

House Committee on Environment & Transportation

House Bill 1349 – Environment – Compostable, Degradable, and Biodegradable Plastic Products – Labeling

Position: Support

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Testimony by Brenda Platt, Co-Director, Institute for Local Self-Reliance, bplatt@ilsr.org

My name is Brenda Platt and I am the Co-Director of the Institute for Local Self-Reliance, a national nonprofit research and technical assistance organization. Our MD Composting Makes \$en\$e Project is advancing composting in the state as a key strategy to create jobs, enhance soils, protect the climate and regional watersheds, and reduce waste. I participated for two years on the MD Statewide Compost Work Group and have been pleased to support the development of new regs to permit composting sites. We are also founding members of the MD-DC Compost Council.

The Institute for Local Self-Reliance urges a favorable report on House Bill 1349.

As you may know, the State has embraced a Zero Waste Plan, which calls for increased recovery of food waste (35% by 2020, 60% by 2025, and 90% by 2040). Composting will undoubtedly play a key role in reaching these targets. In addition, increased composting in the state will support new businesses and create more jobs.

One positive development in the composting industry is the wide diversity of compostable foodservice ware now available. Replacing compostable plastics with noncompostable items is critical to reduce plastics contamination at compost facilities. Compostable products are those they are designed to become food to the micro-organisms in the composting process – this is what makes them biodegradable. Not only has the industry stepped up to the plate in manufacturing more than 4,000 different types of certified products but the standards for certifying those are well developed. ASTM – the American Society for Testing & Materials – has developed standards and test methods for biodegradability and compostability. (A word about ASTM is included at the end of this testimony.) To meet these standards, products must biodegrade – become food for micro-organisms – within a specified time period. Compost sites are manufacturing sites. They produce compost within a few months. They can't handle products designed to biodegrade in 1 to 2 years. This is one reason, requiring products that are labeled as compostable to meet certain standards is critical.

Why do we need such a bill?

A number of products are being sold in Maryland labeled as biodegradable but which fail to actually meet standards. These fake biodegradable products are often oxo-degradables, which are plastics designed to degrade into smaller pieces of plastics, but which fail to meet any biodegradable standards. Plastic products that degrade into smaller pieces of plastics but which fail to actually biodegrade are being sold in Maryland and are wreaking havoc at compost sites. Indeed contamination at the Prince George's County site in Upper Marlboro was the impetus for this bill.

HB 1349 is based on legislation passed in California. Similar legislation will be introduced in Minnesota this year. The US Composting Council and its Compostable Products Task Force developed model legislative language that other states could use. (Visit <http://compostingcouncil.org/compostable->

[plastics-task-force/](#) for more information.) The goal of the bill is to prevent “greenwashing” of plastics that don’t meet ASTM or other recognized compostability standards.

The bill is not a ban. It also does not require all potentially compostable items to be tested/certified. It just states that if brands want to market and promote those items as compostable, then those claims need to be verified and labeled appropriately.

Why the bill is needed:

1. Environmental marketing claims made through labeling on plastic products whether explicit or implied, should be substantiated by competent and reliable evidence so that consumers are not deceived or misled about the environmental impact of the products.
2. Use of the term "degradable," "biodegradable," "decomposable," or other like terms on plastic products is inherently misleading unless the claim includes a thorough disclaimer providing necessary qualifying details, including, but not limited to, the environments and timeframes in which the claimed action will take place.
3. Compostable plastic bags should be readily and easily identifiable in order to facilitate composting systems.

This is what the bill does:

1. Prohibits manufacturers and suppliers from using environmental marketing claims on labels that are unsubstantiated on plastic products, including food or beverage products and film products.
2. Provides that manufacturers and suppliers may not sell or offer for sale plastic products, including food or beverage products and film products, labeled with certain designations unless the plastic products meet certain specifications.
3. Provides that manufacturers and suppliers of compostable plastic bags may not sell or offer for sale compostable plastic bags unless the bags are readily and easily identifiable through color and labeling.

Thank your for your consideration.

A Word About ASTM Standards

www.astm.org

ASTM standards are used by individuals, companies and other institutions around the world. Purchasers and sellers incorporate standards into contracts; scientists and engineers use them in their laboratories and offices; architects and designers use them in their plans; government agencies around the world reference them in codes, regulations and laws; and many others refer to them for guidance.

ASTM standards are voluntary in that ASTM does not mandate their use. However, government regulators often give voluntary standards the force of law by citing them in laws, regulations and codes. In the United States, the relationship between private-sector standards developers and the public sector was strengthened with the 1995 passage of the National Technology Transfer and Advancement Act (Public Law 104-113). The law requires that government agencies use privately developed standards whenever possible, saving taxpayers millions of dollars by simplifying formerly duplicative standards development efforts.