

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.

Attachment A
Compilation of Food Scraps Policy public comments

9/18/17 10:19AM
Dear Metro Council:

I am writing in support of the proposed food scraps policy with an emphasis on the elements below.

When I first moved to Portland just under six years ago, I was shocked to learn that food waste wasn't a staple part of the Metro area's waste reduction program. Not only that it wasn't (and still isn't) part of base service for multi-family homes, but even more shockingly, that it wasn't required of businesses that produce mass amounts of food waste such as restaurants and bars. Having lived up and down the west coast, where Portland was once considered to be a progressive example of how to get sustainability right, I think we are well past due to implement the recommended policy. Other cities and regions have successfully done so (the most obvious, of course, being San Francisco), so it isn't a far stretch to expect the same of this region.

Having worked as the Outreach Coordinator for the Port of Portland's food waste and donation program for two years, I also think there are replicable, scalable examples within the Metro area already. For example, the Port of Portland's program has been hugely successful. At its core, I would argue, is the fact that there are dedicated resources for a true outreach and education components. I see that 5.10.440.a.3 notes that the local governments should "provide education and technical assistance to covered businesses and waste hauler regarding the business food waste requirement." and FS-5.10-012 outlines what this should look like when implemented. I want to reiterate the importance of this component for a successful program. Often businesses are convinced there will be no difference, or think they're doing it well when there is still significant room for improvement. This can make or break the adoption, buy in, and success of the program. Businesses need to by and large, adopt the measures as part of their business culture, rather than a policy or rule that they must abide to. This can be helped through strategic outreach and partnerships built with the businesses.

I strongly support FS-5.10-018 which notes funding to local governments in order to implement the policy. This combined with enforcement such as that outlined in FS-5.10-013 is key. It is also important to ensure there are elements built in to prevent this from being a box that gets checked off (as much as possible, at least). While enforcement policies are useful, I would also suggest looking into incentive models as well. Both are important, but the incentive model can build a stronger sense of partnership vs policing for the program. Highlighting best practices, publicizing businesses that are doing especially well or being innovative in their adoption of the policy, and especially - recognizing and rewarding the employees that are doing it right. It takes adoption both from the top (management) and on the ground (the actual line chefs and waitstaff) for such a program to succeed.

Thank you for finally bringing such a policy to our region.
- Julia Metz 510.552.8552

9/18/17 12:33 PM

To Whom It May Concern,

We have recently received your letter regarding separating food scraps from garbage with the potential of making it a requirement starting in 2019. As the Building Specialist for Mary Woodward Elementary School here in Tigard, I am responsible for custodial and maintenance here including garbage and recycling. I also assist in the supervision of our lunch program and as I have commented to others in our district, it truly breaks my heart to see how much food is wasted by students on a daily basis. I have been Head Custodian at other schools before including an organic grocery store and we always had a food scrap and compost program in place. It baffles me that this area does not have such a program.

So my questions to you are:

- 1) Is there any way to get a food scrap/composting program implemented here voluntarily as soon as possible that falls within district guidelines?
- 2) How does the City of Portland handle food scraps and compost that it doesn't attract rats?
- 3) Do you have any staff that would be willing to educate our students to inform them of food waste? I think it would be beneficial and a real eye opener if they knew what they were doing when they throw full meals into the garbage.

Finally, I would like to add that this e-mail is my personal opinion and mission and does not reflect our school or district as a whole.

Any insight you can give would be greatly appreciated.

Thank you,

Justin Pribyl
Day Specialist
Mary Woodward Elementary
(503) 431-4711

9/18/17 6:31PM

Food scraps.

Why make it so very difficult when you ask for public comment?

I do not agree with a mandate that requires restaurants, hospitals, nursing homes; what have you to recycle food waste. They are already doing this. Many would do more if the extra bin was free.

Leesa Cooper

09/19/17 6:40AM

hi metro,

re this-

<http://www.oregonmetro.gov/public-projects/future-garbage-and-recycling/food-scrap>

due to so many people moving here and not following the laws, we need to add more incentives to recycle food scraps, or put punitive measures in place...

both portland and the region potentially can recycle all those scraps, and with the large volume, should be able to utilize compostable plates, silverware, etc, as was previously done...

perhaps if this idea isn't doable, look at other regions or abroad for successful outcomes...

in this day and age, it's a logical way to reduce waste...

additionally, pressure the oregon legislature to extend the bottle bill to gatorade and other plastic beverage containers...

again, in this day and age, it's illogical to not do so....

thx,

teresa mcgrath and nat kim

9/19/17 8:19AM

Hello:

We just received your letter concerning the proposed business scraps separation requirement. We no longer have a school – it closed several years ago. Please take us off your mailing list for food service businesses. We only have potlucks and good Lutherans always take home the leftovers.

Sincerely,

J P Moore, Administrative Assistant

9/19/17 11:07AM

My experience with buying compost from the North Plains facility is that I will not do so again. The PDX food waste stream is full of non compostable restaurant materials like glass and plastic. I do not want that stuff in my garden.

Ken Jackson

9/19/17 12:26PM

I am writing to support the proposed food scraps policy and at the same time to emphasize the need to make sure the proper infrastructure and policies are in place to make this move advantageous for facilities (or at the very least to be on par with how they are currently working). There have been big problems with unfunded mandates of all sorts from all levels of government, and I would hate to see this turn into another one. This is not to oppose the proposed policy in any way. I 100% support it. Just a reminder that in this, as in all green measures, infrastructure and policy are key to making changes that are truly sustainable and can really make a difference beyond PR or making people feel good.

Aaron Kelly
Portland resident (97206)

P.S. If more detailed contact information is needed for this comment, please contact me and I will provide it.

9/19/17 12:47PM

Hello,

I have a few questions regarding the upcoming food scraps separation requirements:

1. Are paper napkins allowed with food scraps?
2. Are compostable cutlery, ramekins, and togo boxes allowed with food scraps?
3. Is there a fine schedule for offenses? Is there a grace period to adjust to the program?
4. Will a food scrap container be provided?
5. What if the back dock of the restaurant does not have space for an additional trash container?

Thank you,
Phil Jonsson

9/19/17 5:44PM

I am writing to indicate my support for the new food scraps legislation. I would like restaurants and other businesses to compost food waste because it is the responsible way to take care of our environment.

Andrea Lowgren
Portland

9/19/17

Hello,

I fully support a policy of requiring businesses to separate their food scraps this is a sustainable project that will benefit our region. - Benjamin Kerensa

9/20/17 12:58PM

This is a wonderful idea! Please implement this!

Alissa Fuchs

9/20/17 2:02PM

Hello -

I'm a resident of the Foster-Powell neighborhood in Portland and strongly support enforcing food scrap composting by businesses. I moved here from Seattle almost 2 years ago and was disappointed to find that this is so rare and unenforced, as it is the law in Seattle and people there are quite used to it. The longterm benefits far outweigh the work required to implement the new policy.

Thank you,
Lisa Traxler
206-601-4170

9/21/17 9:17AM

I was shocked when I moved to Portland from Seattle to see all of the food scraps from businesses going into the trash. I had expected Portland to be ahead of the curve, ahead of Seattle, when it came to environmental issues. There is no reason why ALL businesses shouldn't be required to compost. Of course businesses that handle food should be required, at a minimum.

Make this happen and then immediately start planning to expand to all businesses. My workplace should offer composting.

Thanks for your efforts on this!

Sean McClintock
206.619.4159
Zip: 97206

9/21/17 9:05PM

Dear Metro,

As a fellow traveler in life I applaud your efforts on food scrap effective use and disposal. My concerns relate to the implementation and enforcement of these policies. In reviewing your comments here and in various media forums I do not see enough concern for the cost to businesses, non-profits, and other stakeholders. As Pamphlin media has pointed out past efforts to implement similar scrap recycling in the area actually cost taxpayers a great deal of money and was unprofitable for the business that took the initiative to pilot such an initiative. Rather than re-invent the wheel in this regard I would recommend that Metro & other authorities take those past lessons

into account. If the end result of your current draft policies would result in more air pollution I would not be in favor of any implementation of such policies regardless of the impact on global warming. Thank you in advance for the opportunity to provide our comments.

Best regards, Steve Bolgrin

9/21/17 11:21AM

I think this will be great, especially when it is implemented in PPS. I worked briefly as a sub in the cafeterias at PPS and was appalled at the outrageous amount of food waste.

Thanks!
Annie Bosworth Foley
Stage Manager
404-964-1244

9/22/17 6:50PM

I have read the proposal to regarding mandatory separation/collection of food scraps separate from garbage and agree this is good policy to implement. The data collected regarding food waste supports the recommendations and unfortunately the for-profit business model is unlikely to make changes voluntarily. Thank you.

Angie Hamilton
503 780 8482

9/25/17 11:36AM

To whom it may concern,
I am writing in complete support of the new food scrap separation proposal. At our elementary school we strive to teach our students the most up to date recycling research. We put theory into action by recycling in our classrooms and in our cafeteria. We compost on a limited basis and use the byproduct to fertilize our school garden. However, we can't keep up with the amount of food waste generated by our 530 student school.

Mary Woodward Elementary wholeheartedly supports this new food scraps proposal.

Sincerely,
Jerry Nihill

Jerry Nihill
Principal
Mary Woodward Elementary
(503) 431-4708

9/27/17 7:13AM

Hello,
I'm really excited about this proposal, thank you!

I'm a Master Recycler, and am able to volunteer in my kid's schools. Currently, I'm trying to implement PPS' optional food scrap collection program at Alameda Elementary, the City's largest elementary school with over 800 students and staff. Making this mandatory is the only good solution to what is now a opt-in, volunteer-run program, so I'm encouraged by this new regulation from Metro.

But I need clarification: would students be considered "customers" in the "front of the house" (in red, below)? If so, this sounds like their participation would be discretionary. This would be a huge mistake. Many students compost food scraps at home--why not also at school? If you want real change, these habits must be consistent and reinforced throughout. And, when we do collect food scraps during lunch, it's over 80 pounds in one day.

Yes, ensuring students' food waste is free of contaminants is a challenge, but not one so big that can't be tackled.

