

## HB 3018 STAFF MEASURE SUMMARY

### House Committee On Climate, Energy, and Environment

**Prepared By:** Erin Pischke, LPRO Analyst

**Sub-Referral To:** Joint Committee On Ways and Means

**Meeting Dates:** 2/18, 4/3

#### WHAT THE MEASURE DOES:

The measure requires entities that generates a certain amount of food waste per week, to sort and recover food waste and arrange for it food waste to be composted. It also requires Oregon Department of Environmental Quality to establish a program to educate covered entities on the requirements of food waste recovery and disposal and related activities.

Detailed summary:

#### FOOD WASTE DISPOSAL:

##### SECTION 1

Defines “covered entity” as a person that: cooks, assembles, processes, serves, or sells food; and generates more than 1,000 pounds of food waste per week at a single site. Defines “food waste” as solid waste consisting of discarded food.

##### SECTION 2

Requires a covered entity, for each site owned or operated by the covered entity that generates more than 1,000 pounds of food waste per week, to:

- Recover food waste that is controlled by the employees or agents of the covered entity;
- Source separate food waste for collection;
- Correctly label food waste collection containers; and
- Arrange for food waste to be collected and transported to a facility authorized to accept food waste for composting.

Requires a covered entity to annually report to the Oregon Department of Environmental Quality (DEQ):

- The amount of food waste the covered entity generated in the previous year;
- Any strategies used by the covered entity to reduce food waste; and
- The amount of food waste generated by the covered entity and the method used to dispose of the food waste.

Allows the Environmental Quality Commission (EQC) may adopt rules as necessary to implement food waste recovery and disposal and related activities.

##### SECTION 3

Requires DEQ to establish a program to educate covered entities on the requirements of food waste recovery and disposal and related activities. Requires DEQ, under the program, to:

- Notify covered entities of the requirements of food waste recovery and disposal and related activities.
- Provide technical support to covered entities on the implementation of food waste separation systems that satisfy the requirements food waste recovery and disposal and related activities.
- Provide education to covered entities on food waste reduction and donation of food that is fit for human consumption.

**SECTION 4**

Requires DEQ to have the power to enter upon and inspect, at any reasonable time, any public or private property, premises, or place for the purpose of investigating either an actual or suspected violation of food waste recovery and disposal and related activities, as well as related rules. Allows DEQ to issue civil penalties for violations of food waste recovery and disposal and related activities, as well as related rules.

**SECTIONS 5 – 8**

Amends definition of “covered entity” (in section 1) to mean a person that generates more than **500** pounds of food waste per week at a single site, operative on January 1, 2028. Amends requirement to recover food waste (in section 2) to apply to covered entities that own or operate sites that generate more than **500** pounds of food waste per week, operative on January 1, 2028. Establishes operative date of January 1, 2027, for section 2.

**FOOD LABELING:**

**SECTION 9**

Amends, adds, and deletes definitions in “open date labeling” statute.

**SECTIONS 10 – 11**

Requires a food establishment responsible for the labeling of food that is required by any law, or that chooses to display a date label to communicate a quality or safety date on food to use specific uniform terms on the date label, and prohibits a person from selling or offering for sale in or into Oregon food that is not labeled as such. Prohibits a person from selling or offering for sale in or into Oregon food that is labeled with the phrase “sell by.” Establishes operational date of this section as July 1, 2026.

**SECTIONS 12 – 15**

Modifies label requirements in Oregon Revised Statutes (ORS) 616.815, 616.825, 616.830, 616.835 for packaged perishable food a person sells or offer for sale at retail and particular groups or classes of perishable foods, on July 1, 2026.

**SECTION 16**

Repeals ORS 616.800 on July 1, 2026.

**SECTIONS 17 – 19**

Provides operational dates. Takes effect on the 91st day following adjournment sine die.

- *FISCAL: May have fiscal impact, but no statement issued yet*
- *REVENUE: May have revenue impact, but no statement issued yet*

**ISSUES DISCUSSED:**

- Provisions of measure

**EFFECT OF AMENDMENT:**

No amendment.

**BACKGROUND:**

**FOOD WASTE**

A 2019 study conducted by Portland State University’s Community Environmental Services found that households throw away 6.3 pounds of food per week on average in Oregon. Methane, a greenhouse gas, is produced when food waste goes to landfills. There can be multiple benefits of reducing food waste, including cost savings for

consumers and composting the waste to create soil.

#### FOOD LABELING

According to the Oregon State University's Extension Service, food product dates help assess the quality, not safety, of foods. The federal government requires dated labels only for infant formula and some baby food. Other dates are set by manufacturers to guide consumers and retailers on when a product is at its best quality. Key terms used in dated labels and set by manufacturers include:

- **Sell-by** date indicates when the store should remove a product for sale, but it can still be good after that date if properly handled.
- **Best-if-used-by (or -before)** date refers to the time when the product will be at its best quality.
- **Use-by** date marks the end of peak quality. Infant formula always has a use-by date for nutritional quality.

After these dates, foods are generally safe to eat if stored properly, unless a food has spoiled. Oregon Revised Statute (ORS) specifies the following state-specific food-labeling requirements: open date, packing date, and pull date (ORS Chapter 616).