



Hot Food Outlets

The Waste Management (Food Waste) Regulations 2009 will apply from 1 July 2010 to businesses that supply hot food for consumption on or off the premises. This will affect a range of hot food outlets, including chip-shops and other forms of food take-away, as well as so-called deli-counters in petrol stations¹. These provisions will also apply at many trade shows, exhibitions, larger concerts and other public events.

The Regulations require all major producers of food waste to place it into a dedicated bin and ensure that it is not mixed with other waste. A brown bin collection service must be used so that the collected food waste is subsequently recycled by composting or by another approved recycling process. Alternatively, organisations affected by this legislation can transport the food waste directly to a recycling plant or can treat it themselves by installing a properly authorised composting unit on the premises where the waste is generated.

This new legislation is designed to ensure that all major commercial sources of food waste make their contribution to increasing national recycling levels. The legislation is necessary because less than 10% of food waste generated by commercial businesses is presently recycled in Ireland. In practice this material can be recovered relatively easily.

Besides resulting in increased recycling, the purpose of the legislation is to comply with EU legislation. The Landfill Directive requires all EU Member States to reduce the amount of waste sent to landfill sites by a series of yearly, and increasingly stringent, targets. A failure to meet these targets may cause Ireland having to pay heavy fines due to non-compliance with the legislation.

Key Obligations

A key requirement of the Food Waste Regulations is that food waste must be kept separate from other waste. This prevents it becoming contaminated and unsuitable for recycling. The legislation also prevents segregated food waste from being disposed of by being sent to landfill.

An business that is subject to this legislation has three alternative options for its segregated food waste:

- ▲ The waste can be collected by a waste collector that is offering a brown bin collection service. The collector always must take it to an approved plant for recycling by composting or by another similar process;

- ▲ The waste can be transported by the business directly to a composting plant or other type of food waste recycling facility; or
- ▲ The waste can be dealt by the business on-site using an authorised composting unit.

Macerators

Some businesses have installed food waste macerators that attach to sink units. The use of these and other similar devices to dispose of food waste into the sewerage system is prohibited by the Food Waste Regulations when a food waste collection service is available. This provision applies irrespective of whether a discharge licence has been issued which allows food effluent to pass to a sewer. Again, this is to ensure that food waste is consigned for recycling.²

Exemptions

The legislation contains some exemptions, many of which affect only small-scale sources of food waste. These exemptions may not apply in some areas, as local authorities are allowed to make by-laws to ensure that food waste from particular sources is also recycled. In most cases, these by-laws are available on a local authority's web site.

The Food Waste Regulations apply to "Premises used for the supply of hot food for consumption both on and off the premises, including premises where the supply of such food is subsidiary to any other commercial or retail activity, (including events prescribed under section 230 of the Act of 2000 but excluding other premises located at any fair, funfair, bazaar, circus or any local event of a religious, cultural, educational, political, social, recreational or sporting character where the use for such purposes does not exceed, as the case may be, a period of 10 days continuously or an aggregate of 20 days in any one year). Mobile food outlets, such as vans and caravans, located outside the curtilage of premises so obligated shall be exempted from the requirements of these Regulations".

The Food Waste Regulations will apply at most trade shows and exhibitions where hot food is supplied. In relation to outdoor events and concerts, the legislation applies where an event's licence is required under the Planning and Development Act. Such licences must be obtained where 5,000 or more persons are to gather for an open air concert or similar event. In addition, events which exceed the prescribed thresholds for duration and frequency will also be obligated under the Regulations.

¹: Shops, supermarkets, restaurants, cafés, canteens and other similar premises may also be subject to these Regulations and separate factsheets are available for these sectors

²: See also the FAQ's on www.foodwaste.ie

However, many other transitional events are excluded from the Food Waste Regulations, and this includes many fairs and funfairs, bazaars, circuses and religious gatherings.

An exclusion may also apply to hot food outlets situated on off-shore islands.

In order to give small businesses additional time to adjust to the new legislation, business obligated premises specified in the Regulations that produce less than 50 kgs of food waste per week may not need to comply until 1 July 2011. Such businesses are required to send a written declaration of their exemption to their local authority immediately. Once a local authority has been notified, this exemption only lasts under 1 July 2011.

This written declaration should include the following information:

- ▲ The address of the premises;
- ▲ The names of the owner and occupier;
- ▲ Identification of the type of premises;
- ▲ A clear statement that the premises generates less than 50 kgs of food waste per week and;
- ▲ A statement that this declaration is being made under Article 3 of the Waste Management (Food Waste) Regulations 2009.

It should be noted that this new legislation allows a local authority to ask for additional proof that a premises is generating less than 50 kgs of food waste per week by requesting a competent person to prepare a food waste management implementation report.

