Food Organics and Garden Organics (FOGO) Mandates: Proposal Paper

The NSW Environment Protection Authority (EPA) published the *Food and Garden Organics Mandates Proposal Paper* and invited feedback. We consulted with industry, retailers, local, state and federal governments, and the community.

Here is an overview of the key themes that emerged from the consultation and opportunities to implement FOGO to more households and businesses across NSW.

The EPA conducted public consultation on the Food and Garden Organics Mandates Proposal paper to obtain feedback on the scope of the proposed mandates, the proposed timelines and what exemptions may be required under the mandates. The paper outlined proposals for three new mandates:

- the collection of source-separated food and garden organics waste for households from July 2030
- the collection of source-separated food and garden organics waste for businesses from July 2025
- reporting on food donations by supermarkets.

What did we do?

- We published the *Food and Garden Organics (FOGO) Mandates Proposal Paper* on the EPA FOGO mandates 'Your Say' website.
- We consulted with the public from 3 June 2024 to 19 July 2024, inviting submissions via the 'Your Say' website or email

How did we engage?

The EPA engaged directly with over 200 stakeholders, including local councils, peak bodies, industry, retailers and environment groups, to let them know the consultation had started. The consultation was promoted to stakeholders via emails, phone calls, meetings, social media and newsletters.

Over the consultation period, there were 26 media mentions across traditional print and online newspapers, radio and industry magazines and publications. Media showed interest in both metropolitan and regional NSW.

Almost 600 engagements were received via our social channels, with content shared on Meta (Facebook), Instagram and LinkedIn.

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Who did we hear from?

Most feedback came from individuals and local government (Figure 1). We received 179 survey responses and 87 written submissions.

We also heard from:

- environmental health professionals, including environmental health officers
- industry associations, including the National Retail Association, Australian Organics Recycling Association (AORA), Waste Contractors and Recyclers Association (WCRA) and Waste Management and Resource Recovery Association of Australia (WMRR)
- industry members, including organics processors
- businesses and hospitality operators
- other government agencies, including NSW Health, NSW Department of Justice and NSW Department of Education.

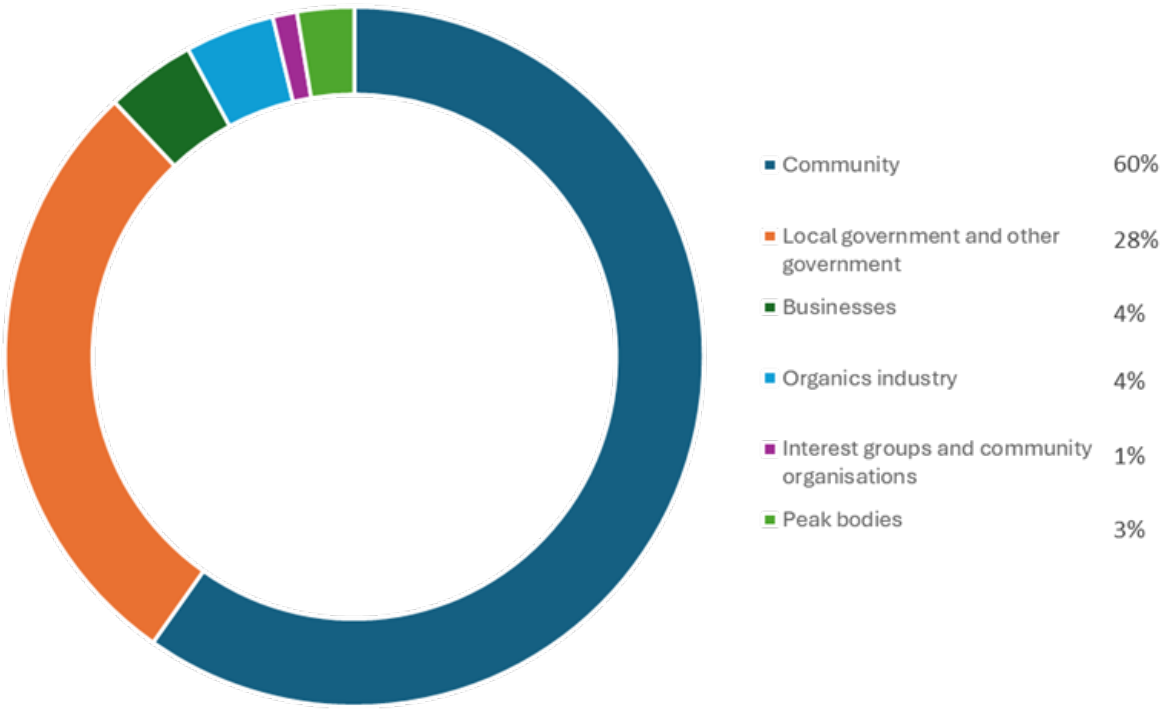


Figure 1 Submissions categorised by stakeholder group

What did we hear?

Proposed residential FOGO mandate

On the proposed residential FOGO mandate, we received the following feedback.

- There is broad support for diversion of organics waste from landfill at the household level as it improves environmental outcomes by reducing emissions.
- Most (69%) survey responses said the residential mandate should apply across the state (Figure 2) with appropriate exemptions.
- The scope of the FOGO mandates needs to be refined to ensure that fit-for-purpose organics waste diversion processes are in place with appropriate exemptions to support householder needs.
- There is a need for a statewide education program for FOGO to ensure statewide consistency and address potential contamination issues as residents are introduced to a new FOGO service.
- There is a need to balance circular economy outcomes with economic and resourcing pressures faced by councils and community.
- There is support for residential FOGO, but the timelines for the proposed mandate may not be achievable for all councils.