Thank you very much,
Liz Erickson
NE Portland

FS—5.10—009 Local Government Requirements 1. Local Governments must implement one of the following:

2. Local Governments must require Covered Business Entities to: a. Separate food waste from all other solid waste for collection. b. **Recover food waste that is controlled by the business, agents, and employees. This requirement does not apply to food wastes controlled by customers. At its discretion, a Covered Business Entity may collect food waste from customers but must ensure that food wastes are free of non-food items.**

9/27/17 8:45AM

Hi there, I would like to give a strong YES PLEASE for the proposed policy to require certain businesses to keep food scraps out of the garbage.

I am speaking only for myself at this time, but I am a parent, Washington County resident, school volunteer and my children's elementary and middle schools, parent and student Green Team coordinator and Beaverton Eco-School Network steering committee member. I also write about sustainable issues for the Portland Tribune.

I followed the "Let's Talk Trash" conversation, and would truly hope that this policy gets set in motion as part of Metro's evolution to keep reducing waste and help accomplish the region's climate change goals.

I also am concerned about the drop-off in facilities that accept plastic clamshells and othe packaging ... maybe this type of packaging needs to go the way of the Styrofoam container?

Thanks much,
Jennifer Anderson
Washington County resident
503-317-6958

9/28/17 8:57AM

Our restaurant is working toward a zero waste food environment. We generate little waste. I would like to see an exemption to mandatory food scrap recycling for restaurants that are near zero food waste.

I have concerns about food waste recycling based on current and prior experience. First, holding food scraps for recycling makes insect control and pest control inside and outside the restaurant much more difficult and negatively effects the working environment and health and safety of employees and customers. Second, over the last 100 years, improvements in public sanitation has greatly improved public health. I believe holding waste food for recycling is a step in the wrong direction. It definitely provides more food source exposure for disease vectors, insects and rodents. In outlying areas, additional pests could easily include racoons, skunks and coyotes. We have experienced all of these problems. Please consider the negative public health impacts.

Best regards,
Bob Spencer
bspencer@killerburger.com
971-804-2303

9/28/17 9:07AM

Hi,

I am the manager for Food & Nutrition Services at Kaiser Westside Medical Center. My Chief Operating Officer forwarded this info to me, but I would like to be on the distribution list for any further information that will come out regarding this topic. We do already separate our back of the house food scraps for composting, but I am looking forward to the structure and support that is proposed with this new rule. Please add heidi.thompson@kp.org to your distro list. Thanks, in advance,

Heidi

Heidi Thompson, MS, RD, LD
Manager, Food & Nutrition Services
Kaiser Permanente Westside Medical Center

10/3/17 7:00PM

We are residents of the part of Happy Valley that borders with PDX We would certainly participate in food scape recycling if it were available Our garbage/recycler is Sunstet garbage are there any plans in the future to allow us to participate.?

Thank you
Patty Sherman-Cormack

10/4/17 6:13PM

Hello- My name is Starr Jackson. My husband and I own three restaurant/bars in the Portland metro area. I have dabbled in composting, but unfortunately it was so expensive that it did not make financial sense for our businesses. I cannot imagine how the garbage companies can justify and extra \$50-\$85 dollars each month for composting. In reality I would much prefer to compost, but asking small business to absorb yet another expense is just too much. At some point there will be no point to doing business in the Portland metro area, as the cities and counties continue to pile on new fees/taxes/etc.

Starr Jackson

10/8/17 9:30AM

I am very happy to hear that commercial food scrap recycling is to become mandatory. I was actually unpleasantly surprised to find out that separation of food scraps from garbage wasn't already being practiced by a greater number of businesses in the Portland area, but learning that there hasn't existed commercial composting pick up was also a big surprise, and I suppose a huge hindrance to the ability to successfully dispose of food waste. So, kudos to Metro for getting this ordinance on the books.

I have two questions:

How have the cited 1,300 smaller businesses, which have been voluntarily composting already, been disposing of their food scraps?

and

If 18% of our garbage has been composed of food waste, what is the percentage of our garbage devoted to plastic, and in particular convenience-food plastics (ie clamshells, take-out tubs etc)? So much of our food in the city, particularly in restaurants but also in an increasing numbers of grocery stores, is prepared for convenience using plastic containers for which there is no incentive to recycle, and furthermore no guarantee that recycling is even available (at least twice in recent memory China has halted acceptance of our recyclables). Is there anyone/any department in Metro working on or with knowledge of this conundrum - the growing use of convenience-food plastics which have no guaranteed after life: no mandated incentives to be recycled (neither for the manufacturer nor the end-user) and no guarantee even of the recyclability of the product?

I very much look forward to any answers you can provide me for the above questions.

Thanking you in advance-

Shari Sokel
Portland, OR 97202
(503) 475-4274

10/10/17 11:04AM

In July of this year, I attended a food waste roundtable that was organized by Washington County. At that event a representative from Metro shared information about a goal to produce high-quality marketable compost.

I've reviewed information on the Oregon Metro website to learn more about Metro's plans for food waste diversion to composting facilities however I haven't found any specific information about plans for contracting with or building such facilities.

Can you clarify where food waste would be transported for conversion to compost if a new policy on food waste segregation is implemented?

I'm trying to become better informed on the topic so I can generate support internally at our hospitals to get started on food waste segregation.

Thanks for your help!

Pat Lydon, CEM
Sustainability Program Manager
Legacy Health
plydon@lhs.org
503-944-4251
Caring for patients... and the planet!

10/10/17 11:19AM

I know there will be problems or hardships for many/all businesses. There always are. But the more we can eliminate waste the better for us all. We have to think BIG when it comes to ecology, especially with possible changes in the Fed government (re EPA Pruitt/ Trump)

Marianne Terrell-Lavine
8619 SW 37th Ave
Portland OR 97219

10/10/17 10:03AM

Jennifer,

Some food processors take excess products and sell to livestock or hog farms. I have a bakery that carefully takes all of their damaged or excess bread products and distributes those products to farms in Oregon. This already compliments the goal of keeping the food scrap out of the landfill but I don't see how this would fit in the definition because the food waste is a product that can't be sold for human consumption (example is broken or deformed hotdog bun) but it is certainly fit for animal consumption. Can we add a line in the definition to make that clearer? Below is a suggestion... Thanks for your consideration.

"Food waste" means waste from fruits, vegetables, meats, dairy products, fish, shellfish, nuts, seeds, grains, and other food that results from the distribution, storage, preparation, cooking, handling, selling or serving of food for human consumption. Food waste includes but is not limited to excess, spoiled or unusable food and includes inedible parts commonly associated with food preparation such as pits, shells, bones, and peels. Food waste does not include large amounts of oils and meats which are collected for rendering, fuel production or other non-disposal applications, **food fit for animal consumption**, or any food fit for human consumption that has been set aside, stored properly and is donated to a charitable organization.

Shawn Miller,
Representing the Northwest Grocery Association

10/11/17 5:23PM

Hi there,

Thank you for the chance to comment on the food scraps policy. I work in the public sector and understand, to an extent, the limits you face in terms of logistics of this requirement as well as communicating these technical matters to the public. I appreciate the chance to review what seems like a digestible presentation of technical information, as I spent my time at the University of Virginia shoring up our composting system campus-wide and just secured curbside composting for my 21-unit residential building in Portland.

I have just two comments on the admin rules:

- The Covered Business Entities include full-service restaurants but not counter-service restaurants. This worries me, as counter service is a huge and growing trend in the restaurant industry, given that millennials and lower-income people like myself provide a strong market for something more accessible than a full-service restaurant (especially as we spend more and more of our income on housing). It seems that counter-service restaurants, in the aggregate, may produce as much or more food scraps/waste as full-service restaurants, and perhaps their model of cooking and service would be even more amenable to collection than full-service. If you haven't, I hope you can study and consider requiring counter-service restaurants to participate. If you're in the business of responding to people's comments, I'd love to hear more about this issue.
- I see that local governments can offer businesses waivers if compliance would result in a hardship -- I'm sure there's some legal definition of hardship somewhere in Metro's code, or that it's defined elsewhere. I don't know where it is...but in the case it's not defined, I would like to know what that

term means and make sure that there's not enough wiggle room in "hardship" to allow businesses to bow out just because it costs them a bit more.

If there's any way I can get follow-up on this, like being signed up for a newsletter, please add me.

Thank you!
Love Jonson

10/13/17 1:54PM

Attached are comments from the City of Portland Bureau of Planning and Sustainability.

Thank you for this opportunity.

Amanda Romero

Text from attachment:

Dear Metro Council and Staff,

I am pleased to offer comments to you regarding your proposed business food scraps separation requirement. This policy will help us to reach our Climate Action Plan goals of reducing food scraps sent to landfill by 90 percent.

Voluntary Approach is Not Enough

For over ten years, we have encouraged Portland businesses to sign up for food scraps collection service. Over one thousand Portland businesses have made that commitment and are turning their food scraps into electricity or fertilizer for local farms and gardens. However, many food services businesses have yet to start separating their food scraps. We will need a broader range of participation, especially from the businesses generating the most food scraps, to reach our goal. The only way to reach this is through consistent and fair compliance monitoring. We support the phased approach outlined in your proposal because it enables local governments to focus on the larger generators first.

Regional Policy Needed

Portland has had a food scraps separation policy since 2008, but we have been slow to implement the requirement. This is due, in part, to limited composting facility capacity in the region. A regional policy will allow for consolidated flow of compostable materials that will ensure stable processing capacity. It will also foster consistent messaging and implementation across our region. We support your consistent, region-wide approach to food scraps separation policy.

Costs to Businesses are Top Priority

We recognize that there are business barriers to participation in food scrap separation. One barrier is cost. The collection service and related costs such as receptacle liners are primary concerns. We encourage Metro to look for opportunities that lower costs to businesses. We also encourage Metro to choose a processing facility with capabilities that reduce costs externalized onto businesses. These may include de-packaging or a system that could accept and screen out conventional plastic bags rather than require costly compostable bags.

Equity Considerations are Important

As with any policy, we support efforts to mitigate burdens of the policy especially for individuals and businesses least able to influence the policy development. We encourage you to continue to engage businesses owned by and/or serving communities of color and to encourage and support local governments with their outreach and implementation efforts, specifically related to equitable provision of assistance and information.

Food Scrap Recovery is a Starting Place; Food Waste Prevention and Food Donation are Next

We know that end of life materials management is just one part of the solution and look forward to working with Metro and other partners to encourage and support food waste prevention and food donation.

