



State Buildings and Local Authority Offices

The Waste Management (Food Waste) Regulations 2009 will apply from 1 July 2010 to all state buildings¹ where food is prepared on the premises. This new legislation will affect the operation of canteens and other food outlets at all government and local authority offices, at Garda stations and other premises used by the defence forces.

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

Obligated Sectors

The Food Waste Regulations apply to a variety of different types of state building, with the common theme being that they all generate significant quantities of food waste. The Regulations list 11 different broad classes of commercial or other activity that are required to

ensure that all food waste is recycled. State buildings fall within two of these different classes:

Class 3: "Premises where food is supplied to employees or prepared on the premises for the purposes of supply to employees, including premises which are used for carrying on any industrial, commercial or trade activities as well as office buildings and mixed-use premises."

Class 9: "State buildings where food is prepared on the premises, including (a) Garda stations and other buildings; (b) Prisons and other places of detention; (c) Barracks, other buildings and other installations (including airfields and naval yards) used for the purposes of, or in connection with, the operation of the Defence Forces; (d) Office buildings or other premises used for the purposes of, or in connection with, the business of Uachtarán na h-Éireann, Dáil Éireann, Seanad Éireann, the Department of the Taoiseach, the Office of the Tánaiste, the Department of Defence and other Government Departments; (e) Office premises and other buildings used by local authorities."

Macerators

Some organisations 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 recycling².

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 most important of these exemptions is that the Food Waste Regulations only affect state buildings where food is prepared on the premises and/or canteens where food is supplied to employees. This means that premises where food is neither prepared on-site nor supplied to employees are not generally subject to this legislation. The Regulations also affect schools and the remainder of the educational sector where food is prepared for pupils and students, as well as the health care sector. These activities are subject to separate fact sheets.

In addition, and in order to give smaller sources of food waste additional time to adjust to the new legislation, 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. A written declaration of exemption must be sent to the local authority immediately. Once a local authority has been notified, this exemption only lasts under 1 July 2011.

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

This written declaration should include the following information:

- ▲ The address of the premises;
- ▲ The names of the owner and occupier;
- ▲ The use of the building;
- ▲ 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 operators of obligated premises to explain how food waste 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.

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, local authorities and other state bodies. Studies have shown that many organisations 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 both the public and private sectors to accrue financial savings.

Many businesses that are 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 from 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 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;
- ▲ An organisation-wide awareness of the food waste issue may create additional benefits in relation to the reduction of other wastes and of energy usage.

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.

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:

This document is intended to act as a helpful summary of the Waste Management (Food Waste) Regulations 2009. This document does not purport to be and should not be considered a legal interpretation of the legislation referred to herein. It is also not a substitute for legal advice and should not be used for that purpose. Although every effort has been made to ensure the accuracy of the material contained in this publication, complete accuracy cannot be guaranteed. Neither the Department of Environment, Heritage and Local Government or Cré or acknowledged parties accepts any responsibility whatsoever for loss or damage occasioned, or claimed to have been occasioned, in part or in full as a consequence of any person acting or refraining from acting, as a result of a matter contained in this publication.

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