

March 25, 2025

Dear Chair Feldman and members of the committee,

We, the Biodegradable Products Institute (BPI), support SB 901 with amendments. BPI is North America's leading organization representing certified compostable materials, products, and packaging, with over 600 member companies worldwide and tens of thousands of certified products. BPI is the foremost association for the circular bioeconomy who convenes the compostable product value chain, and facilitates inclusive discourse to create consensus on actionable, science-backed standards, claims, and policy. Our certification program has verified tens of thousands of items using ASTM standards as a baseline, with additional requirements to prohibit PFAS, promote clear labeling, and sensible eligibility criteria, all to help to keep organic waste out of landfills.

BPI has supported EPR legislation across the country and appreciates the many positive amendments that have been made thus far. Our requests below reflect concerns from our members and encourage sensible and specific treatment of compostable products alongside recyclables and reusables to make sure this program would succeed.

**1) Clarify that compostable covered materials are collected and processed separately, not with recyclables in recycling programs**

STATEWIDE LIST OF COVERED MATERIALS DETERMINED TO BE RECYCLABLE OR COMPOSTABLE THROUGH CURBSIDE RECYCLING **OR COMPOST** PROGRAMS.

**2) Ensure that fees are proportionate to the size of the packaging stream. Paying for universal compost collection, for example, may place an unreasonably high fee on the small amount of compostable packaging that comingles with mostly food and yard waste, potentially discouraging their use. Other states have ensured that the fees for compostable and recyclable packaging remain similar if not the same, however this bill is unclear. We offer a suggestion:**

(2) COVERED MATERIALS IN THE LIST DEVELOPED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE COLLECTED:

(I) AT AN OPTIMAL LEVEL OF SERVICE AND CONVENIENCE FOR COVERED ENTITIES; AND

(II) AT A MINIMUM, WHEREVER COLLECTION SERVICES FOR MIXED MUNICIPAL SOLID WASTE ARE AVAILABLE, **AS LONG AS THE COSTS REMAIN PROPORTIONATE TO THE AMOUNT OF PACKAGING**

**3) Clarify that whether a product is compostable depends as much on science as it does markets, please include a reference to statewide law (HB 1349) regarding claims of composability**

IN DEVELOPING THE LIST UNDER SUBSECTION (A) OF THIS SECTION, THE DEPARTMENT MAY CONSIDER THE FOLLOWING CRITERIA:

(1) CURRENT AVAILABILITY OF RECYCLING AND COMPOSTING COLLECTION SERVICES;

(2) RECYCLING AND COMPOSTING PROCESSING INFRASTRUCTURE;

...

(5) AVAILABILITY OF RESPONSIBLE END MARKETS;

(6) PRESENCE AND AMOUNT OF PROCESSING RESIDUALS, CONTAMINATION, AND TOXIC SUBSTANCES;

(7) QUANTITY OF COVERED MATERIAL ESTIMATED TO BE AVAILABLE AND RECOVERABLE;

(8) WHETHER A PRODUCT LABELED 'COMPOSTABLE' HAS BEEN CERTIFIED BY AN INDEPENDENT THIRD PARTY

Please reach out with any questions,

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