Commitment to Implementation

The Bureau of Planning and Sustainability is committed to implementing the regional food scraps separation policy. Although we already have a policy in place, we will work to ensure regional consistency by following the phased-in implementation and working alongside other jurisdictions in the region.

Attached are our detailed comments to the proposed administrative rules.
Thank you for this opportunity to comment.

Regards,
Bruce Walker

City of Portland Bureau of Planning and Sustainability
Detailed Administrative Rule Comments
Solid Waste Administrative Rules AR - FS - 5.10
Business Food Waste Requirement
PUBLIC COMMENT DRAFT September 7, 2017
FS-5. 10-005

Applicability of Rules

3. Covered Business Entities shall meet the food waste requirement according to a schedule determined by the quantity of food waste they generate on average, in three phases as listed below. Implementation will begin with Business Group 1 and progress to the other groups according to the Effective Dates described in Rule 006. Covered Business Entities that demonstrate they generate de minimis quantities of food waste are not subject to this requirement.

Comment: change underlined to "minimal" to match wording in FS-5.10-014 (temporary waivers). De minimis and/or minimal would need to be defined either by local governments during implementation or by Metro.

FS-5.10-004

"Food waste" means waste from fruits, vegetables, meats, dairy products, fish, shellfish, nuts, seeds, grains, and other food that results from the distribution, storage, preparation, cooking, handling, selling or serving of food for human consumption. Food waste includes but is not limited to excess, spoiled or unusable food and includes inedible parts commonly associated with food preparation such as pits, shells, bones, and peels. Food waste does not include large amounts of oils and meats

which are collected for rendering, fuel production or other non-disposal applications, or any food fit for human consumption that has been set aside, stored properly and is donated to a charitable organization.

Comment: change underlined to: Food waste does not include liquids or large amounts of oils and meats which are collected for rendering, fuel production or other non-disposal applications, or any food fit for human consumption that has been set aside, stored properly and is accepted for donation at a charitable organization.

FS- 5.10 · 012

Business Assistance

a. Educational materials must include, at a minimum:

iii. All signs and program materials must be understandable to non-English speakers.

Comment: change underlined to "designed to be understood by people with limited English proficiency."

FS-5.10-012

Business Assistance

Local governments must provide educational materials and offer technical assistance to covered businesses to encourage food waste prevention and donation of edible food and assist with program set-up, understanding program requirements and separation standards.

Comment: Change underlined to "food. They must also assist with food waste collection requirement program set up, understanding program requirements and separation standards."

b. Technical assistance offered must include, at a minimum:

ii. Assistance with program set up and training on-site at the business.

Comment: Change underlined to "food waste collection requirement program". This clarifies that on-site training is provided about food waste collection, not prevention or donation.

v. Serve as a liaison between the business and solid waste hauler as needed to ensure provision of appropriate collection receptacles and service frequency

Comment: suggest deleting all of part v. The role BPS is positioned to play is encapsulated by parts i-iv. If this part must remain, then we suggest changing to "v. Serve as a facilitator between the business and solid waste hauler as needed to assist with the provision of appropriate collection receptacles and service frequency."

FS-5.10-014

Local Government Temporary Waivers to Covered Businesses

1. A local government may establish a method for granting temporary waivers to covered businesses. A local government must seek Metro approval of the waiver method and conditions.

2. Temporary waivers must meet the following minimum standard:

a. May not exceed 12 months, renewal allowed.

Comment: Change underlined to "annual renewal". Question: Does Metro intend to limit the number of annual renewals granted? If so,, total number of allowable renewals should be indicated here.

b. In order to be renewed, a local government must annually review waivers to determine if conditions that warrant the waiver are still in place and cannot be remedied.

c. Criteria for granting temporary waivers includes:

Comment: Change c. to "Covered businesses seeking a temporary waiver must agree to periodic waiver verification site visits. Local governments are responsible for determining if one or more of the following criteria warrant a temporary waiver:"

- i. Minimal amounts of food in the disposed waste.
- ii. Food waste produced by the covered business is not suitable for inclusion in the program, or cannot be made suitable without considerable expense.
- iii. Physical barriers to compliance exist and cannot be remedied.
- iv. Compliance results in hardship.

Comment: Change underlined to "unreasonable capital expense hardship." It would then be up to the local government to determine whether the stated hardship is reasonable or not. Metro could approve criteria for making this determination in the Local Government Implementation Plan.

- v. Compliance results in a container in the right of way or violation of other government health or safety code.
- vi. Covered businesses agree to a waiver verification site visit.

Comment: Delete vi if site visits are a requirement described in c. above.

3. Local governments may not grant waivers in cases where collection containers are placed outside of enclosures if such placement does not constitute a safety or health risk. Short-term waivers may be granted in situations where enclosures are in the process of being installed or expanded in order to accommodate food waste receptacles.

Comment: Remove section 3. This kind of detailed restriction is better suited for the Local Government Implementation Plan wherein the local government is seeking approval on their waiver method and conditions. This section could be problematic for jurisdictions that have conflicting rules about container placement outside of enclosures,

FS-5.10-018

Funding Guidelines

1. Metro will provide funding to support the implementation of the business food waste requirement to local governments upon adoption of the requirements by the Metro Council. Metro intends to provide additional funding for the first (XX) fiscal years of the business food waste requirement, subject to Metro Council approval of funding amounts during the annual budget process.

Comment: Request funding for a minimum of five fiscal years after policy adoption.

10/13/17 4:10PM

To: Metro
From: Jeanne Roy, Center for Earth Leadership
Date: October 13, 2017
Subject: Food scraps policy comments

The Center for Earth Leadership, sponsor of the Eco-School Network, favors the proposed Food Scrap Policy, including the draft code amendments and the draft administrative rules.

The timing is right:

- Fifteen years have passed since the RSWMP recommended that food be collected from larger generators “within three to five years.”
- Food is the largest component of landfilled waste that has not yet been adequately addressed.
- Reducing methane emissions is an important step in reaching Oregon’s greenhouse gas emission goals.

The Center is particularly interested in a requirement that food waste be collected from schools. However, we request that front-of-the-house food waste be included as well as back-of-the-house. There are two reasons for this:

- Most of the food waste is from the cafeterias rather than the kitchens.
- The education value for children is extremely important. When students are asked to separate food and other reusable and recyclable items after lunch, they learn that resources need to be conserved and not wasted.

Thank you for the opportunity to comment.

Jeanne Roy

10/18/17 6:01AM

I am in favor of any legislation that helps divert food scraps from landfills.

Thank you,
Alice Cascorbi

10/20/17 9:19AM

Letter from NWFPA attached.

Pamela Barrow

10/20/17 2:23PM

Letter from Legacy Health attached.

Gina Cole

10/20/17 10:01AM

Hope it's okay if I send these to you. Also, I'm including the letter that was sent today from Chair Duyck to President Hughes.

Congratulations on one milestone completed, public comment period #1 over! Thank you for your tremendous effort in getting this policy out to the region, really an outstanding outreach accomplishment; not to mention a ton of meetings for your staff. Well done.

Theresa Koppang | Manager

Letters attached

10/20/17 1:06PM

Good afternoon President Hughes and Metro Councilor Harrington, I am sending the attached letter on behalf of Mayor Steve Callaway.

Thank you,

Sheril Jensen

Letter attached

10/20/17 1:11PM

Jennifer/Matt,

Attached are staff comments on the proposed policy. Additionally, I am attaching a letter from Mayor Callaway to President Hughes and Councilor Harrington that will be sent today.

Thank you,
Peter Brandom

Letter attached

10/20/17 1:18PM

Good afternoon,

Thank you for the opportunity to submit comments on Metro's proposed food scraps policy documents. At this point, I only have one comment to forward on the Metro's food scraps proposed draft – there should be consistency in what is allowed to be placed in the food carts, as issues can

arise when there are differences among jurisdictions and customers are allowed to place whatever items in the cart that are allowed by the entity taking the material. I believe this is likely Metro's intent, but I wanted to mention it.

Please don't hesitate to contact me if you have any questions.

Have a great weekend!

Thank you,
Beth Vargas Duncan
ORRA

10/20/17 4:51 PM

Please find attached comments related to Metro's Food Scraps Policy. Please let me know if you have questions or need additional information. Thank you!

Deanna Palm

Letter attached



Via email: foodscraps@oregonmetro.gov

October 20, 2017

Metro
600 NE Grand Ave.
Portland, OR 97232

RE: Food Scraps Policy Comments

Northwest Food Processors Association (NWFP) submits the following comments on the proposed *Business Food Waste Requirement*.

NWFP is an association of over 155 food manufacturing companies in Oregon, Washington and Idaho with over 250 facilities throughout the Northwest. Many of these companies are located in the Metro area and would be subject to the requirements of these new rules.

Food manufacturers endorse EPA's Food Recovery Hierarchy and seek the best, highest use for their food waste. Consequently, food waste from food manufacturers represents a very small portion of total food waste. The Food Waste Reduction Alliance study indicates about 3% of food waste comes from food manufacturers (*Best Practices & Emerging Solutions Guide, 2015*).

NWFP members support Metro's goal to divert food waste from landfill. We urge Metro, however, to make every effort to assure that covered businesses do not experience large cost increases in meeting these new requirements.

NWFP has the following comments on specific sections of the proposed Administrative Rules:

FS—5.10—004

Does "food waste" include packaged food? Our understanding is that some types of packaged food are not included in food waste and some types are included. This should be specified in the definition of food waste.

FS—5.10—005

What is the definition of *de minimis* quantities of food waste? This amount should be clarified.

FS—5.10—006

The effective date for implementation by food manufacturers, many of which fall into Business Group 1 (March 31, 2019), needs to be delayed by at least another year. There are currently few economic options available for alternate disposal and the operational date for Metro's process center and other required infrastructure are uncertain and still in planning. Further, opportunities for use of this waste will be explored, but will take time. A time extension will afford needed flexibility as companies seek the most cost-effective and efficient means to comply with the requirements. Since food manufacturers account for a very small percentage of total food waste and their waste issues are more complex, it is reasonable to focus first on the larger aggregate sources of waste such as restaurants and institutions.

FS—5.10—008

Distance waivers in this section appear to apply only to local governments. Distance waivers should be available to food manufacturers based on proximity to transfer or processing facilities as well.

FS—5.10—014

We appreciate the grant of temporary waivers to covered businesses.

