



# New Food Waste Regulations

1 July 2010 is the date the Waste Management (Food Waste) Regulations (SI 508 of 2009) entered into force in Ireland.

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 other approved recycling process. Alternatively, businesses 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.

At the present time, the recycling rate in Ireland for food waste generated by businesses is very low – less than 10%. However, this material can be recycled relatively easily. This new legislation is designed to ensure that all major commercial sources of food waste make their contribution to increasing national recycling levels.

Besides resulting in increased recycling, the purpose of the legislation is to comply with EU legislation. The Landfill Directive requires all EU countries 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 significant fines.

## Affected Businesses and Premises

The Regulations impose obligations on the major producers of food waste, such as shops, supermarkets, public houses, state buildings, restaurants, cafés, bistros, wine bars, hot food outlets, canteens in office buildings, hotels, B&Bs, guest houses, hospitals, nursing homes, schools, colleges, train stations, ports and airports.

## Exemptions

Small businesses that produce less than 50 kgs of food waste per week must send a written declaration to their local authority immediately to get an exemption from the general requirements of the Regulations until 1 July 2011. From 1 July 2011, all businesses will be covered by the regulations irrespective of the amounts of food waste produced.

The written declaration should include the following information:

- ▲ The address of the premises;
- ▲ The names of the owner and occupier;
- ▲ Identification of the type of business (e.g. shop, wine bar, guest house etc.);
- ▲ 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.

In addition, a local authority can ask for proof that a premises is generating less than 50 kgs of food waste per week by requiring a competent person to prepare a food waste management implementation report.

## Key Obligations for Businesses

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.

A 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.

Businesses that want to compost food waste on site usually need a Certificate of Registration from their local authority. This is a requirement of the Waste Management Act. In addition, the composting unit must comply with the animal by-product rules.

## Macerator

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.

## 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.

## 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 businesses 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 for a business 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.

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 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 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;
- ▲ A business-wide awareness of the food waste issue may create additional benefits in relation to the reduction of other wastes and of energy usage.



## Guidance

[www.foodwaste.ie](http://www.foodwaste.ie)

The website [www.foodwaste.ie](http://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;
- ▲ Tailored factsheets for each type of business affected by the regulations; and
- ▲ Environmental Protection Agency's food waste prevention guide for businesses "Less Food Waste-More Profit".

Overall, businesses 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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