance for share tables in schools. The state has, however, issued regulations setting out specific food safety requirements for the donation of game animals.

Citation	Summary & Key Elements	Source
Ill. Admin. Code tit. 77, § 750.500 (2018)	<p>Title: Special Requirements</p> <p>Summary: Sets out food safety requirements for liability protection for game animals donated under the Good Samaritan Food Donor Act.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> To receive protection from liability, field-dressed wild game animals that are donated must receive a postmortem inspection approved by the regulatory agency overseeing animal health. The game must comply with all dressing and processing requirements. 	https://www.ilga.gov/commission/jcar/admincode/035/03500807sections.html

FOOD SYSTEMS PLANS, GOALS, AND TARGETS

Several stakeholder groups have created plans and recommendations for improving food systems across Illinois, including the Illinois Agri-Food Alliance and the Illinois Local and Organic Food and Farm Task Force. In addition, a number of plans and reports have been developed to address food systems change at the local and regional levels within the state, including the ON TO 2050 Local Food plan, the Cook County Food Access Plan, and the Chicago Food Systems Report.

Citation	Summary & Key Elements	Source
Food and Agriculture Roadmap for Illinois (FARM Illinois) (2015)	<p>Summary: This comprehensive statewide plan was published by the Illinois Agri-Food Alliance. Involving more than 150 stakeholders in a nine-month planning process, the plan tracks opportunities and challenges in Illinois's food and agriculture systems. It identifies goals for food access and food production.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> Identifies comprehensive goals for Illinois's food and agriculture systems. Identifies sustainable resource management, including reduction of food waste, as a goal. Identifies food banks as an important avenue to proper food waste diversion. Recommends an agricultural surplus clearance program. Recommends more robust composting for food unfit for consumption. 	https://ilagrifood.org/wp-content/uploads/2015/06/FARM-IL-Report-2015_FULL_vF3.pdf
ON TO 2050: Local Food (2018)	<p>Summary: This comprehensive plan, published by the Chicago Metropolitan Agency for Planning, includes a section on local food and related sections on agriculture and land use.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> Summarizes data on crop production, food access, and land preservation, focusing on local food production. Discusses and analyzes food access progress since previous comprehensive plan. Emphasizes importance of resilient and diverse local food system. Does not discuss food donation or waste. 	https://www.cmap.illinois.gov/documents/10180/768083/FY18-0020_Local+Food_FINAL.pdf/cf2523ab-a59e-a583-da66-bcd659fd61dc?t=1510033298552

Citation	Summary & Key Elements	Source
<p>Cook County Food Access Plan (2015)</p>	<p>Summary: This plan, developed by the Greater Chicago Food Depository and Cook County, identifies goals and strategies to reduce food insecurity in Cook County from 2015–2017.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Includes data on food insecurity and poverty in Cook County. ■ Identifies goals and strategies for reducing food insecurity. ■ Explores relationship between food access and economic development/land use. 	<p>https://www.chicagosfoodbank.org/wp-content/uploads/2016/10/Cook_County_Food_Access_Plan.pdf</p>
<p>Local Food, Farms & Jobs: Growing the Illinois Economy (2009)</p>	<p>Summary: This was developed as a report to the Illinois General Assembly by the Illinois Local and Organic Food and Farm Task Force. The plan shows how the state should develop its food system and encourages Illinois’s rural, urban, and suburban communities to cooperate statewide to develop local farm production, infrastructure, customer access, and public education.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Recommends legislation that <ul style="list-style-type: none"> □ Directs state agencies to align their missions to support this strategy for job creation, public health, and food security; □ Supports the Local Foods Initiative of the University of Illinois Extension; □ Encourages state institutions to procure at least 20 percent of their food locally by 2020; □ Assembles a team to eliminate regulatory barriers restricting local food production and marketing; and □ Creates the Illinois Local Food, Farms, and Jobs Council, which will be commissioned to facilitate local farm and food system development statewide. 	<p>https://foodfarmsdemocracy.net/wp-content/uploads/2017/10/FoodFarmsJobsreport.pdf</p>
<p>Chicago Food Systems Report (2009)</p>	<p>Summary: Published by the Chicago Community Trust, this report identifies issues, challenges, and opportunities for the regional food system and makes recommendations for food infrastructure, education, and data and indicators.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Tracks challenges to food systems, highlighting food waste. ■ Includes, among many recommendations, collection of local information on food waste reduction and processing. ■ Recommends including food waste issues in local land use, infrastructure, and comprehensive plans. ■ Recommends making services and programs available to assist diverse local food waste businesses. 	<p>https://www.cmap.illinois.gov/documents/10180/31446/012610+FOOD+SYSTEMS.pdf/67bf510e-62f8-4cec-ae58-c91f0212aef3</p>
<p>Chicago: Eat Local; Live Healthy (2007)</p>	<p>Summary: Produced and published by the Chicago Department of Planning and Development along with other Chicago city agencies, this plan envisions a food system in which the production, distribution, and marketing of locally grown, healthy food and value-added products are available, accessible, and affordable year-round to all city residents and are produced in an environmentally sound manner.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Maps challenges to and development of Chicago-area food system. ■ Recommends increasing the supply of locally grown produce. ■ Recommends increasing food production and composting in Chicago neighborhoods, noting Illinois hunger facts. ■ Identifies strategies for increasing access to locally grown, healthy food. 	<p>https://www.chicago.gov/content/dam/city/depts/zlup/Sustainable_Development/Publications/Eat_Local_Live_Healthy_Brochure/Eat_Local_Live_Healthy.pdf</p>

