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LC000175

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

RELATING TO EDUCATION -- SCHOOL WASTE RECYCLING AND REFUSE DISPOSAL

Introduced By: Representatives Carson, and Cortvriend

Date Introduced: February 27, 2019

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 16 of the General Laws entitled "EDUCATION" is hereby amended
2 by adding thereto the following chapter:

3 CHAPTER 110

4 SCHOOL WASTE RECYCLING AND REFUSE DISPOSAL

5 **16-110-1. Legislative findings.**

6 The general assembly recognizes and declares that:

- 7 (1) The people of the state desire to promote a clean and wholesome school environment
8 for our students, teachers, support staff, and school district administrators;
9 (2) A significant percentage of school waste is recyclable;
10 (3) A significant percentage of Rhode Island households are suffering from food
11 insecurity;
12 (4) Surplus food donations help feed roughly thirteen percent (13%) of Rhode Islanders
13 comprising about fifty-six thousand (56,000) households;
14 (5) Food donations are provided for under Rhode Island and federal good samaritan laws
15 so that businesses are protected from liability when donations are made in good faith;
16 (6) The Rhode Island department of education, Rhode Island department of health, and
17 the United States Department Of Agriculture (USDA) support the recovery for donation of
18 unopened commercially packaged food and whole fruits from school meals in Rhode Island;
19 (7) Any environmentally and economically sound solid waste management system must

1 incorporate recycling and all solid waste capable of being recycled should be recycled;

2 (8) A significant amount of plastics, paper, and electronic equipment is generated as
3 waste in Rhode Island Schools;

4 (9) A sound recycling program for all covered educational entities will best be achieved
5 by cooperation of the Rhode Island resource recovery corporation, the department of
6 environmental management, the Rhode Island department of education, and the cities and towns
7 of the state;

8 (10) Upon implementation, the program shall reduce food waste and paper waste at meal
9 times and throughout the school day and should be encouraged statewide.

10 **16-110-2. Definitions.**

11 As used in this chapter.

12 (1) "Educational entity" means the entire Rhode Island school district including all public
13 and charter schools.

14 (2) "Share tables" means any table, station or refrigerator within a school where school
15 pupils may return approved uneaten wholesome and safe food or beverage items which are then
16 made available to other school pupils for consumption.

17 (3) "Waste audit" means an analysis of a facility's waste stream. The audit can identify
18 what types of recyclable materials and waste a facility generates, how much of each category is
19 recovered for recycling or discarded, and what materials can be composted.

20 **16-110-3. Waste audit/report.**

21 (a) On or after January 1, 2020, and every three (3) years thereafter, every educational
22 institution, including, but not limited to, all public and private schools grades kindergarten
23 through twelve (K-12), any charter public school, or any career and technical high school shall
24 coordinate and cooperate with the Rhode Island resource recovery corporation (RIRRC) for the
25 purpose of conducting school waste audits. These audits shall produce waste management reports
26 which shall be collected, maintained, and delivered to all school district school boards, school
27 district principals, school district facility managers, and school district superintendents. Such
28 waste audits shall be performed at every kindergarten through grade twelve (K-12) public,
29 private, charter and vocational school in Rhode Island.

30 (b) Waste audits and any reports required herein shall include guidelines and strategies on
31 reducing waste for each school district to incorporate into their food waste reduction and
32 recycling programs in an effort to eliminate food waste, promote recycling, and provide food to
33 local communities.

34 (c) Educational institutions, using the guidelines and strategies pursuant to subsection (b)

1 of this section, shall design and implement a waste collection system in accordance with
2 applicable state law for the diversion of items including, but not limited to, paper, books,
3 furniture, computers, office supplies, plastic, glass, cardboard and surplus foods.

4 **16-110-4. Food service and refuse disposal.**

5 It shall be the policy of the state, the department of education, and any school district
6 thereunder to require that any request for proposal (RFP) to select a food service company
7 (vendor) to provide food services to a single school district, regional school district, multiple
8 school districts, including any public or private school grades kindergarten through twelve (K-
9 12), any charter public school, or any career and technical high school, shall include, as part of its
10 proposal, assurances that the vendor is in compliance with all laws relative to recycling and
11 composting pursuant to chapter 18.9 of title 23; provided that, food waste is separated for
12 diversion within that school district.

13 **16-110-5. Food service – Local sources preferred.**

14 It shall be the policy of the state, the department of education and any school district
15 thereunder to encourage that any request for proposal (RFP) to a food service company (vendor)
16 to provide food services to a single school district, regional school district or multiple school
17 districts including any public or private schools grades kindergarten through twelve (K-12), any
18 charter public school, any career and technical high school or any institution of higher learning to
19 encourage the use of a vendor that purchases ten percent (10%) of the required food service
20 product from a Rhode Island-based food service company. In addition, it shall also be the policy
21 of the state, the department of education, and any school district thereunder, to encourage the use
22 of vendors who recycle organic-waste materials at an authorized composting facility, an
23 anaerobic digestion facility, or by another authorized recycling method, regardless of whether the
24 entity purchasing the services is or is not a covered entity or a covered educational institution
25 pursuant to the provisions of § 23-18.9-7.

