

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2021**

No. 57

Introduced by Council Members Rivera, Kallos, Ayala, Gibson, Lander, Van Bramer, Rosenthal, Yeger, Adams, Ampy-Samuel, Gennaro and Louis.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to city agency food waste prevention plans

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 3 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-307.2 to read as follows:

§ 16-307.2 City agency food waste prevention plans. a. Definitions. As used in this section, the following terms have the following meanings:

Covered agency. The term “covered agency” means an agency that has entered into at least one food purchase contract within the previous 12 months.

Food purchase contract. The term “food purchase contract” means: (i) a contract entered into by an agency in excess of the small purchase limits established by the procurement policy board, the principal purpose of which is to provide food, provided that such contract authorizes purchases only by the agency that entered into such contract, or (ii) a purchase order for food the value of which exceeds \$100,000, made by an agency against an existing contract.

Surplus food. The term “surplus food” means any food obtained through a food purchase contract that is not used for the purpose for which it was purchased and that would otherwise be discarded.

b. Agency food waste prevention plan. Every covered agency shall, no later than October 1, 2021, prepare and submit to the commissioner for approval, a food waste prevention plan. Any agency that becomes a covered agency after October 1, 2021 shall prepare and submit to the commissioner for approval, a food waste prevention plan within 90 days of becoming a covered agency. The commissioner shall submit each approved agency food waste prevention plan to the speaker of the council not later than seven days after such approval. Such plan shall conform to all applicable provisions of law and, at a minimum:

- 1. Establish guidelines for how to identify surplus food that may be safely donated;*
- 2. Identify methods to reduce the amount of surplus food, including the utilization of the food donation web portal described in section 16-497, when appropriate;*
- 3. Set forth procedures for the safe, efficient donation of surplus food; and*
- 4. Include any other provisions necessary to facilitate the reduction of surplus food and the donation of surplus food.*

c. Food waste prevention coordinator. Upon approval of an agency’s food waste prevention plan by the commissioner, each covered agency shall designate a coordinator to oversee implementation of the plan required by subdivision b.

d. Report. 1. On or before October 1, 2022, for the period between the effective date of the local law that added this section through January 1, 2022, and annually thereafter for the previous

12-month reporting period, each covered agency shall submit a report to the commissioner. Such report shall include, at a minimum:

- i. A summary of the actions taken to implement the agency's food waste prevention plan;*
- ii. Any proposed additional actions to be taken to implement such plan; and*
- iii. Any updates or changes to any information included in such plan.*

2. The department shall consolidate the information contained in all reports prepared pursuant to this subdivision and include such information as part of the department's annual recycling report required pursuant to subdivision k of section 16-305 of this chapter.

§ 2. This local law takes effect 90 days after it becomes law, except that the commissioner shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on April 22, 2021 and returned unsigned by the Mayor on May 24, 2021.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 57 of 2021, Council Int. No. 1673-A of 2019) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEPHEN LOUIS, Acting Corporation Counsel.