PLANS TARGETING SOLID WASTE

The Illinois Solid Waste Planning and Recycling Act establishes a process by which counties are required to develop materials management plans. An amendment to this act created a Statewide Materials Management Advisory Committee, which is required to develop a report documenting current statewide materials management practices and recommendations for establishing and meeting diversion goals. This report was due to the General Assembly by July 1, 2021. The Illinois Solid Waste Management Act provides a broader framework for approaching disposal as a last option and establishes a comprehensive outline for solid waste management in the state.

Citation	Summary & Key Elements	Source
<p>415 Ill. Comp. Stat. 15/ (2014)</p>	<p>Title: Solid Waste Planning and Recycling Act</p> <p>Summary: Gives counties primary responsibility for solid waste planning and identifies waste reduction and recycling as preferable to disposal.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Encourages multicounty or regional planning through coordination among local governments. ■ Establishes a Statewide Materials Management Advisory Committee, which includes two members representing producers of compost, to review current practices and opportunities for waste reduction, recycling, reuse, and composting and to develop a report summarizing current materials management practices in the state in addition to recommended actions to increase diversion. This report, due on or before July 1, 2021, will also recommend diversion goals for 2025, 2030, and 2035. ■ Sets a schedule for the repeal of the section on the Statewide Materials Management Advisory Committee on July 1, 2022. ■ Mandates that county waste management plans include a recycling program that incorporates leaf composting. 	<p>https://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1587&ChapterID=36</p>
<p>Public Act 101-0074</p>	<p>Title: Public Act 101-0074</p> <p>Summary: Amends the Solid Waste Planning and Recycling Act proposal to reestablish the Statewide Materials Management Advisory Committee.¹⁶</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Mandates contents of report to be produced by Statewide Materials Management Advisory Committee, including: <ul style="list-style-type: none"> □ Recommended elements for counties to include in plans; □ A standard methodology for counties to determine annual waste-generation rate and disposal and diversion rates; □ Recommended standard actions to increase diversion rates; □ Recommended public outreach programs that would maximize waste diversion; and □ A list of nonpermitted facilities involved in composting (optional). ■ Subcommittees of this group include:¹⁷ <ul style="list-style-type: none"> □ Education □ Infrastructure □ Local Government Support □ Market Development □ Measurement ■ Establishes a process by which this section will be repealed on July 1, 2022. 	<p>https://ilga.gov/legislation/BillStatus.asp?DocTypeID=HB&DocNum=3068&GAID=15&SessionID=108&LegID=119429</p>

Citation	Summary & Key Elements	Source
415 Ill. Comp. Stat. 20/ (2018)	<p>Title: Illinois Solid Waste Management Act</p> <p>Summary: This act establishes a waste management hierarchy that promotes source reduction, reuse, and recycling before disposal options and creates a framework for a comprehensive solid waste management program in Illinois.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Requires state agencies to use compost through land maintenance of public acreage when feasible. ■ Establishes a waste reduction goal for state facilities of 25 percent by December 31, 1995, and 50 percent by December 31, 2000. ■ Requires state-supported institutions of higher learning to develop waste reduction plans by January 1, 1995. ■ Empowers the Department of Commerce and Economic Opportunity to implement the requirements set forth in the act, including by establishing a grant program and offering public education for recycling and composting. <ul style="list-style-type: none"> □ Per Executive Order 2017-3, effective July 2017, all recycling and waste reduction functions are now administered by the Illinois Environmental Protection Agency.¹⁸ ■ Requires the development of a report on marketing compost from centralized sites in the state by March 1, 1989. 	https://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1588&ChapterID=36

