STATE OF NEW YORK

7809--A

Cal. No. 648

2025-2026 Regular Sessions

IN SENATE

May 9, 2025

Introduced by Sens. SALAZAR, BRISPORT, COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- recommitted to the Committee on Environmental Conservation in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the environmental conservation law, in relation to establishing state composting programs

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Article 27 of the environmental conservation law is amended by adding a new title 34 to read as follows:

TITLE 34

STATE COMPOSTING PROGRAMS

Section 27-3401. State composting programs.

§ 27-3401. State composting programs.

1. For the purposes of this section, the following terms shall have the following meanings:

(a) "agency" means any department, agency, board, public benefit corporation, public authority, or commission; and

(b) "compostable" means all the materials in the product will (i) undergo degradation by biological processes during composting to yield carbon dioxide, water, inorganic compounds, and biomass at a rate consistent with other known compostable materials; and (ii) leave no visible, distinguishable or toxic residue, including no adverse impact on the ability of composts to support plant growth once the finished compost is placed in soil.

2. Beginning one year after the effective date of this section, all state agencies shall establish a composting program in buildings owned, occupied or operated by such agencies that shall, at a minimum:

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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(a) require that all compostable waste including but not limited to food scraps, plant trimmings, food-soiled paper and certified compostable products from garbage and other recyclables be separated and placed in labeled containers;

(b) post and maintain signs with instructions on identifying and separating compostable waste from garbage and recyclables;

(c) ensure agency employees place compostable waste in appropriately labeled containers and do not mix such waste with garbage or recyclables;

(d) ensure containers are latched at the time of storage or set-out; and

(e) arrange for compostable waste to be transported and/or processed separately from garbage and recycling.

3. Each state agency may arrange for collection of compostable waste by a private carter, transport such waste itself or process such waste on-site.

4. Beginning one year after the establishment of the program pursuant to subdivision two of this section, and annually thereafter, each state agency shall report to the department on such program, including, but not limited to (i) an estimate of the amount of compostable waste collected; and (ii) the costs associated with such program.

5. (a) An agency need not comply with subdivisions two and three of this section with respect to a particular building if it provides the department with a written explanation that compliance for such building would be infeasible or would impose unreasonable costs because: (i) the building generates only a de minimis quantity of compostable waste; (ii) the building is located in a municipality or region with limited compost management infrastructure, or insufficient service availability necessary to support compliance; or (iii) geographic, climatic, or environmental conditions such as high elevation, extreme temperatures, or other factors that interfere with biological decomposition processes, make the establishment or maintenance of composting operations impracticable.

(b) An agency must reevaluate each building for which it is not in compliance every five years and submit a new non-compliance explanation, as applicable, at such time.

(c) The provisions of subdivisions two and three of this section shall not apply to buildings located within a municipality which establishes and implements a composting program by adopting a local law or ordinance.

Buildings required to comply with a municipal composting program enacted by a municipal law or ordinance are exempt from the requirements of subdivisions two and three of this section.

6. By December first, two thousand thirty, and annually thereafter, the department shall post a report on its website detailing state agency composting programs in the state. Such report shall include an evaluation of the effectiveness of such composting programs, information on costs and collection rates, and compliance exemptions pursuant to subdivision five of this section.

§ 2. This act shall take effect immediately.