26 **16-110-6. Food donations by food service companies.**

27 (a) It shall be the policy of the state, the department of education and any school district
28 thereunder to require that any request for proposal (RFP) to select a food service company
29 (vendor) to provide food services to a single school district, regional school district or multiple
30 school districts including any public or private schools grades kindergarten through twelve (K-
31 12), any charter public school, or any career and technical high school shall require the vendor to
32 donate any unserved nonperishable or unspoiled perishable food to local food banks or the Rhode
33 Island Food Bank in accordance with the recommendations from the Rhode Island department of
34 health "The Road to End Hunger" initiative.

1 (b) Vendors required to donate nonperishable and unspoiled perishable food to local food
2 banks or the Rhode Island Food Bank shall initially make arrangements for the provision
3 accommodations necessary to carry out the provisions of this section.

4 **16-110-7. Share tables and food donation by schools.**

5 It shall be the policy of this state, the department of education, and any school district
6 thereunder to provide and facilitate the use of share tables for collection for donation to
7 encourage the consumption of nutritious foods and reduce food waste. All Rhode Island school
8 districts may permit the use of share tables provided that the food safety requirements outlined in
9 7 CFR 210.13, 220.7, 226.20(1), and 225.16(a), respectively, are followed together with any
10 applicable local and state health and food safety codes. Provided, further, any unused share table
11 nonperishable or unspoiled perishable food items may be provided to any local food pantry, soup
12 kitchen, the Rhode Island Food Bank, or nonprofit serving people in need.

13 **16-110-8. Rules and regulations.**

14 The commissioner is hereby authorized to promulgate whatever rules and regulations
15 may be required to implement this chapter and shall annually provide notice to all school districts
16 of the department's school waste disposal and refuse disposal policies.

17 SECTION 2. Section 23-18.9-17 of the General Laws in Chapter 23-18.9 entitled "Refuse
18 Disposal" is hereby amended to read as follows:

19 **23-18.9-17. Food waste ban.**

20 (a) On and after January 1, 2016, each covered entity and each covered educational
21 institution shall ensure that the organic-waste materials that are generated by the covered entity or
22 at the covered educational facility are recycled at an authorized, composting facility or anaerobic
23 digestion facility or by another authorized recycling method if:

24 (1) The covered entity or covered educational facility generates not less than one hundred
25 four (104) tons per year of organic-waste material; and

26 (2) The covered entity or covered educational facility is located not more than fifteen (15)
27 miles from an authorized composting facility or anaerobic digestion facility with available
28 capacity to accept such material.

29 (b) On and after January 1, 2018, each covered educational institution shall ensure that
30 the organic-waste materials that are generated at the covered educational facility are recycled at
31 an authorized, composting facility or anaerobic digestion facility or by another authorized
32 recycling method if:

33 (1) The covered educational facility generates not less than fifty-two (52) tons per year of
34 organic-waste material; and

1 (2) The covered entity or covered educational facility is located not more than fifteen (15)
2 miles from an authorized, composting facility or anaerobic digestion facility with available
3 capacity to accept such material.

4 (c) The director shall grant a waiver of the requirements of subsections (a) and (b) upon a
5 showing that the tipping fee charged by the Rhode Island resource recovery corporation for non-
6 contract commercial sector waste is less than the fee charged for organic-waste material by each
7 composting facility or anaerobic digestion facility located within fifteen (15) miles of the covered
8 entity's location.

9 (d) On and after January 1, 2020, each covered entity and each covered educational
10 institution, including, but not limited to, any public or private school shall ensure that the organic-
11 waste materials that are generated by the covered entity or at the covered educational facility are
12 recycled at an authorized, composting facility or anaerobic digestion facility or by another
13 authorized recycling method if:

14 (1) The covered educational facility generates not less than thirty (30) tons per year of
15 organic-waste material; and

16 (2) The covered entity or covered educational facility is located not more than fifteen (15)
17 miles from an authorized, composting facility or anaerobic digestion facility with available
18 capacity to accept such material.

19 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO EDUCATION -- SCHOOL WASTE RECYCLING AND REFUSE DISPOSAL

1 This act would require schools to comply with composting and recycling laws, would
2 promote the donation of unspoiled nonperishable food by schools, would promote the selection of
3 local food service companies for school food service contracts and the selection of vendors who
4 recycle organic-waste at appropriate facilities, and would permit the use of share tables at all
5 schools.

6 This act would take effect upon passage.

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