

115A.02 LEGISLATIVE DECLARATION OF POLICY; PURPOSES.

(a) It is the goal of this chapter to protect the state's land, air, water, and other natural resources and the public health by improving waste management in the state to serve the following purposes:

- (1) reduction in the amount and toxicity of waste generated;
- (2) separation and recovery of materials and energy from waste;
- (3) reduction in indiscriminate dependence on disposal of waste;
- (4) coordination of solid waste management among political subdivisions; and

(5) orderly and deliberate development and financial security of waste facilities including disposal facilities.

(b) The waste management goal of the state is to foster an integrated waste management system in a manner appropriate to the characteristics of the waste stream and thereby protect the state's land, air, water, and other natural resources and the public health. The following waste management practices are in order of preference:

- (1) waste reduction and reuse;
- (2) waste recycling;
- (3) composting of source-separated compostable materials, including but not limited to, yard waste and food waste;
- (4) resource recovery through mixed municipal solid waste composting or incineration;
- (5) land disposal which produces no measurable methane gas or which involves the retrieval of methane gas as a fuel for the production of energy to be used on site or for sale; and
- (6) land disposal which produces measurable methane and which does not involve the retrieval of methane gas as a fuel for the production of energy to be used on site or for sale.

(c) As a means of accomplishing state waste management goals with respect to surplus food and food waste, the following waste management practices are in order of preference:

- (1) reducing the amount generated at the source;
- (2) upcycling or donating for human consumption;
- (3) diversion for animal consumption or leaving crops unharvested;
- (4) composting or anaerobic digestion when the biogas and digestate are not disposed of but are used as a salable product; and
- (5) either using anaerobic digestion, when the biogas is used as a salable product but the digestate is disposed of, or land application of food waste.

(d) For the purposes of this section, the following terms have the meanings given:

- (1) "anaerobic digestion" means a process through which microorganisms break down organic material in the absence of oxygen and generate biogas and digestate;

(2) "biogas" means a gas that is produced when organic materials decompose and is primarily composed of methane and carbon dioxide;

(3) "composting" means controlled, aerobic biological decomposition of organic material to produce a nutrient-rich material;

(4) "digestate" means the solid or liquid residual material remaining after the anaerobic digestion process has been completed;

(5) "diversion for animal consumption" means diverting food, food scraps, food waste, or surplus food not fitting the conditions of adulteration under section 25.37 or 34A.02;

(6) "food" means a raw, cooked, processed, or prepared substance, beverage, or ingredient used for, entering into the consumption of, or used or intended for use in the preparation of a food, drink, confectionery, or condiment for humans or animals;

(7) "food scraps" means inedible food, trimmings from preparing food, and food-processing by-products. Food scraps does not include used cooking oil, grease, any material fitting the conditions of adulteration under section 25.37 or 34A.02, or food that is subject to a governmental or producer recall and that cannot be made to be safe for human or animal consumption;

(8) "food waste" means all discarded food, surplus food that is not donated, food scraps, food fitting the conditions of adulteration under section 25.37 or 34A.02, and food subject to governmental or producer recall and that cannot be made to be safe for human or animal consumption;

(9) "land application of food waste" means the direct application of food waste from food manufacturing or processing activities onto or below the surface of the land to enhance soil health;

(10) "leaving crops unharvested" means not harvesting crops that are otherwise ready for harvesting and instead leaving them in the field or tilling them into the soil;

(11) "surplus food" means food that is not sold or used and that is still safe to be consumed by humans or animals. Surplus food does not include food damaged by pests, mold, bacteria, or other contamination; food that is subject to governmental or producer recall due to food safety and that cannot be made to be safe for human or animal consumption; or any material fitting the conditions of adulteration under section 25.37 or 34A.02; and

(12) "upcycling" means capturing, processing, and remaking parts of food and food scraps into new food products for human or animal consumption when the parts of food and food scraps do not fit the conditions of adulteration under section 25.37 or 34A.02.

History: 1980 c 564 art 1 s 2; 1989 c 325 s 2; 1991 c 337 s 5; 1992 c 593 art 1 s 4; 1994 c 585 s 2; 1999 c 231 s 131; 2010 c 272 s 1; 2024 c 116 art 2 s 7