Enforcement

The Food Waste Regulations are enforced by each county council or city council. Officers of such bodies are allowed to enter premises to check that there is compliance with this legislation. Local authorities can also require businesses to explain how food waste generated at a particular premises is being managed. This request can take a number of different forms, including requiring the submission of a food waste management implementation report or annual environmental report.

A food waste management implementation report provides information on the use, type, quantity, origin, management arrangements and destination of food waste. An annual environmental report covers matters such as the amount of food waste generated, the quantity sent for recycling and measures adopted to reduce food waste over the course of the previous year.

Information supplied to a local authority which is false or misleading is an offence under the Regulations.

Duties on Organisers of Trade Shows, Exhibitions, Concerts and Other Public Events

The Food Waste Regulations make a person organising a trade show, exhibition, concert or other event responsible for ensuring that all hot food outlets comply with this new legislation. This makes it much easier to ensure that the individual outlets that sell food to the public segregate their food waste and cause it to be recycled.

Besides making the event organiser responsible for ensuring that all hot food outlets comply, the Food Waste Regulations require that person to prepare and implement a food waste management plan. Where an organiser holds a number of shows in the one year, one of these plans can suffice for the entire year. Alternatively separate plans can be drawn up for different shows. The purpose of the plan is to describe the arrangements that will be put in place to ensure that food waste is segregated and recycled.

Each food waste management plan must be sent to the local authority responsible for where the event is being held. This must be done 30 days prior to the event's commencement. The local authority is required to determine its adequacy and revert back to the organiser if it considers the waste management plan to be inadequate. In such circumstances, a revised waste management plan must be resubmitted by that person to the satisfaction of the local authority at least within 10 working days prior to the commencement of the event.

While full details of the content of a food waste management plan is contained in the Food Waste Regulations, in summary the plan is required to describe how food will be supplied at the event. It also must contain an estimate of the expected quantity of food waste and set out the arrangements for the collection and recycling of this material.

In addition, within 28 days of the end of each event, the Food Waste Regulations require the organiser to provide a local authority with a food waste management implementation report. While only one food waste management plan need be submitted annually, a food waste management implementation report must be drawn up after each trade show or other public event.

Penalties

Offences relating to the Food Waste Regulations usually will involve an offender being required to appear at the District Court. The relevant maximum penalties are a €3,000 fine per offence or 12 months imprisonment (or both).

Financial Savings

The Food Waste Regulations offer a number of potential benefits to businesses. Studies have shown that many business do not have a clear understanding of the amount of waste generated on their premises, of the circumstances behind its generation or of the associated costs. Unless they have that knowledge, it is difficult to put in place systems aimed at reducing the cost of waste management. Accordingly, the Food Waste Regulations provide an opportunity for obligated businesses to accrue financial savings.

For example, businesses already using a brown bin-based collection service for food waste have gathered a valuable insight into their waste management practices. This information has led to financial savings in many instances. For example:

- ▲ Excessive quantities of food waste may arise due to over-ordering, unnecessary meal preparation or due to poor storage;

- ▲ A detailed investigation of food purchasing practices may suggest improvements, such as buying pre-prepared vegetables that are associated with less waste and lower preparation costs;
- ▲ Better food portion control may cause savings without affecting relations with customers;
- ▲ Refuse collection contracts are often based on the number of bin lifts carried out, regardless of the weight of waste in each bin. This may not be the most economical mode of collection, with a pay-by-weight approach offering appreciable cost savings;
- ▲ Decreases in the amount of food waste sent for disposal may create financial savings by the avoidance of landfill levy charges. At present, the landfill levy is €30/tonne; but it will rise to €50/tonne in 2011 and then to €75/tonne in 2012. This will have a direct affect on a businesses' black bin-related waste charges;
- ▲ Other financial savings can be accrued, such as less general waste causing a waste compactor to be used and emptied less often.

On Site Composting

An option for businesses is to install an on-site composting unit to treat food waste. There is a detailed factsheet about this on www.foodwaste.ie

Brown Bin Service

There is a factsheet on www.foodwaste.ie that contains useful information when trying to find a brown bin waste collector

Interesting Facts

Food waste is typically the largest waste stream in fast food outlets. The Environmental Protection Agency did waste characterisation studies of three different fast food outlets. Food waste accounted for approximately 50% of the total waste.

Guidance

The website www.foodwaste.ie contains further information about the Food Waste Regulations. This includes:

- ▲ A full copy of the legislation;
- ▲ A set of 'frequently asked questions' on the regulations produced by the Department of Environment, Heritage and Local Government.
- ▲ Environmental Protection Agency's food waste prevention guide for businesses "Less Food Waste-More Profit".

Overall, many businesses and other organisations have learnt that, with a simple change in behaviour by collecting food waste in a separate bin and not sending it to landfill, they can achieve many positive benefits which enable them to be both more financially competitive and environmentally responsible.



Disclaimer:

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