CLIMATE ACTION GOALS

In 2019, Governor J. B. Pritzker entered Illinois into the U.S. Climate Alliance through Executive Order 2019-06, committing to meeting greenhouse gas emissions reductions aligned with the United Nations Paris Agreement. A subsequent Future Energy Jobs Act was passed, setting a path for the state to shift to a clean energy economy and including anaerobic digestion of food waste as a component of a renewable-electricity-generating facility.

Citation	Summary & Key Elements	Source
Executive Order 2019-06 (January 23, 2019)	<p>Summary: Enters Illinois into the U.S. Climate Alliance.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Through participation, the state commits to: <ul style="list-style-type: none"> □ Reducing greenhouse gas emissions by 2025; □ Monitoring and reporting progress toward this goal; and □ Supporting policies that promote emissions reductions and clean energy. 	https://www2.illinois.gov/Pages/government/execorders/2019_6.aspx
Illinois Public Act 99-0906	<p>Title: Future Energy Jobs Act (FEJA)</p> <p>Summary: Shifts the state to a clean energy economy while creating jobs and job training opportunities.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Includes anaerobic digestion in the definition of “renewable energy resources.” ■ Includes anaerobic digestion of food processing waste in the definition of “eligible renewable electrical generating facility.” 	<p>Bill:</p> <p>https://www.ilga.gov/legislation/99/SB/PDF/09900SB2814lv.pdf</p> <p>Public information:</p> <p>https://www.futureenergyjobsact.com/</p>
Putting Consumers & Climate First, Office of Governor J. B. Pritzker	<p>Summary: Establishes eight principles for a clean and renewable economy as identified by Governor Pritzker.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ Acknowledges the importance of a transition to a clean energy economy. ■ Identifies a need for the state to set a goal of 100 percent clean energy by 2050. ■ Does not include direct references to food waste diversion or anaerobic digestion. 	https://www2.illinois.gov/IISNews/21974-Putting_Consumers_Climate_First-Governor_Pritzkers_Eight_Principles_for_a_Clean_Renewable_Illinois_Economy.pdf

GRANTS AND INCENTIVE PROGRAMS RELATED TO ADVANCING FOOD WASTE REDUCTION

The Environmental Protection Act established a Solid Waste Management Fund, which is supported by fees collected for landfill tipping. This fund provides support for recycling programs in the state. According to the Market Development Subcommittee of the Materials Management Advisory Committee, funding may be temporarily unavailable due to the COVID-19 pandemic.¹⁹

Citation	Summary & Key Elements	Source
<p>30 Ill. Comp. Stat. 500/45-22 (2019)</p>	<p>Title: Compost-Amended Soil Construction Act</p> <p>Summary: Requires state agencies that have a construction project that uses off-site soil to bid for compost-amended soil if a permitted facility is located within 10 miles of the project.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ The state agency must consider whether compost-amended soil should be used on the basis of estimated cost. ■ The state agency must use compost-amended soil for a landscape project if the cost is equal to or less than the cost of other new off-site soil. ■ The Department of Transportation is required to conduct two pilot road construction demonstrations using compost-amended soil in 2019 and provide a report to the General Assembly outlining costs, cost savings, and advantages and disadvantages of the compost use. 	<p>https://www.ilga.gov/legislation/ilcs/fulltext.asp?DocName=003005000K45-22</p>
<p>415 Ill. Comp. Stat. 5/22.15 (2020)</p>	<p>Title: Environmental Protection Act</p> <p>Summary: Establishes the Solid Waste Management Fund, a system to support the state's solid waste management programs through a landfill tipping fee.</p> <p>Key Elements:</p> <ul style="list-style-type: none"> ■ This fund is to be used by the Environmental Protection Agency and Department of Commerce and Economic Opportunity as outlined in the Illinois Solid Waste Management Act. ■ The act sets tipping fees for ranges of cubic yards of waste. ■ It enables the state comptroller to direct \$5 million per fiscal year from the Solid Waste Management Fund to the General Revenue Fund between July 1, 2018, and FY 2021. ■ Empowers local governments that have a solid waste disposal facility located within their boundaries to establish a tax, fee, or surcharge for waste disposal to support a variety of "solid waste management purposes," including enforcement, planning, implementation, and other activities consistent with the Solid Waste Management Act and the Local Solid Waste Disposal Act. 	<p>https://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1585&ChapterID=36</p>
<p>35 Ill. Comp. Stat. 200/18-165 (2019)</p>	<p>Title: Illinois Property Tax Act</p> <p>Summary: Includes recycling businesses among the commercial or industrial firms that can petition local taxing districts for abatement of taxes under certain circumstances.</p>	<p>http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=596&ChapterID=8</p>
<p>Illinois Finance Authority Loans</p>	<p>Summary: The Illinois Finance Authority offers several programs, including a Value-Added Stock Purchase Guarantee, a Young Farmer Guarantee Program, and a Rural Development Loan Program, which offer loans to farmers or businesses in the state. These loan programs do not explicitly mention projects involving composting food waste but may be potential fits for such projects.</p>	<p>Guide to Federal, State and Regional Loan and Grant Programs for Agribusiness: https://www2.illinois.gov/epa/Documents/epa.state.il.us/water/cafo/cafo-loan-matrix.pdf</p>

