ASTSWMO, Providing Pathways to Our Nation's Environmental Stewardship Since 1974

February 1, 2024

U.S. Environmental Protection Agency
Office of Resource Conservation and Recovery
Resource Conservation and Sustainability Division

Via www.regulations.gov

Re: Docket ID No. EPA-HQ-OLEM-2022-0415

Dear Sir/Madam:

The Sustainable Materials Management Task Force within the Materials Management Subcommittee of the Association of State and Territorial Solid Waste Management Officials (ASTSWMO) appreciates the opportunity, through the U.S. Environmental Protection Agency's (USEPA) Notice published in the Federal Register on December 5, 2023 (88 FR 84322), to provide written comments on the Draft National Strategy for Reducing Food Loss and Waste and Recycling Organics. The following comments are from the Task Force and have not been reviewed or adopted by the ASTSWMO Board of Directors. In addition, individual State or Territorial (State) programs may also provide input based on their own State perspectives and experiences.

ASTSWMO is an association representing the waste management and remediation programs of the 50 States, five Territories and the District of Columbia (States). Our membership includes State materials management and recycling programs.

The Draft Strategy's four objectives align with many of the goals of ASTSWMO's members. As in numerous historic instances, ASTSWMO and our members are willing to lead and collaborate on actions that affect national policies for waste and materials management, environmentally sustainable practices, and environmental restoration. The Draft Strategy is scoped to accomplish these objectives. However, additional details on the specific approaches anticipated for achieving these objectives and the role(s) various involved entities, including States, are expected to play would be beneficial to allow the ASTSWMO membership to provide specifically tailored comments on the individual Strategy components.

First, what is the scope of activities that USEPA intends to address as part of its Strategy? There are two significant scoping points for which clarification would be extremely helpful. The term "food waste" is defined in the Strategy in a manner that seems to limit the covered activities to food that enters the waste stream from the commercial sector. While ASTSWMO's members recognize that this represents a sizeable portion of the total volume of food waste, it does not reflect the entirety of the waste stream and is definitionally inconsistent with other existing State and federal

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strategies. Is this distinction intentional and, if so, what was the basis for that decision? Relatedly, two of the objectives are characterized as preventing food loss or waste "where possible." Some additional clarity on this point would be helpful for ASTSWMO's membership. For example, what elements factor into determining that food recovery is impossible? What information led to that conclusion? Will those decision points be revisited in the future as infrastructure and technology advance?

Second, the Strategy includes the objective to "[i]ncrease the recycling rate for all organic waste". As a general matter, the ASTSWMO membership supports increasing recycling rates across all materials streams. In this case, some additional information would be helpful to determine what is contemplated. For example, does this Strategy reflect a departure from previously stated federal targets for food waste reduction? If so, what is the new national food waste reduction target? In addition, what role does USEPA contemplate the States playing in achieving this goal? Are there specific examples of successful endeavors that USEPA believes could be effectively replicated at the State level?

Finally, the Strategy includes numerous references to constructing tools and databases to evaluate the Strategy's progress. These will be valuable informational tools to allow States and other stakeholders to identify the impacts of measures undertaken to minimize the volume of food waste generated across the country. This is particularly true for State environmental agencies, like ASTSWMO's membership, as many of those entities have not historically been intimately involved in many of the commercial sectors that present the most potential for food waste reduction. Other federal agencies, such as the U.S. Department of Agriculture and the Food and Drug Administration, have direct oversight of these areas. Does USEPA contemplate developing and implementing a structure that will share those agencies activities related to this Strategy with, among other stakeholders, State environmental agencies? If so, would such a process involve an annual report or some mechanism(s) for more frequent updates?

The ASTSWMO Sustainable Materials Management Task Force is committed to continuing to work with USEPA to accomplish its aim of maximizing the volume of organic material diverted from landfills. Further clarity on these points will enable the ASTSWMO membership to best identify how their unique jurisdictions can best engage in this sphere.

If you have any questions about this input, please contact me at james.m.jennings@illinois.gov or 217-524-1852.

Thank you for your consideration of these comments.

Sincerely,

James Jennings (IL)
Chair, ASTSWMO Sustainable Materials Management Task Force
Materials Management Subcommittee