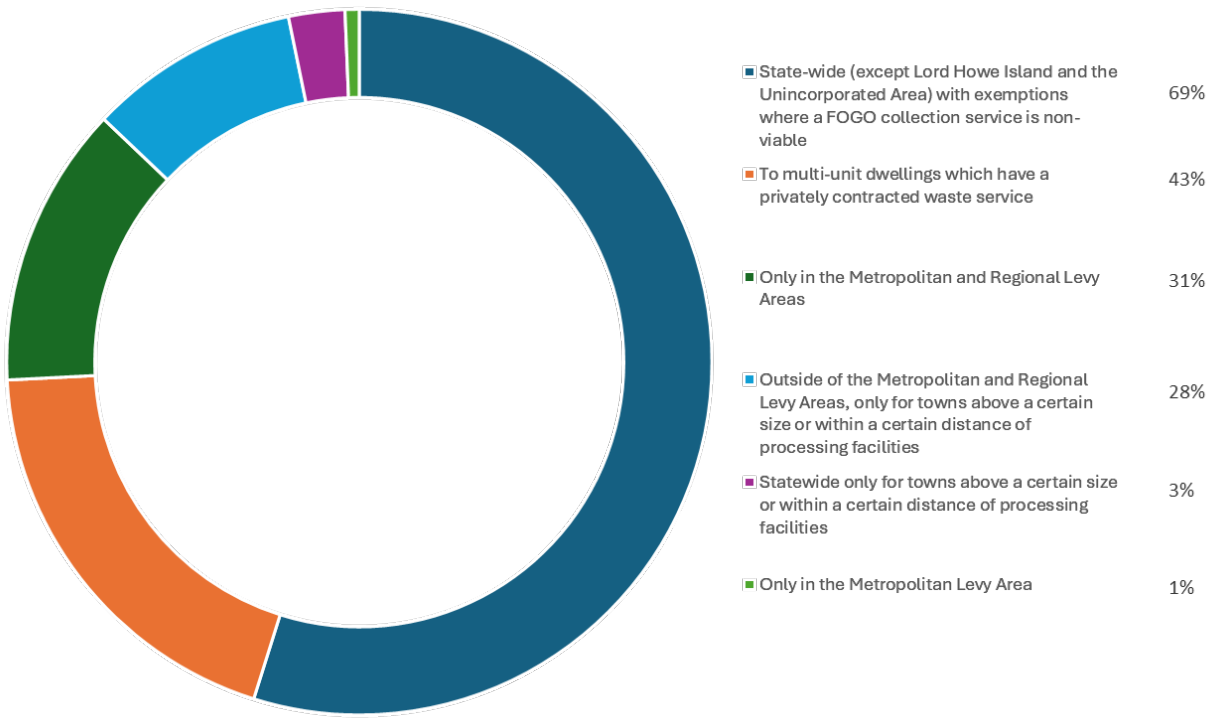


Figure 2 Summary of survey responses to where the residential FOGO mandate should apply

Note: Respondents could select more than one response

Proposed business FOGO mandate

On the proposed business FOGO mandate, we received the following feedback.

- Institutions operating across NSW identified that many sites operate on individual waste contracts or utilise whole-of-government waste contracts, and a wholesale transition may not be achievable on the proposed timelines.
- Businesses will require adequate support and guidance to build industry capacity and to provide information for Culturally and Linguistically Diverse (CALD) business owners and operators.
- There were concerns that some small businesses may be captured by the mandate despite generating only small amounts of organics waste on site.
- Concerns were also raised regarding some businesses that might not be able to meet the mandate due to a lack of storage space available for additional bins, or who may not pay for a waste service to be collected from their site.
- Businesses voiced concerns regarding the additional resourcing required to de-package food to comply with the mandate to source separate food waste.
- Broadly, stakeholders emphasised the need for an education-first approach as businesses transitioned to source separation of organics waste.

Proposed food donation reporting mandate

On the proposed food donation reporting mandate, we heard:

- the need to ensure that the proposed food donation reporting mandate does not impose requirements that are so onerous as to deter supermarkets from donating surplus food
- that greater clarity is needed to clearly outline the roles and responsibilities for record keeping and reporting of food donated under the proposed donations mandate
- some views that the proposed food donation mandate should require further information on donated food, including whether donations are intended for human or animal consumption.

Exemptions under the proposed FOGO mandates

On the exemptions under the proposed FOGO mandates, we heard that:

- there needs to be a clear exemptions process which allows councils to have an approved contamination management strategy, so that they can withdraw a service from certain households
- some communities and businesses may not be able to access a FOGO service due to their geographic location, their population size, or because of a lack of infrastructure for processing organics waste, and may require an exemption
- some institutions may require time-bound exemptions if they are unable to implement a FOGO service in line with the proposed deadlines.

Feedback outside the scope of the FOGO mandates proposal paper

The feedback raised some broader issues outside the scope of the FOGO mandate proposals including:

- the enforcement and regulation of the business FOGO mandate
- access to organics processing infrastructure across NSW.

The EPA is completing ongoing work to understand the current and future infrastructure needs of the State and how government can facilitate greater access to waste processing infrastructure, including organics processing.

Under the *Protection of the Environment Operations Act 1997* local councils will be the appropriate authorities to enforce compliance with the business mandate, with some exemptions. How councils undertake monitoring and enforcement will not be set out by the mandates. However, the EPA notes the feedback received about the resourcing pressures on existing environmental health officers. The EPA will continue to work with councils on ways to implement effective compliance and monitoring programs.

What's next?

We would like to thank all stakeholders who have contributed their time and expertise to provide feedback. The insights and experience shared via your feedback will help inform the final design of the mandates and how they are implemented.

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