NWFPA thanks Metro for this opportunity to comment on the proposed Business Food Waste Requirement. Food manufacturers look forward to working with Metro and with local jurisdictions to make this a workable approach for everyone.

Sincerely,

A handwritten signature in black ink, appearing to read 'David McGiverin', with a large, stylized loop at the end.

David McGiverin
President



Legacy Health
1919 N.W. Lovejoy St.
Portland, OR 97209
503.415.5600 phone
503.415.5777 fax

October 20, 2017

Metro
600 NE Grand Avenue
Portland, OR 97232-2736

Re: Metro Proposed Food Scrap Mandate Comments

The stated goals of the Metro's Business Food Waste Requirement are aligned with Legacy Health's mission of good health for our people, patients, communities and world. Legacy is a nonprofit health system serving Oregon and SW Washington with seven hospitals, which include Legacy Emanuel Medical Center, Randall Children's Hospital at Legacy Emanuel, Legacy Good Samaritan Medical Center, Legacy Meridian Park Medical Center, and Legacy Mount Hood Medical Center. As a result of the care we provide to our communities, we generate and manage 10 different waste streams which each require their own protocol. In adding another through the proposed scrap food mandate, it is imperative that Metro and local government work with the key stakeholders to ensure a thorough and smooth implementation period.

Compliance and Flexibility

The current effective deadlines described in Rule 006 should be flexible to reflect the readiness of the yet-to-be-named facility and the infrastructure to set-up with the local government and haulers. There is still little known about the facility, the location of the facility or a deadline for the facility to be completed. Therefore, the proposed deadlines are hasty.

Organizations that must participate in Business Group 1 will be subjected to issues that arise when implementing a new a program. Metro and the local government should consider the creation of garbage rate incentive for covered businesses participating in the first three phases of the program. A similar program was implemented in King and Pierce counties and businesses found it offset some costs of participating.

Business Assistance

Rule 012 states the minimum assistance required of local government to support the covered businesses. For the large businesses, an official from the city or Metro should be available for the promotion of the implementation of the new program and on-site education for necessary staff. In addition to technical assistance, the local government should encourage haulers to be flexible in determining the number of pick-ups required. As an example, trash currently is picked up every day at Legacy Emanuel Medical Center. With the separation of trash and food waste, that could reduce the number of trash pick-ups. The frequency of food waste picks up should be subject to change also, especially during the first the phase of implementation.

Businesses should have the option to decide the types of food waste vessels use in their facilities that would best decrease the concerns that come with gathering food waste on site. Those concerns are the potential smell, rats, space constraints, and malfunctions (spillage).

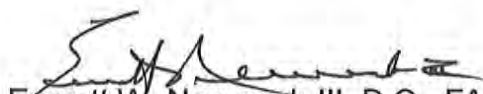
Proposed Facility

This is not the first time an innovative compost or anaerobic facility has been proposed. While the earlier facilities may have suffered from a lack of technology (Riedel and Nature's Needs), the most successful one so far, JC Biomethane, is currently struggling financially. JC Biomethane is often mentioned as a success story but they have been unable to pay their property taxes and overstated the amount of energy they could produce according to an investigative report by Eugene weekly. It is difficult to have confidence that an un-named company would perform better than these other facilities that have failed. For any business to invest the labor and resources to separate food waste from trash there is an expectation that this new facility will be successful.

Ideally, large-scale food producers should have the opportunity to voice favor or disfavor in the finalists for the bid. We understand the reason given for these other facilities failing is that they did not have a constant stream of food waste to produce energy and that food waste depends on the participation of multiple stakeholders across the logistical map. Metro should give some consideration to the knowledge and viewpoints these organizations may have in determining the type of company that builds the facility and the location.

Legacy is confident that we can implement food waste collection at each of our sites but not without the support and proper execution of Metro, City of Portland, and associated stakeholders.

Sincerely,



Everett W. Newcomb III, D.O., FACC, FACP
Chief Operating Officer



Date: October 20, 2017

To: Metro Food Scraps Team

Fm: Washington County Solid Waste & Recycling, Theresa Koppang, Manager

Re: Comments on Metro Commercial Food Scraps Collection Policy

General Comments on Proposed Ordinance

In general, Washington County supports the draft code amendments regarding the proposed businesses food waste requirement. Keeping food out of a landfill is a goal that we also support. There are critical cost details that are unknown at this time, and will be necessary for us to pledge full support. However, we understand that in order to attract investment in a food waste processing facility, there needs to be a demonstrable policy commitment from our region to require commercial food scraps collection.

Given the lack of reload/transfer capacity for food scraps in Washington County, we appreciate provision 5.10.450 that allows Metro's COO to grant a temporary waiver. It's possible Washington County would need to request this. Please see under separate cover a letter from Washington County Board Chair Andy Duyck sent directly to Metro President Hughes and Council.

Specific Comments on proposed Administrative Rules

- FS – 5.10 – 002:
 - “Inedible food waste” – seems redundant, suggest just “inedible food” or “food waste.”
 - Suggest describing/defining it as “food waste-generating businesses”
- FS-5.10-004: Should coffee be added into the admin rules under this section?
 - For some businesses that will be a huge waste
 - For that matter, tea leaves too.
- FS—5.10—004: Here it uses the term “Covered Businesses” but in the following sections it says “Covered Business Entities” several times.
- FS—5.10—006: Why is there 12 months between Groups 1 & 2 and 18 months between Groups 2 & 3? We thought it was going to be 18 months between each group.
- FS—5.10—008: What is the reasonable distance proposed to be? (Here it says XXX miles) Washington County would like to be involved in developing this ‘test of reasonableness.’ This is not only a matter of distance, but given the congestion on our roads, it's a matter of time.

- FS—5.10—009: a. and b. should all be listed under a. Having two separate bullets makes it seem like there are multiple options but it's really all one thing, and b. is just further explanation of a.
- FS—5.10—011: For #2, the way these bullets are written is confusing. Who has to comply with these – the Local Government or the business?

FS-5.10-013:

Local Government Enforcement

- 1) It appears Washington County can use our current mechanism of the Notice-of-Non Compliance to meet this section requirement.
- 2) Washington County would rely on citation system and Justice Court. Chapter 1.08 (Uniform Citation Procedure).
- 3) Fines are set for Washington County Codes under WCC 8.20.210. WashCo. can use the Justice Court for all citations. Authority is given through WCC 8.20.190 (Citation)
- 4) FS—5.10—014:
 - a. For 2c, suggest it say “Criteria for granting temporary waivers may include” Otherwise it sounds like all these things need to be in place in order to grant a waiver.
 - b. For 3, the double negative is confusing. Suggest: “Local governments may grant waivers in cases where collection containers are placed outside of enclosures only if such placement does not constitute a safety or health risk.”



WASHINGTON COUNTY

OREGON

October 20, 2017

Council President Tom Hughes
Metro
600 NE Grand
Portland OR 97232

Dear President Hughes,

I am writing to provide feedback on the proposed commercial food scraps legislation that Metro Council will soon be considering and is currently out for public comment.

Earlier this year, in a letter dated June 29, 2017, I expressed my general support for commercial food scraps collection. Keeping food scraps out of the landfill is an important and worthy goal for our community. It is a goal shared by many of our businesses and large food generating entities as well. Indeed, it is already a requirement included in Washington County Code as part of the Business Recycling Requirement.

It is likely that Washington County will adopt additional administrative rules that will require large food-generating businesses to participate in a food scraps collection program. And while I support the concept of collecting commercial food scraps, I don't believe that Metro has the legal authority to impose legislation on the county.

In that June letter, I also expressed my concern about the lack of infrastructure in Washington County for commercial food collection. I appreciate that the proposed policy includes a waiver for jurisdictions, like Washington County, that are awaiting the necessary transfer and/or reload capacity to make such collection an economically viable alternative to landfilling. I also recognize the important outreach efforts of your staff to bring this proposed legislation to the attention of both my board and the city councils in the county.

Sincerely,

Andy Duyck
Chairman, Washington County Board of Commissioners

Cc: Metro Councilors
Washington County Board of Commissioners
Martha Bennett, COO, Metro
Bob Davis, County Administrator, Washington County



October 20, 2017

Council President Tom Hughes
Councilor Kathryn Harrington

Metro
600 NE Grand Ave
Portland, Oregon 97232

Dear Tom and Kathryn:

We are writing to provide our comments on the draft Metro commercial food scraps policy and administrative rules. We appreciate all the hard work that has gone in to the development of the policy and rules. We have also provided feedback via MPAC, SWAAC and other channels.

We support the objective to divert solid waste, including food, from the landfill, and the intended positive environmental and other outcomes. This objective is consistent with our own environmental sustainability goals. We do have some concerns with the policy and also want to provide some context specific to Hillsboro that informs our feedback.

Currently over 80 businesses in Hillsboro voluntarily separate their food scraps for composting; this is approaching ½ of the estimated 200 businesses that would be affected by the proposed policy. Since 2013 Hillsboro business participation in the food waste program has increased over 100%, and the tonnage diverted from landfill has increased nearly 800%. This is one of the best outcomes over that time period in the region. It is largely the result of incentives provided by Metro to do this work, especially for the proactive, focused technical support to businesses that volunteer to separate food for composting. We think these efforts over the past four years have produced solid results in Hillsboro, and we support that approach.

We also have the following concerns.

- A cost/benefit study that assesses the impacts to individual businesses as well as all ratepayers has not been done. Consideration of this policy and rules is premature without such an assessment.
- We know that Metro is working on some concepts to defray the anticipated added costs associated with the policy, but that dialog is early, and we believe that there should be much more clarity on that before a policy is considered.

- There are system deficiencies, most notably a lack of transfer capacity, for food waste in our area. Requiring route trucks to deliver material to the Metro Central transfer station would be prohibitively costly and unworkable, especially considering the ever-increasing road congestion between Hillsboro and north Portland.
- The proposed distance-based waiver has two major problems. 1. The distance is not yet defined, and 2. The onus to request the waiver is placed on us. We believe that the distance must be defined before a policy is considered. As I have stated at MPAC, we also believe the time must be defined given the increasing transportation congestion. We also believe that since Metro will calculate the distance, the waiver ought to be granted by default at least until adequate infrastructure is in place.
- Standards for enforcement of noncompliance should be left up to us, since we have existing enforcement authority and practices.
- The proposed requirement for local governments to produce an implementation plan is onerous and unnecessary. Similar to the Business Recycling Requirement, Metro should simply require reporting on any enforcement actions taken.
- The proposal to withhold funds beyond those intended to increase recycling of food scraps is overreach. This threat should involve only funds associated with business food scraps composting.
- We are concerned Metro is acting outside its legal authority in requiring local governments to implement and enforce the proposed program.

