



Maryland
Hospital Association

October 24, 2022

David Mrgich
Waste Diversion Division Chief
Land and Materials Administration
Maryland Department of the Environment
1800 Washington Blvd., Suite 610
Baltimore, MD 21230
Submitted to dave.mrgich@maryland.gov

Re: 26.04.13 Food Residuals—Organics Recycling and Waste Diversion

Dear Division Chief Mrgich:

On behalf of the Maryland Hospital Association's (MHA) 60 member hospitals and health systems, we appreciate the opportunity to comment on proposed regulations COMAR 26.04.13 Food Residuals—Organics Recycling and Waste Diversion. MHA supports the goal to divert food residuals from landfill or incineration through reduction and recycling activities, but we are concerned the 90-day period for program preparation and adoption underestimates the implementation difficulties hospitals face. **We urge the agency to adopt a 180-day compliance period to allow hospitals sufficient time to meet the challenges.**

The purpose of the proposed regulations is to implement Chapter 439 and 440, Acts of 2021, entitled Organics Recycling and Waste Division — Food Residuals. The law requires businesses that generate food residuals to separate and divert their food residual from final disposal. Although the statutes were enacted in 2021, the proposed regulations and guidance were only made available in late September, with an expected effective date of Jan. 1, 2023, for larger businesses. Under the circumstances, the proposed 90-day compliance period is insufficient for hospitals to establish contracts with vendors, develop internal procedures and protocols, and procure the necessary collection devices. Food residual diversion, for example, may increase the risk of insect and rodent infestation. Devices and procedures need to be developed and tested to ensure proper pest management, which require time to perfect.

We are also concerned that the requirement to divert post-consumer food residuals may cause contamination and jeopardize implementation. While pre-consumer diversion of food residuals is conducted by trained staff, post-consumer food residual collection—or the collection of food scraps in public spaces by patients and guests—presents unique challenges. Patients and guests, unlike our trained staff, may improperly dispose food residuals despite education materials and bin signage. If patients and visitors deposit improper items into publicly available food residual collection devices, it can result in contamination, which may lead to rejected loads by our organics recycling facility. **We encourage the agency to consider delaying or exempting**

diversion of post-consumer food residuals until there is greater public awareness of the new requirements.

Thank you again for this opportunity to comment. We appreciate the chance to work with the agency to advance policies that improve the wellbeing of Marylanders.

Sincerely,



Brian Frazee
Vice President, Government Affairs