

Updated Public Comment Report: Business Food Waste Requirement



May 16, 2018

BACKGROUND

First Comment Period

Between September 15 and October 20, 2017, Metro conducted the first public comment period for the proposed business food waste requirement ordinance and associated administrative rules. Notification letters were sent to more than 2,000 potentially-affected businesses to inform them of the policy and to invite comments. Metro also produced 1,000 public comment postcards for local government partners to hand out to businesses. A Metro News story, published on September 15, also announced the public comment period and provided information on how to submit public comment. This Metro News story was also promoted on Metro's Facebook page (www.facebook.com/oregonmetro) and Twitter feed (@oregonmetro).

In addition, the Metro web page dedicated to the food scraps project (www.oregonmetro.gov/foodscraps) provided businesses with information on what types of materials would be included in the program, the types of businesses that would be required to participate, an estimate of the dates businesses would need to be in compliance with any new policy, and a guide designed to help businesses estimate the quantity of food scraps their business likely generates.

Comments were required to be submitted in writing for inclusion in this report. Comments were received primarily through an email address established for the comment period. Comments were also received via U.S. mail, through letters emailed to the Metro Council offices, and through a related Metro News posting on Metro's Facebook page.

Second Comment Period

From April 16 through May 15, 2018, Metro conducted a second public comment period to solicit comments on the changes made to the administrative rules noted below.

The region may still have a limited number of facilities that accept commercial food scraps at the time the program is implemented, which might result in increased travel times for haulers delivering collected food scraps. Those times would translate into higher costs that would be passed on to customers. To address this, the administrative rules originally contained a distance waiver, through which Metro would waive the required food scraps collection requirement until a jurisdiction had a food scraps transfer station or processor in relatively close proximity. Following input from the Metro Council at the Council work session in November 2017, **Metro staff developed an alternative approach intended to achieve the same objective as the distance waiver**, but to do so in a way that more strongly advances the intent of the regional food scraps policy and allows all businesses to participate. In addition, the **policy implementation dates were adjusted** forward one year to allow for ample time for collection system development.

All of the comments received, as well as the comment log with staff response are included with this report as Attachment A.

COMMENT SUMMARY

First Comment Period

At the close of the first comment period, 40 sets of written comments were received:

- 20 were clearly supportive of the mandatory policy
- 1 was opposed
- 11 requested specific edits to the policy or had general concerns and suggestions for changes
- 6 had general questions or were requests for additional information on various topics
- 2 comments were not applicable or neutral
- A fifth-grade class from Sauvie Island Academy also submitted letters; 18 students were in support and 4 were opposed.

The majority of those **in favor** of the policy indicated:

- A mandatory program was overdue and it was a surprise that it was not yet required in such an environmentally progressive region.
- The education and outreach structure and associated funding to support local government technical assistance is important for businesses to be successful.
- It is important to make sure that proper infrastructure is in place for businesses and that there is adequate funding to support implementation success.
- It is the responsible and sustainable thing to do, all businesses should be required to participate and the data support the need for the policy.

The one comment **opposed** to the policy believed that these businesses were already participating in a program and if the service was free, more would participate.

The **concerns** expressed by eleven of the comments included the following:

- Increased costs to businesses already strained by new fees and taxes
- Potential nuisance or health/sanitation issues
- Questions regarding Metro's legal authority to impose the policy on local governments
- Risk of failure or unintended consequences
- Equity—better understand the burdens on different business communities, especially those with little influence over the policy
- Concerns about timeframe for implementation being too aggressive—should be more flexible
- Critical cost details are still unknown
- Necessary infrastructure for commercial food waste transfer still lacking in the region

Second Comment Period

At the close of the second comment period, 8 sets of written comments were received:

- 3 were in support of the policy
- 3 supported intent of the policy but had specific concerns about how the access to services funds would be disbursed
- 1 requested that Metro consider a pilot program in one area of the region prior to region-wide implementation
- 1 requested the requirement be expanded to cover multifamily households

AMENDMENTS MADE TO DRAFT POLICY

All comments received during the first comment period were reviewed by the intergovernmental policy team. Those comments that requested **specific changes** to the Administrative Rules were discussed by the team which then determined which comments necessitated changes or clarifications to the draft ordinance and administrative rules documents and what those specific changes should be. The majority of the changes made were to improve clarity and correct inconsistencies in the documents. The revised draft of the ordinance and administrative rules, dated November 8, 2017, which illustrates proposed changes based on the comments during this first period is included as Attachment B.

Comments received during the second comment period were reviewed by Metro staff. No changes were made to the draft documents based on the comments received.

CONCLUSIONS AND NEXT STEPS

The first round of public comments indicated overall general support for the policy.

- Questions remain regarding the details of the temporary waivers for local government implementation. Staff will need to determine the appropriate criteria and base data, evaluate potential impacts on tons recovered and collection economics, test approaches and revise the rules over time.
- Questions remain regarding the financial impacts of the policy both on local governments and on affected businesses. Metro needs to complete further analysis on the cost impacts including the tip fee that will be charged prior to the effective date of the policy if the ordinance is adopted by the Metro Council. (The policy would take effect on October 26, 2018, if the Metro Council adopts the ordinance on July 26, 2018.)
- Metro should develop and issue guidance documents to bring clarity to specific elements of the Administrative Rules; specifically local government reporting requirements.

The second round of comments echoed the overall support and raised the following:

- Some local governments and the hauling community requested that the access to transfer services payment disbursement method be reconsidered. The preference of the commenters was that the payments be directed to the haulers rather than local governments.
- Questions remained regarding the parameters of how the funds could be used should they be allocated to local governments rather than haulers.

Metro staff will continue to refine the Administrative Rules based on the feedback received. If the Metro Council adopts the food scraps separation ordinance, a third draft of the administrative rules will be made available for a final 30-day public comment period sometime shortly after the Metro Council's action. Once this final comment period has closed, a public hearing on the draft administrative rules will be held in accordance with Metro Code Chapter 5.01.280.

The complete report, including [Attachment A](#) can be viewed on the Metro website: www.oregonmetro.gov/foodscraps