Again, we wholly support the intended objectives of the commercial food scraps effort, and we think that the means of implementation should be left up to us, in continued partnership with Metro.

Sincerely,



Steve Callaway
Mayor

cc: Metro Councilor Shirley Craddick
Metro Councilor Carlotta Collette
Metro Councilor Craig Dirksen
Metro Councilor Sam Chase
Metro Councilor Bob Stacey
Martha Bennett, Metro
Jennifer Erickson, Metro
Michael Brown, City of Hillsboro
Rob Dixon, City of Hillsboro

Hillsboro Staff Comments on the 9/7/17 Draft Metro Commercial Food Scraps Policy and Administrative Rules

General Comments:

- Hillsboro supports efforts to divert solid waste, including food, from the landfill, as well as the intended positive environmental and other outcomes. This objective is consistent with existing City goals.
- A cost/benefit study that assesses the impacts to individual businesses in addition to all ratepayers has not been done, though it has been requested by us multiple times. Consideration of this policy and rules is premature without a cost/benefit assessment.
- The lack of transfer capacity in or near Hillsboro should be addressed before a policy is considered.
- The exception that is envisioned in the policy has two major problems:
 1. The distance is not yet defined, and it does not include a time factor; and
 2. The onus to request the exception (waiver) should not be on the local government.

Specific Comments:

Policy:

- 5.10.420: do office environment businesses “cook, assemble, process, serve or sell” food? I don’t think here at the City, for example, that we do any of those things. Employees choose to bring food in the building, and the business provides a kitchen to aid in that.
- 5.10.430: (2) will not work for Hillsboro due to time and road congestion between Hillsboro and an approved facility that can receive the material.
- 5.10.440: typo in (3) “hauler” should be plural.

Admin Rules:

- FS-5.10-001: #2: same question as stated for 5.10.420 above.
- FS-5.10-004: Definitions: “Covered Businesses” – same question as for 5.10.420 and FS-5.10-001.
- FS-5.10-005: Typo in #4 “thee” meant to be “the.”
- FS-5.10-007: unnecessary to state.
- FS-5.10-008: Missing period in #1 first paragraph.
- FS-5.10-008: #2 b: do not understand why it is incumbent upon the local government to request the waiver. Since Metro asserts to be the calculator of the time/distance and waiver (see #2 c), then they should automatically waive the local government, and local government can respond if not wanted/needed.
- FS-5.10-008: #2 f: For consistency, should say “...location of the *transfer or processing services* are determined.”

- FS-5.10-009: #4. Do not understand for what purpose the implementation plan is required, especially given #5 which states that local governments may implement the program in the manner that is most effective for local conditions.
- FS-5.10-010: See prior comment; do not agree that an annual implementation plan is either needed or appropriate, given that implementation may be done as best suited to local conditions.
- FS-5.10-013: Local governments ought to determine how to enforce. The prescription from Metro should be general and leave enforcement to the local governments, as was done with the BRR.
- FS-5.10-014: #2. c. iii: "...and cannot be remedied" should be deleted since the requirement is for a review every 12 months. Therefore this statement is redundant.
- FS-5.10-018: #1: should define the number of years here.
- FS-5.10-018: #3: Delete "planning" from "planning agency". We do not consider this a planning function.
- FS-5.10-018: #4: Delete "planning" from "planning agency."
- FS-5.10-018: #5: question threat to withhold funding from broader Recycle at Work programming beyond that focused on commercial food waste.



October 20, 2017

Tom Hughes, Metro Council President
Kathryn Harrington, Metro Councilor, District 4
Metro
600 NE Grand Avenue
Portland, OR 97232

Dear Council President Hughes and Councilor Harrington:

The Hillsboro Chamber appreciates the opportunity to provide comments and feedback regarding Metro's proposed Commercial Food Scraps policy and administrative rules. We have appreciated the outreach and effort that have been provided to the Hillsboro Chamber by the Metro staff throughout this process.

The Hillsboro Chamber supports the endeavor to divert solid waste and food scraps from the landfills. What we have learned through this policy review process has been revealing in terms of Hillsboro business participation in Metro's voluntary program. Nearly 50% of businesses that would be impacted by this proposed policy are *already participating* voluntarily. Since 2013, Hillsboro business participation increased by 100%. That's great news and shows a demonstrated effort by the business community to work with Metro to meet its objectives. The tonnage diverted from the landfill has increased by nearly 800%. We are proud of our business community's response to the voluntary program and know that others are interested in working with Washington County and Metro to find a pathway to participation as a result of this amplified outreach.

We have had many conversations and meetings with businesses that would be impacted by this policy and wanted to share concerns that were raised so that the Metro Council could contemplate the issues raised as you determine your next steps.

1. Businesses are concerned about the system deficiencies and lack of transfer capacity for food waste in our area. Trucking this waste to the Metro Central transfer station is not realistic and adds to further congestion on major roadways. It also appears inconsistent with Metro's climate control goals and objectives. The proposed distance-based waiver process is not clear in terms of what distance would constitute the granting of a waiver. Further, we are unclear why local jurisdictions would be the body by which the waiver would be granted for a Metro policy.
2. Several businesses would be forced to make substantial capital investments to comply with the policy as it is drafted. We believe it is imperative that Metro have a better understanding of food manufacturers' processes and systems to ensure that any food scrap policy regulation take into consideration the unique circumstances and requirements that they are already incorporating into their business processes. While we understand that it's not Metro's intent to trigger significant financial investment by businesses to comply with this policy, the outcome is quite the opposite in several cases. Some impacted businesses have estimated that this policy,

as drafted, could result in nearly \$2.3 million dollars in capital costs, additional labor costs, increased water consumption, an increased water treatment processing system, increased utility costs and increased chemical costs just to meet policy requirements.

3. Frequently, businesses have expressed concerns related to the introduction of an additional facility on their properties to process and remove food waste from packaging materials. This has the potential to significantly increase pressures from insects and vermin in close proximity to food manufacturing facilities. This would result in unreasonable food safety risks.
4. We support the concerns raised by both Hillsboro Mayor Callaway and Washington County Chair Andy Duyck in their letters to the Metro Council.

We would ask Metro Council to continue the voluntary program for an additional year and allow businesses to develop a program that helps Metro achieve its goals. We are very clear that this a business issue for Metro and that this policy is to provide the framework/business plan for attracting a business partner to build a facility to handle food scrap waste here in the Portland Metropolitan Region. We believe there is more work that can and should be done prior to adoption of the draft policy.

Thank you for the opportunity to provide feedback and share concerns on the proposed Commercial Food Scraps Policy and Administrative Rules.

Sincerely,

Deanna Palm
President

Second Comment Period: April-May 2018

4/23/2018 8:18 AM

Hello,

I applaud Metro for taking on the issue of food waste and mandatory collection.

I have one comment, however, pertaining to FS - 5.10 -005, item (2), "Covered Businesses"

It is not clear from the list included in this section of the 4/2/18 revised draft that the Rules will apply to Restaurants/Cafeterias/Food Service Facilities *on Corporate Campuses or other places of employment*.

I believe that this should be explicitly spelled out so there is not a loophole for some of the largest food service facilities in the region at Nike, Intel, State of Oregon, County and City facilities, jails, etc., where tens of thousands of individuals are fed each day.

thank you

Kevin Green

Hillsboro

4/29/2018 8:59 AM

This is an excellent idea and should be expanded. Perhaps at some point it can also be expanded to households as well. As well as a PSA to encourage people to be more thoughtful in food buying to cut down on waste.

Keep up the good work.

Barbara Gicking

Portland, OR

4/30/2018 3:39 PM

To Whom It May Concern,

I am responding on Metro's request for comment on revised administrative rules for the Food Scraps Policy.

My comment is that Metro should include a requirement of some kind (either incentive for participation or fine/other penalties for non-participation) that multifamily rental properties located in cities that have composting programs/facilities make composting available to tenants.

I currently live in a large apartment development in SW Portland and our landlord does not offer an option to compost our household food scraps - having moved from Seattle, where composting is required for all owner and rental households, I noticed a huge increase in the amount of garbage my household puts into the landfill because a composting option is not available to us. I would love to compost, but as a renter in a multifamily development I do not have the ability to do so as an individual - it would be great if Metro could encourage this option for renters in multifamily developments.

Thanks for your time,

Mandie Ludlam

5/14/2018 5:36 PM

Good afternoon,

I am the Regional Director for Oregon Refuse and Recycling Association (ORRA). As ORRA regional staff, I represent the Portland Haulers' Association and the Clackamas County Refuse and Recycling Association whose members provide solid waste and recycling collection services within the City of Portland and Clackamas County respectively. In that capacity I am writing to submit food scrap policy comments prior to the May 15, 2018 deadline.

Both the Portland Haulers' Association and the Clackamas County Refuse and Recycling Association request that the process to compensate transportation costs for commercial food waste is simple and the mechanism supporting such funding passes directly to the hauler, not through the jurisdictions.

Thank you for this opportunity to provide comments. Please do not hesitate to contact me with any questions.

Beth Vargas Duncan
Regional Director
Oregon Refuse & Recycling Association
P.O. Box 2186
727 Center Street NE, Suite 350
Salem, OR 97308-2186
Cell: 971-707-1683
bethvd@orra.net
www.orra.net

5/15/2018 4:18 PM

DEQ appreciates the opportunity to participate in Metro's food scraps workgroup. As Metro knows, DEQ is developing a food waste prevention campaign and appreciates Metro's work to incorporate food waste prevention into the Metro food scraps program. DEQ looks forward to ongoing coordination to prevent the wasting of food and to recover inedible food scrap for anaerobic digestion and composting.

Sincerely,

Audrey O'Brien
Manager, Environmental Partnerships Section
Oregon Department of Environmental Quality
Northwest Region-Portland Office
700 NE Multnomah St., Suite #600,
Portland, OR 97232
(503) 229-5072 office
(503) 209-9182 cellphone
(503) 229-6945 fax



WASHINGTON COUNTY OREGON

May 10, 2018

Food scraps policy comments
Metro
600 NE Grand Avenue
Portland, OR 97232

Dear Metro Staff,

Thank you for the opportunity to submit comments on Metro's draft administrative rules relating to implementation of Metro's proposed food scraps separation policy.

