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S.F. No. 4944 – Management of Wasted Food

Author: Senator Heather Gustafson
Prepared by: Ben Stanley, Senate Counsel (651/296-4793)
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Section 1 [Definitions] defines various terms used in the bill.

Section 2 [Surplus Food and Food Waste Management Requirements]

Subd. 1 [Applicability] requires generators of surplus food and food waste to manage surplus food, food waste, or a combination of the two, if they exceed the following thresholds:

- Beginning January 1, 2026, 104 tons or more
- Beginning January 1, 2028, 52 tons or more
- Beginning January 1, 2030, 26 tons or more
- Beginning January 1, 2032, 18 tons or more
- Beginning January 1, 2033, 6 tons or more

Subd. 2 [Management Hierarchy] requires persons mandated to manage surplus food and food waste under subdivision 1 to separate that material from other solid waste and to manage it according to the following hierarchy:

- (1) reducing the amount generated at the source;
- (2) upcycling or donating for human consumption;
- (3) diverting for consumption by animals or leaving crops unharvested;
- (4) composting or anaerobically digesting (with biogas and digestate not disposed of but instead used as a salable product); and
- (5) applying food waste to land or anaerobically digesting (with biogas used as a saleable product but digestate is disposed of).

Subd. 3 [Determination of Amount Produced Required] beginning January 1, 2025, requires producers of surplus food or food waste who generate more than five tons per year to determine and quantify the weight of the surplus produced.

Subd. 4 [Maintenance of Certain Information] beginning January 1, 2025, requires persons who generate 6 tons or more of surplus food or food waste to ascertain and maintain certain information relating to the amount of material generated per year, the amount of material managed through each method of the management hierarchy, and organizations receiving the material.

Subd. 5 [Reporting] beginning April 1, 2026, requires producers of 52 tons or more of surplus food or food waste to submit the information maintained under subdivision 4 to the commissioner of the Pollution Control Agency (PCA).

Subd. 6 [Maintenance of Additional Information] requires producers of 52 tons or more of surplus food or food waste to generate and maintain certain additional information and to make that information available to the PCA upon request.

Subd. 7 [Employee Education] requires persons who generate 6 tons or more of surplus food or food waste per year to provide education regarding the requirements of the bill to individuals under the person's management who procure or handle food, surplus food, or food waste.

Subd. 8 [Food Recovery Organization Reporting] requires food recovery organizations who receive surplus food from persons subject to a reporting obligation under subdivision 5 to maintain certain information.

Subd. 9 [Alternative Management] authorizes a person required to manage surplus food and food waste under this section to apply to the PCA to manage the materials through resource recovery through mixed municipal solid waste composting or incineration; land disposal which produces no measurable methane gas or which involves the retrieval of methane gas as a fuel for the production of energy to be used on site or for sale; or land disposal which produces measurable methane and which does not involve the retrieval of methane gas as a fuel for the production of energy to be used on site or for sale. The PCA can approve the application if it finds alternative management necessary for reasons beyond the applicant's control.

Subd. 10 [Recordkeeping] requires information mandated to be generated under this section to be maintained for five years after generation.

Section 3 [Methods for Quantifying Surplus Food and Food Waste] enumerates the methods that a person can use to determine the weight of surplus food and food waste generated by the person. Permissible methods include direct measurement, estimating based on sampling, and other methods.

Section 4 [Commissioner Authority] authorizes the PCA to develop educational materials and resources pertaining to the bill and related statutes and programs. Requires a person to produce any information reasonably obtainable by the person in response to a PCA request in order to determine compliance with this bill.