Food Waste Reduction Policy Gap Analysis Rubric

Organics Disposal Bans and Recycling Laws	Date Labeling	Food Donation Liability Protections	Tax Incentives for Food Rescue	Organics Processing Infrastructure Permitting	Food Safety Policies for Share Tables	Food Systems Plans, Goals, and Targets	Plans Targeting Solid Waste	Climate Action Goals	Grants and Incentive Programs Related to Food Waste Reduction
NO POLICY									
No organics disposal bans or mandatory organics recycling laws for food waste have been enacted, and there is no financial incentive structure to encourage food donation or food waste diversion.	There are no laws pertaining to date labels on food products.	There is no state-based liability protection for donated food.	There are no tax incentives for food donation.	<p>Solid waste regulations have no separate streamlined tier for processing source-separated organics. That is, food waste composting is considered solid waste composting, and this presents a barrier to entry for small composters.</p> <p>There is no acknowledgment of anaerobic digestion of source-separated organics from the municipal solid waste stream.</p> <p>No exemption tier exists for small quantities of source-separated food waste.</p>	N/A	No regional or statewide food systems plans exist. Some local plans may exist.	No solid waste management plan or organics management plan exists at the state level.	No climate action goals exist.	No state plans, programs, or policies allocate funding or incentives to support food waste reduction.

Organics Disposal Bans and Recycling Laws	Date Labeling	Food Donation Liability Protections	Tax Incentives for Food Rescue	Organics Processing Infrastructure Permitting	Food Safety Policies for Share Tables	Food Systems Plans, Goals, and Targets	Plans Targeting Solid Waste	Climate Action Goals	Grants and Incentive Programs Related to Food Waste Reduction
WEAK POLICY									
Organics disposal bans or mandatory organics recycling laws have been enacted but are ineffective due to exemptions, limited scope, and/or lack of guidance.	The state requires date labels for certain foods and prohibits or limits the sale or donation of food after its label date.	State-based liability protections for food donation exist but are no broader than the federal-level protections or cover either food donors or food rescue organizations, but not both.	N/A	<p>There is a regulatory tier that includes source-separated organics, but at least two of the following are true:</p> <ul style="list-style-type: none"> ■ Requirements for composting source-separated organics are the same as those for composting mixed solid waste, creating significant barriers to opening a facility. ■ Quantity or acreage limitations for source-separated organics tier(s) negatively impact economic viability of operation. ■ Regulations include language about anaerobic digestion of source-separated organics but are vague or have no language addressing what is allowed. 	Share tables are allowed, but the state provides no resources or guidance on food donation safety, OR the state's share table rules are more restrictive than federal guidance.	Some regional food systems plans exist, but they do not have the support of the state and do not adequately consider food waste reduction in food systems planning.	Solid waste management plans exist but are out of date (more than 10 years old) and do not highlight food waste as a diversion opportunity (via prevention, rescue, donation, and/or processing through composting or anaerobic digestion).	<p>Climate action goals exist, but one of the following is true:</p> <ul style="list-style-type: none"> ■ Goals are in the form of executive orders, with no legislative framework. ■ There has been limited legislative action but no real framework or actionable next steps to achieve targets. 	<p>Grants, incentives, or funds for food waste reduction are available, but more than one of the following is true:</p> <ul style="list-style-type: none"> ■ Funding is not explicitly allocated for food waste reduction work as opposed to other diversion strategies. ■ Funding opportunities are not made known to or accessible to relevant applicants. ■ Available funding is unsustainable or insufficient to support desired activities (includes the issuance of one-time grants but does not include funding on pause due to COVID-19). ■ No technical assistance is available to food service waste generators to support food waste reduction efforts.