Washington County is not in support of Metro's proposal to reimburse local governments as proposed in these revised administrative rules. Rather, we recommend Metro reimburse collection companies directly. The additional time and cost of this proposed 'financial reimbursement system' appears unnecessarily burdensome to local governments requiring increased reporting and tracking. The requirement that local government *certify* that the reimbursements are used to offset collection costs is problematic. Collection companies routinely certify their financial reporting to Washington County through an annual review process. If the collection companies receive reimbursement for costs directly, it would be very simple for them to add this 'revenue' to their financial reporting to us and thereby provide certification that the monies are being applied to collection costs.

The initial idea of a waiver system, until such time as transfer/processing becomes more reasonably proximate to our collection areas, is still supported by Washington County. A waiver mechanism may provide a greater incentive to get the necessary transfer/processing infrastructure that is so critically needed.

Comments on specific sections:

- FS-5.10-008 (2):
 - Metro should consider reimbursing collection companies directly that are not within reasonable proximity to Metro Central transfer station. This would eliminate the unnecessary pass-through to the local government.
 - The last sentence states that Metro will determine the disbursement method. If Metro ends up providing financial reimbursements to the local governments, the disbursement method needs to be known. Since this will have an impact on the local governments resources. For example if it is on an annual basis it will take less local government resources, but if it is on a monthly or quarterly basis that will take more local government resources.
 - It states "Metro will establish zones," it is unclear how zones will be created and if each local government will be an individual zone. Could some local governments have multiple zones? If so, the financial reimbursement to a local government will need to identify the payment for each zone.
- FS-5.10-008 (3):
 - (b) It appears that all of the financial reimbursement received must be used to offset the collection costs. This would imply that none of the financial reimbursement can be used by the local government to offset the additional administration costs of this program.
- FS-5.10-008

- Clarification is needed on how soon the payment would need to be transferred to the haulers (i.e. within 15 days, 30 days, etc.).
- Clarification is needed on how the financial reimbursement received by the local government will be calculated and distributed to the individual haulers.
- Metro should consider adding an administration element to the financial reimbursement to help offset the additional local government administration costs to administer this program.
- FS-5.10-017
 - Clarification is needed on what information the local government will need to collect and report to Metro. What does this reporting include (local business information, copies of notifications to businesses, copies of educational material, information on technical assistance provided, haulers data, etc.)?
 - Clarification is needed on the frequency the local government will need to report (annually, quarterly, monthly).
- Local government administration burden concerns:
 - FS-5.10-008 (3) (b) Disbursement of the financial reimbursement received

If you have any questions about these comments, please contact me at theresa_koppang@co.washington.or.us or 503-846-3663.

Sincerely,

Theresa Koppang
 Manager, Washington County Solid Waste & Recycling
 Committee Member, Metro Solid Waste Alternatives Advisory Committee



May 15, 2018

Metro
600 NE Grand Avenue
Portland, OR 97232

To Whom It May Concern:

The Oregon Restaurant & Lodging Association has had the opportunity to review the updates to the proposed Metro code language and draft administrative rules relating to food scraps. At this time, we would like to share our comments as a part of the public record as we prepare for the public hearing currently scheduled for July of 2018.

ORLA is proud to be a partner in the current campaign (Food Waste Stops With Me) to bring higher levels of awareness to the importance of food waste recycling efforts. We applaud Metro and other participating governments for their work to lead the campaign, encourage change, and broaden the base of participants interested in being active recyclers of food waste.

As our opportunity to participate in public testimony this summer approaches, we would like to continue to express our support for the merits of a food waste collection program and the benefits it brings to Oregon communities.

Any mandate on all food related businesses will bring with it tremendous responsibility and unforeseen challenges that require problem solving and expediency. Our concerns with a food scrap mandate can be summarized into three categories: Implementation Dates, Logistics, and Health & Safety.

Implementation Dates

Our hope relating to implementation dates is that we can avoid instituting a new mandate on private businesses before giving the new project the opportunity to find its footing through a pilot project. For example, currently the proposed mandate would take effect on Business Group 1 as of March 31, 2020. Group 1 is defined as those food related businesses who generate 1,000 pounds of food waste or more per week. Without a pilot geographic area to test out any new mandate, Metro runs the risk of putting out logistical fires and health and safety issues across the entirety of Metro's expansive geographic boundaries. We highly recommend that a specific geographic territory limited in scope be subject to any new food scrap mandate with high levels of customer service being provided to the subject area by Metro staff to troubleshoot and solve problems quickly. We recommend a pilot project be implemented in two phases with the first phase being all government partners receiving taxpayer funds (Colleges & Universities, Correctional Facilities, Hospitals, and Elementary and Secondary Schools) involved in food scrap collection and the second phase being the remaining food related businesses within the given region.

If the goal is over time to provide a highly efficient, logistically proven food waste collection program that is safe for consumers and embraced by business partners then we would encourage the full utilization of this approach.

Through a geographically specific pilot program, Metro could streamline the important work of coordinating with both applicable haulers and local government partners and assess best practices, identify unintended consequences, and solve problems for the broader goals of the program.

Logistics

If approved as currently proposed, the Business Group 1 Food Scrap Mandate would include a patchwork of effected food related organizations across Metro's geographic boundaries. As a matter of efficiency and effectiveness, we have trouble seeing how a scattering of Group 1 participants across Metro's boundaries will be successful from a collection standpoint. Details with each applicable hauler would have to be worked out for only those entities who generate 1,000 pounds of food waste or more per week. Given current industry practices for garbage and recycling, we fail to see how a system will work to effectively and efficiently collect food waste (separate from garbage and recycling) and make sure the collection process is standardized across all applicable haulers and overseen in partnership with all applicable local governments.

If Metro were to focus on a specific territory, service delivery and program efficiency could be focused on through best practices and simpler stakeholder communication.

Public Health & Safety

Given the logistic concerns that could result from food waste collection services amongst Group 1 participants, industry members have been quick to scrutinize the problems that can be encountered with other regulatory bodies if food waste is not picked up on time and as scheduled in a safe and accessible location for applicable haulers. Any problems with pickup or collection procedures could directly impact businesses who rely on successful operations to pay their employees and provide a positive dining experience for their customers. It would not be surprising to see legitimate concerns raised by county health departments and the Oregon Health Authority relating to uncollected food waste, pest control, collection point accessibility issues, odors, homeless, litter, and other unforeseen challenges that could develop during or after normal hours of operation.

Conclusion

Given the importance Metro is placing on the food waste program, we feel the process for implementation to be the determining factor in a successful launch. And given the current constructs for how implementation is currently proposed, we feel a different approach will be necessary. We would like to recommend Metro work with the Oregon Restaurant & Lodging Association and other stakeholders to identify a geographic pilot sub region within Metro's boundary to launch a new food waste initiative. In addition, we highly recommend that Metro look more closely at food related organizations mentioned above as those who are best positioned to participate in a first phase of any pilot program (i.e. taxpayer funded organizations). Approaching the program in this way will showcase Metro's commitment to business partners who will be eager to see Metro's willingness to test out any new mandate before putting their private business operation at risk.

We greatly appreciate your consideration of our observations and your willingness to include them as part of the public record and ongoing discussions relating to food waste collections. Thank you for your time and attention and please reach out to us at any time for further communication on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jason Brandt', with a stylized, cursive script.

Jason Brandt
President & CEO
Oregon Restaurant & Lodging Association
Cell Phone: 503-302-5060
Email: jbrandt@oregonrla.org

Hillsboro Staff Comments on the 4/2/18 Updated Metro Commercial Food Scraps and Administrative Rules, and Feedback on Changes to the Broader Policy Proposal

General Comments:

- Hillsboro reiterates support for the efforts to divert solid waste, including food, from the landfill, as well as the intended positive environmental and other outcomes. This objective is consistent with existing City goals.
- We appreciate the changes to the draft policy that resulted from our prior comments in fall 2017.
- We remain concerned about aspects that have not been addressed, which are summarized here and detailed below:
 - A cost/benefit study that assesses the impacts to individual businesses in addition to all ratepayers has not been done. Consideration of this policy and rules is premature without a cost/benefit assessment.
 - The lack of transfer capacity in or near Hillsboro should be addressed before a policy is considered.
 - The revised 'waiver/payments in lieu' policy has several significant problems, which we have detailed below under "FS-5.10.008".
- We are not in support of the proposed waiver policy that has replaced the waiver.

Specific Comments:

Admin Rules:

- FS-5.10-008:

Fundamentally, this proposed solution to the regional infrastructure deficiency would avoid solving the source of the problem (lack of infrastructure), and it would require a major administrative burden for which there is no compensation. The complexity in distributing those potential payments to customers may not initially seem like a significant issue, but for local governments with limited staff resources this effort will be a significant burden. The administration of this proposal has not been thought through and it should be prior to consideration.

We have concern about remaining vagueness in the policy, including:

- The potential that Metro will not ultimately provide the stated financial reimbursement;
- The 'reasonable proximity' and zones have not yet been determined;
- Whether the potential 'travel time inflator' will apply; and
- The lack of definition in how the potential disbursements would be made.

In particular, we would like further exploration of the methodology that would be used to define the zones upon which the payments would be based. Without clarity on this, it is premature to consider this policy.

- FS-5.10-009: #4. Do not understand for what purpose the implementation plan is required, especially given #5 which states that local governments may implement the program in the manner that is most effective for local conditions.
- FS-5.10-010: See prior comment; do not agree that an annual implementation plan is either needed or appropriate, given that implementation may be done as best suited to local conditions.
- FS-5.10-014: #2. c. iii: "...and cannot be remedied" should be deleted since the requirement is for a review every 12 months. Therefore this statement is redundant.

