

The Biodegradable Products Institute (BPI) is North America's leading certifier of compostable materials, products, and packaging, with 300+ member companies worldwide. BPI supports a shift to the circular economy by promoting the production, use, and appropriate end of life management for materials and products that are designed to fully biodegrade in specific biologically active environments.

BPI is supportive of regulatory efforts that accurately define compostability, and bring consistency to labeling in an effort to make compostable products more readily and easily identifiable. Along with voluntary commitments, these regulations are critical to building trust in compostable products along the value chain, from the manufacturer, to the user, to the composter. The following are the core elements for a comprehensive model bill:

- 1** Compostability should be defined by third-party (ASTM, EN, ISO, etc) standard specifications, and labeling principles should apply to all items defined as compostable regardless of material type (i.e., should not just call out "plastic").
- 2** Claims of compostability should be limited to products that are designed to be associated with food scraps and other organic wastes accepted by composters. This includes but is not limited to:  
Food scrap and yard trimmings collection bags and produce bags;
  - a. Foodservice packaging (e.g., cups, lids, straws, cutlery, takeout containers);
  - b. Flexible food packaging (e.g., snack bags, bar wrappers, stand-up pouches);
  - c. Coffee filters, tea bags, coffee pods;
  - d. Napkins, paper towels;
  - e. Common contaminants (e.g. fruit stickers).

**Example Bill Language:** *"The product must be designed to be associated with organic wastes, like food scraps and yard trimmings, that are collected for composting."*

- 3** Regulations should prohibit misleading terms like "biodegradable" from being used on products and packaging.

**Example Bill Language:** *"Except as specified in this regulation, a person shall not sell a product that is labeled with the term "biodegradable," "degradable," or "decomposable," or any form of those terms, or in any way imply that the product will break down, fragment, biodegrade, or decompose in a landfill or other environment."*

- 4 Labeling and identification regulations should drive ease of identification by requiring the word “compostable”, a third-party certification mark, and use of green or brown color where possible.

**Example Bill Language:** *“Is labeled and designed in a manner that clearly distinguishes the product from a noncompostable or nonbiodegradable product upon quick inspection by consumers and solid waste processing facilities, where possible including the word “compostable,” an approved third-party certification mark, and the use of green or brown colors.”*

- 5 Labeling and identification regulations should reference industry standards for labeling and identification.

**Example Bill Language:** *“The department may adopt regulations for product labeling to ensure that products labeled “compostable” or “home compostable” are clearly distinguishable from noncompostable products upon quick inspection by consumers and solid waste processing facilities. The department, in adopting regulations pursuant to this subdivision, may consider the product labeling requirements of other states, stakeholder input, and industry-standard guidelines to maximize consistency with those requirements and guidelines and that input when possible.”*

- 6 Soil biodegradation claims should be restricted to agricultural products, as opposed to compostability claims on consumer products, and should be defined as items meeting the standard specification EN 17033 for soil biodegradable mulch film.

- 7 Marine biodegradation claims should be restricted to items used in the marine environment where loss cannot be avoided (e.g. fishing nets, buoys, etc.), as opposed to consumer products.

- 8 Compostable products displaying an approved third party certification mark should be exempt from resin ID code requirements, including chasing arrows, a triangle, and the number 7. Compostability is not dictated by resin type, and exemption from resin ID codes will more clearly indicate that compostable items belong in a food scraps bin, not a recycling bin.