Organics Disposal Bans and Recycling Laws	Date Labeling	Food Donation Liability Protections	Tax Incentives for Food Rescue	Organics Processing Infrastructure Permitting	Food Safety Policies for Share Tables	Food Systems Plans, Goals, and Targets	Plans Targeting Solid Waste	Climate Action Goals	Grants and Incentive Programs Related to Food Waste Reduction
MODERATE POLICY									
Organics disposal bans or mandatory recycling laws are imposed on select commercial generators, with few exemptions.	The state requires date labels for certain foods but does not prohibit or limit the sale or donation of food after its label date.	State-based liability protections cover donations directly to individuals or donations that are supplied for a small fee, or are otherwise slightly more expansive than the federal-level protections.	The state offers a tax incentive for donating food, but the incentive does not fully offset the costs associated with donation, including transportation.	There is a regulatory tier that includes source-separated organics, and the state may have committed to market development for recycled organic materials, but one of the following is true: <ul style="list-style-type: none"> ■ Requirements for composting source-separated organics are the same as those for composting mixed solid waste, creating significant barriers to opening a facility. ■ Quantity or acreage limitations for source-separated organics tier(s) negatively impact economic viability of operation. ■ Regulations include language about anaerobic digestion of source-separated organics but are vague or have no language addressing what is allowed. 	Share tables are allowed, and the state provides share table guidance, though that guidance is limited.	Robust regional food systems plans or state food systems plans exist, but one of the following is true: <ul style="list-style-type: none"> ■ Framework or support to achieve targets is limited. ■ There is no coordination with other regional food systems plans (if no state plan exists). ■ Plans' consideration of food waste reduction is inadequate. 	Solid waste management plans and/or organics management plans exist and highlight food waste as a diversion opportunity (via prevention, rescue, donation, and/or processing through composting or anaerobic digestion) but are out of date (more than 10 years old) or have limitations.	Climate action goals exist, and one of the following is true: <ul style="list-style-type: none"> ■ Legislated climate action planning sets forth recommendations for reducing food waste. ■ Specific departments have been tasked with actionable next steps for moving policy forward. 	Grants, incentives, or funds for food waste reduction are available, and one of the following is true: <ul style="list-style-type: none"> ■ Funding is not explicitly allocated for food waste reduction work as opposed to other diversion strategies. ■ Available funding is unsustainable or insufficient to support desired activities. ■ No technical assistance is available to food service waste generators to support food waste reduction efforts.

Organics Disposal Bans and Recycling Laws	Date Labeling	Food Donation Liability Protections	Tax Incentives for Food Rescue	Organics Processing Infrastructure Permitting	Food Safety Policies for Share Tables	Food Systems Plans, Goals, and Targets	Plans Targeting Solid Waste	Climate Action Goals	Grants and Incentive Programs Related to Food Waste Reduction
STRONG POLICY									
<p>Organics disposal bans or mandatory recycling laws for food waste have been enacted and are enforced for all commercial generators (and potentially for individuals at the household level).</p>	<p>The state maintains a standardized, mandatory date labeling policy that clearly differentiates between quality-based and safety-based labels; the state does not prohibit or limit the sale or donation of food after its label date; and the state has issued clear permission to donate after the quality-based date.</p>	<p>State-based liability protections are more expansive than the Bill Emerson Good Samaritan Food Donation Act and apply to donations directly to individuals as well as donations that are supplied to the final consumer for a small fee.</p>	<p>The state offers tax deductions or tax credits for donating food that offset the costs associated with donation, including transportation.</p>	<p>The state has a regulatory tier that includes source-separated organics and has committed to market development for recycled organic materials, and all of the following are true:</p> <ul style="list-style-type: none"> ■ Policy reduces barriers to entry for composting source-separated organics, such as through simplified permitting for the addition of food scraps at existing yard trimmings composting facilities or via exemption from permitting for small-scale and/or community composting operations. ■ Restrictions imposed on facility design and operation are in sync with best management practices for composting of source-separated organics. ■ There is a separate permitting pathway in solid waste regulations for anaerobic digestion of source-separated food waste that includes, where applicable, requirements similar to those imposed on composting source separated food waste—for example, contaminant limits on digestate that are similar to limits imposed on compost. 	<p>Share tables are allowed and encouraged, and the state provides state-specific guidelines or instructions about food safety as it relates to donation.</p>	<p>The state has developed comprehensive, statewide food systems plans, and both of the following are true:</p> <ul style="list-style-type: none"> ■ There is a robust framework or support to achieve clear goals and targets. ■ Reduction of food loss and waste is a major component of food systems plans. 	<p>Solid waste management plan, zero waste plan, or organics management plan is kept current, and it outlines waste diversion goals and recommendations for diversion, including reduction of food waste (via prevention, rescue, donation, and/or processing through composting or anaerobic digestion).</p>	<p>Climate action goals exist, and both of the following are true:</p> <ul style="list-style-type: none"> ■ Legislated climate action planning sets forth recommendations for reducing food waste. ■ Specific departments have been tasked with actionable next steps for moving policy forward. 	<p>Grants, incentives, or funds for food waste reduction are available, and all of the following are true:</p> <ul style="list-style-type: none"> ■ Funding is explicitly allocated for food waste reduction work as opposed to other diversion strategies. ■ Available funding is sustainable and sufficient to support desired activities. ■ Free technical assistance is available to food service waste generators to support food waste reduction efforts.