Food Scraps Policy Formal Comments Log								
Comment #	Date	Time	Format	Name	Email Address	Category	Comment Summary	Response
1	9/18/2017	10:20AM	Email	Julia Metz	jametz22@gmail.com	Both	Full support of policy; believes Portland past due for this policy, stressing the importance of good educatoin components, partnerships, needs to be part of the business culture. Funding and enforcement key, coupled with incentives. Thank you for bringing the policy to the region.	Thank you for your comments
2	9/18/2017	12:33PM	Email	Justin Pribyl	jpribyl@ttsd.k12.or	Both	Informational only in nature, supervisor for school custodial and maintenance program, hates to see how much food is wasted in schools. Wants to start now, has questions about technical assistance available	Forwarded to Holly Stirnkorb for assistance.
3	9/18/2017	6:31PM	Email	Leesa Cooper	leesa.cooper@gma	Both	Does not agree with mandate, businesses are already doing it, no need mandate, make bins free	Thank you for your comments
4	9/19/2017	6:40AM	Email	Teresa McGrath	bone1953@msn.cc	Unknown	General comment, add more incentives, add compostable service ware back in	Our program is food only due to severe contamination problems with the material when non-food items were permitted.
5	9/19/2017	8:19AM	Email	Trinity Oregon City			No longer has school; remove from mailing list	Removed
6	9/19/2017	11:07AM	Email	Ken Jackson	feote@mac.com	Unknown	Concerns regarding North Plains compost facility and poor quality compost due to restaurant waste	The North Plains compost facility only accepts residential yard waste and food. This policy affects business food scraps which will not go to the North Plains facility.
7	9/19/2017	12:26PM	Email	Aaron Kelly	aaronkelly@gmail	Both	Support of policy 100%, concerned around funding and infrastructure	Thank you for your comments. Metro will continue to provide funding to support technical assistance to businesses as well as infrastructure neede for the program.
8	9/19/2017	12:47PM	Email	Philip Jonsson	philip.jonsson@gu	Both	Questions about implementation specifics and materials accepted.	Forwarded to Holly Stirnkorb for assistance.
9	9/19/2017	5:44PM	Email	Andrea Lowgren	andrea.lowgren@g	Both	Support of policy and legislation, responsible way to care for environment	Thank you for your comments
10	9/19/2017	11:17PM	Email	Benjamin Kerensa	bkerensa@gmail.c	Both	Full support of policy and legislation, ustainable project that will benefit the region	Thank you for your comments
11	9/20/2017	12:58PM	Email	Alissa Fuchs	alissa.fuchs@gmail	Both	Support of policy and legislation, wonderful idea, please implement	Thank you for your comments
12	9/20/2017	2:02PM	Email	Lisa Traxler	lisa.traxler@gmail	Both	Strongly supports policy and legislation, disappointed to find that the program not mandatory like Seattle. Long term benefits far outweigh the work required to implement.	Thank you for your comments
13	9/21/2017	9:17AM	Email	Sean McClintock	email@seanmcclin	Both	Support of policy and legislation. Shocked to see all the food scraps from businesses going in the trash as compared to Seattle--expected Portland to be ahead of the curve. All business should be required to do so and food businesses at a minimum. Immediatelyt plan to expand to all businesses. Thank you for your efforts.	Thank you for your comments
14	9/21/2017	9:05PM	Email	Steve Bolgrin	jwbslb@comcast.n	Both	Applaud efforts, but has concerns about costs to businesses and taxpayers, and doesn't support anything that would increase air pollution regardless of GHG global warming impact.	Thank you for your comments.
15	9/21/2017	11:21PM	Email	Annie Foley	anniebosworthfole	Both	Support of policy and legislation, especially for schools as food waste is outrageous there.	Thank you for your comments
16	9/22/2017	6:50PM	Email	Angie Hamilton	hillang2000@gmai	Both	Support of policy and legislation, data supports the recommendations, businesses unlikely to make changes voluntarily	Thank you for your comments
17	9/25/2017	11:36AM	Email	Jerry Nihill	jinihill@ttsd.k12.or	Both	Full support; Mary Woodward school principal providing "wholehearted" support of policy and legislation especially for teaching students theory into action. Cannot keep up with the food waste generated by 530 students	Thank you for your comments
18	9/27/2017	7:13AM	Email	Elizabeth Erickson	elizabeth.ann.erick	Both	Full support of policy and legislation; mandatory is the only good solution vs opt-in; asked for clarification/specification on students roles and if their participation would be discretionary ("back of house")	Thank you for your comments. K-12 school programs will be set up to best suit the needs of each individual school. Some may include collecting food scraps from students and some may not depending on in-school resources as well as individual campus situations.
19	9/27/2017	8:45AM	Email	Jennifer Anderson	happyjenanderson	Both	Full support of policy and legislation; expressed concern around plastics and clamshells	Thank you for your comments
20	9/28/2017	8:57AM	Email	Bob Spencer	bspencer@killerbu	Both	Owner at Killer Burger and believes they operate at zero food waste levels. Wondering if a exemption would be applied for mandatory food scraps recycling if company is proven to operate a zero food waste levels. Also concerned about pests, the healthy and safety of workers, and public sanitation.	Waivers for businesses that do not generate significant quantities of food scraps are built in to the policy. Language has been added to clarify that businesses that generate less than 250 pounds of food scraps per week may be waived from compliance. See sections FS-5.10-005 3. and FS-5.10 014 1. c. i.
21	9/28/2017	9:07AM	Email	Heidi Thompson	heidi.thompson@k	Both	Supports policy and legislation; looking for more infrastructure support and to be added to the mailing list.	Thank you for your comments
22	10/3/2017	7:00PM	Email	Patty Sherman-Cormack	pdccormack@comc	Both	Inquired about options for Happy Valley	Forwarded to Holly Stirnkorb for assistance.
23	10/4/2017	6:13PM	Email	Starr Jackson	starr.jackson@me	Both	Owns 3 small restaurnts in the area; concerned about the additional cost of having to participate and if additional fees and taxes will force her companies out of the region	Thank you for your comments
24	10/8/2017	9:30AM	Email	Shari Sokel	brazomm@hotmail	Both	Supportive of policy and legislation; concerned about how those who are participating voluntarily are being "serviced" and concerned with clam shells/fast food packaging	Forwarded to Holly Stirnkorb for assistance.
25	10/10/2017	11:04AM	Email	Pay Lydon	plydon@lhs.org	Both	Inquired as to the processing facility location and process for development. Hospital sustainability program manager in support of policy.	Forwarded to Holly Stirnkorb for assistance.
26	10/10/2017	11:19AM	Email	Marianne Terrell-Lavine	g97219@gmail.con	Both	General support for policy especially with roll-backs coming from EPA	Thank you for your comments
27	10/10/2017	9:53AM	Email	Shawn Miller	shawn@millerpubl	Both	Would like to see a provision for those businesses sending food not fit for human consumption, but fine for animals to be added. (Bakery sends their damaged bread products to local Oregon farmers for food for their livestock). Provided suggestion definition change.	Definition of "food waste" was amended to include food fit for animal consumption based on suggestion.
28	10/11/2017	5:23PM	Email	Love Jonson	lovepjonson@gma	Admin Rules	1. Concerned that the covered business entities does not include "counter-service" restaurnts. Believes this market niche is growing and not including them would be missing a large contributor to the food waste. 2. Would like clearer definition regarding hardship in relation to the waivers to ensure that clause is not abused.	Thank you for your comments. "Counter-service" restaurants are included in phase 2 of the program and are referred to as "limited-service" restaurants. Comments on defining "hardship"resulted in changes to section FS-5.10-0142.c.iv. of the Administrative Rules.
29	10/13/2017	1:54PM	Email	Amanda Romero, PDX	amanda.romero@i	Admin Rules	Support of policy; multiple pages of specific changes to admin rules; PDF attached to email	Changes were made to the following sections of the Administrative Rules based on comments received: Applicability: ("minimal" defined). FS - 5.10-004: definition of food waste clarified. FS-5.10-012: Business Assistance: multiple language changes made to provide increased clarity. FS-5.10-014: "annual renewal" added, other language changes made for clarity. Section 2.c. iv. amended to add clarity makingm section 3. redundant--therefore Section FS 5.10-014 3. deleted. Section FS-5.10-018 Funding duration suggestion added.
30	10/13/2017	4:10PM	Email	Jeanne Roy	jeanne@earthlead	Both	Writing on behalf of Center for Earth Leadership; supportive of both code and admin rules; Requests that front of house be included as mandatory separation with back of house for schools; letter attached to email	Thank you for your comments. K-12 school programs will be set up to best suit the needs of each individual school. Some may include collecting food scraps from students and some may not depending on in-school resources as well as individual campus situations.