ENDNOTES

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- 2 415 ILL. COMP. STAT. 15 (1989).
- 3 ILL. ADMIN. CODE tit. 8 § 65.30 (2019).
- 4 745 ILL. COMP. STAT. 50 (1981).
- 5 ILL. ADMIN. CODE tit. 35 § 830.105 (1994).
- 6 U.S. Department of Agriculture, “The Use of Share Tables in Child Nutrition Programs,” June 2016, https://fns-prod.azureedge.net/sites/default/files/cn/SP41_CACFP13_SFSP15_2016os.pdf.
- 7 Illinois Agri-Food Alliance, *FARM Illinois: A Food and Agriculture Roadmap for Illinois*, May 2015, https://ilagrifood.org/wp-content/uploads/2015/06/FARM-IL-Report-2015_FULL_vF3.pdf.
- 8 415 Ill. Comp. Stat. 15 (2014).
- 9 Illinois Public Act 99-0906, <https://www.ilga.gov/legislation/99/SB/PDF/09900SB2814lv.pdf>.
- 10 State of Illinois Executive Department, “Executive Order Joining the US Climate Alliance and Committing to the Principles of the Paris Climate Agreement.,” Executive Order 2019-06, January 23, 2019, https://www2.illinois.gov/Documents/ExecOrders/2019/19626-Executive_Order_2019-06.pdf.
- 11 415 ILL. COMP. STAT. 15, *supra* note 2.
- 12 Illinois Food Scrap Coalition, “Compost Related Legislation in Illinois,” 2019, <https://illinoiscomposts.org/il-legislation/>.
- 13 415 ILL. COMP. STAT. 5 (1970).
- 14 ILL. ADMIN. CODE tit. 35, § 830, App. B (2021).
- 15 ILL. ADMIN. CODE tit. 35, § 807.104 (1985).
- 16 Illinois Environmental Protection Agency (hereinafter IL EPA), “Materials Management Advisory Committee,” <https://www2.illinois.gov/epa/topics/waste-management/materials-management/Pages/Materials-Management-Advisory-Committee.aspx> (accessed Mar. 20, 2021).
- 17 *Ibid.*
- 18 State of Illinois Executive Department, “Executive Order Transferring Certain Functions From the Department of Commerce and Economic Opportunity to the Department of Natural Resources and the Environmental Protection Agency,” Executive Order 2017-03, March 31, 2017, <https://www2.illinois.gov/Documents/ExecOrders/2017/ExecutiveOrder2017-3.pdf>.
- 19 Materials Management Advisory Committee, Market Development Subcommittee, “Meeting Notice,” [https://www2.illinois.gov/epa/topics/waste-management/materials-management/Documents/MMAC%20Market%20Development%20Subcommittee%20Meeting%20Notice.Agenda.Minutes%20\(02.09.2021\).pdf#search=Solid%20Waste%20Management%20Fund%20grants](https://www2.illinois.gov/epa/topics/waste-management/materials-management/Documents/MMAC%20Market%20Development%20Subcommittee%20Meeting%20Notice.Agenda.Minutes%20(02.09.2021).pdf#search=Solid%20Waste%20Management%20Fund%20grants) (accessed Mar. 20, 2021). IL EPA, “Materials Management Advisory Committee.”