31	10/18/2017 6:01AM	Email	Alice Cascorbi	acascorbi@me.con	Both	General support for policy to divert food from landfills	Thank you for your comments
32	10/20/2017 9:19AM	Email	Pamela Barrow , Northwest Food Processors Association	pbarrow@nwfpa.o	Both	Letter attached from David McGiverin. General support for policy but requested a few changes.	Changes were made to the following sections of the Administrative Rules based on comments received. FS-5.10-004: Definition clarified. FS-5.10-005 Definition clarified. FS-5.10-006 The timeline for the overall commencement of the policy implementation (first phase March 2019) will not be changed. Local governments have the authority to grant compliance waivers to businesses per section FS-5.10-014. FS-5.10-008 this policy applies to local governments, therefore the distance waiver is applied to local governments, not individual businesses. If the business is in a jurisdiction the has received a distance waiver, the business is de facto waived.
33	10/20/2017 2:23PM	Email	Gina Cole, Legacy Health	gecole@lhs.org	Both	Letter attached from Everett Newcomb II, Legacy Health COO. Confident that they can implement collection with support of local governments and Metro. Deadlines in section 006 should be more flexible. Consider rate incentives. On-site assistance and training should be available to businesses and haulers should be required to be flexible with collection frequency. Businesses should decide type of internmal collection containers.	No changes made. FS-5.10-006: The timeline for the overall commencement of the policy implementation (first phase March 2019) will not be changed. Local governments have the authority to grant compliance waivers to businesses per section FS-5.10-014. Metro will be considering options to mitigate program costs through a separate process. Businesses may choose the internal collection containers that best suit them and local government technical assistants will help businesses and haulers determine collection frequency that best suits needs.
34	10/20/2017 10:01AM	Email	Theresa Koppang, Washington County	theresa_koppang@	Both	Letter attached. Multiple comments requesting changes to admin rules	Changes were made to the following sections of the Administrative Rules based on comments received: FS-5.10-004 addedd coffee grounds to "food waste" definition. FS-5.10-004 changes made for consistent use of the term "covered businesses". Wording and organization in sections FS-5.10-009, FS-5.10-011 and FS 5.10-014 adjusted for clarity and readability.
35	10/20/2017 1:06PM	Email	Steve Callaway, Mayor, City	steve.callaway@hil	Both	Letter attached. Support the objective and is consistent woth Hillsboro's sustainability goals. Still want a full cost/benefit analysis, need more clarity around how costs will be defrayed by Metro, transfer capacity deficiencies. Onus for distance waiver request is on local governments--Metro should grant waivers by default. Standards for enforcement of non-compliance should be left to local jurisdictions. Implementation plan is onerous and unnecessary. Withholding of funds for non-compliance is overreach.	Changes were made based on comments. Distance waiver process section FS-5.10-008 b. will be adjusted to clarify that local jurisdictions need only submit a letter requesting waiver once Metro determines eligible jurisdictions. Standards for non-compliance by businesses are left to local government discretion as long as they meet the standards in Rule. FS-5.10-013 Local Government Enforcement of the Business Food Waste Requirement: Language amended to be consistent with the Business Recycling Requirement. FS-5.10-018 Funding Guidelines: This language is consistent with that used for the Business Recycling Requirement adopted in 2008, however, wording has been added to the Administrative Rules to address concerns noted in the letter. Implementation plan requirement not changed. The development of the implementation plan structure, specific elements required, measures of success and timeline will be developed by an Intergovernmental Team--City of Hillsboro staff have been invited to be a part of that team. The intent of the implementation plan is to assist with comliance verification and to measure progress, not to unnecessarily encumber local governments. It is likely that implementation plans will be integrated into the existing Annual Waste Reduction Program and Recycle at Work Program plan process.
36	10/20/2017 1:11PM	Email	Peter Brandom	peter.brandom@h	Both	Letter attached. Multiple comments requesting changes to admin rules	Changes were made to the following sections of the Administrative Rules based on comments received. FS-5.10-440, typo corrected. FS-5.10-005 typo corrected. FS-5.10-008: punctuation corrected. FS-5.10-008 2. b. adjustments made to clarify waiver process. FS-5.10-008 2.f. wording added. FS-5.10-013 Section amended to be consistent with the Business Recycling Requirement. FS-5.10-018-timeframe added. FS-5.10-018 3 and 4: amended to remove "planning". FS-5.10-018 5 This language is consistent with that for the Business Recycling Requirement, however, wording has been added to the Administrative Rules to address concerns noted in the letter. No changes made to 5.10.420, FS-5.10.001 2. and FS-5.10-004: office environments and employee lunchrooms are not part of this policy. The development of the implementation plan structure, specific elements required, measures of success and timeline will be developed by an Intergovernmental Team--City of Hillsboro staff have been invited to be a part of that team. The intent of the implementation plan is to assist with comliance verification and to measure progress, not to unnecessarily encumber local governments. It is likely that implementation plans will be integrated into the existing Annual Waste Reduction Program and Recycle at Work Program plan process.
37	10/20/2017 1:18PM	Email	Beth Vargas Duncan	bethvd@orra.net	Both	Concerned about consistency around enforcement when dealing with what is allowed in the collection system.	The commercial food scraps policy is for "food only". Programs implemented under this policy will have consistent acceptance standards and education and outreach materials provided to all businesses. There are protocols in place at receiving facilities to manage unacceptable materials and to communicate to businesses through local government tecnical assitants when contamination is found. Metro's food scraps processing procurement also requires proposers to document how unacceptable materials will be handled and issues remedied upstream.
38	10/20/2017 4:51PM	Email	Deanna Palm, Hillsboro Chamber	deannap@hillchan	Both	Letter attached: Concerns expressed about transfer system capacity, capital investments required for business compliance, depackaging expense, implementation timeframe.	Metro is aware of the transfer and processing system deficiencies and therefore has included a distance waiver in the policy. The waiver is still under development and will be in place well before the March 2019 implementation start date. Metro policy affects local governments, not businesses directly. If the business is in a jurisdiction that has received a distance waiver, the business is de facto waived. The policy does not require businesses to depackage food and Metro has no expectation or desire to require food manufacturers to build expensive depackaging facilities. Metro has met with area food processors including Pacific Foods, Reser's and Beaverton Foods to hear their concerns, discuss the program, answer questions and clarify the policy as well as discuss the needs presented by packaged foods. Metro has also been in active communication with the Northwest Food Processors Association, Oregon Restaurant and Lodging Association, Northwest Grocers Association and interviewed or surveyed several hundred businesses in the region--many of which have discussed the issue of packaged foods including potential solutions for addressing them. Metro understands the complications packaged food presents and is exploring approaches to the issue of depackaging on a region-wide basis--this will be done in collaboration with affected businesses. Business needs and capabilities will be assessed on a case-by-case basis by local government on-site technical assistants and separation programs will be designed to suit business conditions. The policy explicitly states that local governments have the discretion to temporarily waive businesses from compliance should conditions warrant (including unreasonable capital expense hardship, or materials being unsuitable for inclusion in the program, or the materials cannot be made suitable without considerable expense)--see FS-5.10-014. The first phase of implementation is not set to begin until March 2019 which is more than one year out. Businesses in phase 1 need to begin to implement a program by March 2019 and be in compliance by March 2020--more than two years from now.
39	10/20/2017 10:01AM	email	Andy Duyck, Washington County Board of Commissioners Chair			General support, already in Washington County Code. Still concerned about transfer infrastructure, appreciate the distance waiver.	Thank you for your comments
40	10/20/2017	mail	Sauvie Island Academy 5th Grade students			22 letters from students enclosed--18 in favor 4 opposed. 4 opposed were concerned about potential costs to businesses.	Thank you for your comments

Round 2 Comments

1	4/23/2018 8:18 AM	Email	Kevin M. Green	kevmgreen@yahoc	Admin Rules	I applaud Metro for taking on the issue of food waste and mandatory collection. I have one comment, however, pertaining to FS - 5.10 -005, item (2), "Covered Businesses" It is not clear from the list included in this section of the 4/2/18 revised draft that the Rules will apply to Restaurants/Cafeterias/Food Service Facilities on Corporate Campuses or other places of employment. I believe that this should be explicitly spelled out so there is not a loophole for some of the largest food service facilities in the region at Nike, Intel, State of Oregon, County and City facilities, jails, etc., where tens of thousands of individuals are fed each day.	Thank you for your comment. These types of facilities are included and are considered "food service contractors" and also are covered under the definition of "covered business": organizations that cook, assemble, process, serve, or sell food <i>or do so as service providers for other enterprises</i> . (emphasis added)
2	4/29/2018 8:59 AM	Email	Barbara Gicking	bgicking@gmail.co	Admin Rules	This is an excellent idea and should be expanded. Perhaps at some point it can also be expanded to households as well. As well as a PSA to encourage people to be more thoughtful in food buying to cut down on waste. Keep up the good work.	Thank you for your comment.
3	4/30/2018 3:39 PM	Email	Mandie Ludlam	mandie.ludlam@vf	Admin Rules	My comment is that Metro should include a requirement of some kind (either incentive for participation or fine/other penalties for non-participation) that multifamily rental properties located in cities that have composting programs/facilities make composting available to tenants. I currently live in a large apartment development in SW Portland and our landlord does not offer an option to compost our household food scraps - having moved from Seattle, where composting is required for all owner and rental households, I noticed a huge increase in the amount of garbage my household puts into the landfill because a composting option is not available to us. I would love to compost, but as a renter in a multifamily development I do not have the ability to do so as an individual - it would be great if Metro could encourage this option for renters in multifamily developments.	Thank you for your comments. Implementation of residential collection programs (including multifamily) are left to the discretion of local governments.
4	5/10/2018 1:14 PM	Email	Thomas Egleston	thomas_egleston@	Admin Rules	Letter from Theresa Koppang, Washington County Solid Waste & Recycling Director. Not in support of Metro reimbursing local governments as proposed in rules. Recommend Metro reimburse collection companies directly as administration and tracking would be less burdensome on local governments.	Thank you for your comments. Metro expects to continue to refine the Access to Transfer Services Payment approach and administration in response to local government and hauling community concerns. Ample opportunities to refine the Administrative Rules remain prior to COO consideration and program implementation in March 2020.
5	5/14/2018 5:36 PM	Email	Beth Vargas Duncan	bethvd@orra.net	Admin Rules	Portland Haulers' Association and Clackamas County Refuse and Recycling Association request that the process to compensate transportation costs for commercial food waste is simple and the mechanism supporting such funding passes directly to the hauler, not through the jurisdictions.	Thank you for your comments. Metro expects to continue to refine the Access to Transfer Services Payment approach and administration in response to local government and hauling community concerns. Ample opportunities to refine the Administrative Rules remain prior to COO consideration and program implementation in March 2020.
6	5/15/2018 10:29 AM	Email	Jason Brandt	jbrandt@oregonrla	Both	Concerns over implementation dates, logistics, public health and safety. Recommends a pilot project in one sub-area of the region to test program rather than region-wide initiative as well as beginning with taxpayer-funded organizations.	Thank you for your comments. We appreciate ORLA's ongoing partnership with Metro and involvement with program outreach. The Metro region has had a voluntary food scraps collection program in place since 2005, giving us 12 years of experience and data from over 1,500 businesses currently participating. Many of these are public facilities (universities, correctional facilities, schools, visitor venues, etc.).
7	5/15/2018 0.345833	Email	Peter Brandom	peter.brandom@h	Admin Rules	Hillsboro supports efforts to divert solid waste and intended positive environmental outcomes which are consistent with city goals. Appreciate changes made to draft policy based on their comments. Remain concerned about cost, lack of western region transfer capacity and do not support of the access payments approach as it does not solve the root problem of lack of transfer. Some portions of the access payment remain vague, would like to further explore the methodology. Question the need for local government implementation plan.	Thank you for your comments. Metro expects to continue to refine the Access to Transfer Services Payment approach and administration in response to local government and hauling community concerns. Ample opportunities to refine the Administrative Rules remain prior to COO consideration and program implementation in March 2020.
8	5/15/2018 4:18 PM	Email	Audrey O'Brien	audrey.obrien@stz	Admin Rules	DEQ appreciates Metro's work to incorporate food waste prevention into the food scraps program.	Thank you for your comments.