

February 14, 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 supports this bill contingent on our proposed changes to ensure the program is robust and fair. Our requests below mirror similar legislation across the country. Should they be incorporated, we'd be happy to fully support this effort. We request the following:

**1. Align fee modulation for certified compostable packaging materials with recyclable packaging.** Other statewide EPR programs appropriately treat compostable and recyclable packaging with equal favor to incentivize producers to seek packaging materials that have more responsible end markets. In addition, discounted fees for compostable packaging materials can help increase the likelihood of compostables being used to divert food and other organic waste to compost facilities, replacing conventional products that contaminate organic streams.

2. An eco-modulation of fees, including Establishing:

A. A higher fee for packaging materials with Low recyclability or recycled content; and

B. A discounted fee for packaging materials with high recyclability or recycled content; and

C. A discounted fee for compostable packaging materials

**2. Amend the definition of "organics recycling".** Successful organics recycling needs compostable packaging materials to be processed in conjunction with food and other organic materials. Many anaerobic digestion facilities cannot process compostable packaging (or any packaging), screening them for landfilling and defeating the purpose of using compostable materials in the first place. To truly organically "recycle" compostable packaging materials, anaerobic digestion *must* prove their ability to process compostable packaging materials and aerobically compost the digestate.

(1) "organics recycling" means **the processing of compostable covered materials alongside food and other organic waste, including composting and**

anaerobic digestion followed by aerobically composting the resulting digestate. Organics recycling does not include facilities that separate or screen out packaging materials for landfill disposal. ~~any process in which organic materials or compostable packaging materials are collected separated, or processed into and returned to the marketplace in the form of raw materials or products.~~

**3. Include a definition of “Compostable packaging materials”.** “Compostable packaging materials” has already been defined in Maryland’s 2017 labeling law HB 1349. We recommend including the definition here, along with a confirmation that it must be certified by an independent third-party certifier.

- (1) for a plastic product labeled as compostable, the plastic product shall meet:
- (i) 1. The astm d6400 standard specification; or  
2. The astm d6868 standard specification; and
  - (ii) any applicable labeling guidelines in the federal guides for the use of environmental marketing claims, and
  - (iii) must be reviewed and verified by an independent third-party certifier

**4. Provide clarification on inclusion of needs assessment language in the bill.** Because Maryland is already conducting a needs assessment per the passage of SB 222 in 2023, we are asking for clarification on why new needs assessment language is included in this draft.

**5. Remove contingencies to establishing goals for compost.** The benefits of compost are well-studied and well known. Because of this, other statewide EPR laws have recognized that compostable products provide a packaging solution for non-reusable and non-recyclable packaging formats associated with food and organic waste *and* can help divert more organic materials to compost.

- (v) compost access or compost rate goals, ~~if applicable and technologically and environmentally feasible;~~

Finally, we thank you for including both compostable materials collectors and organics recycling processors on the advisory council. We commend Maryland for recognizing that collectors and processors play different roles in the composting system and can provide unique insights throughout the development and implementation of the EPR program.

Please reach out with any questions,

Alex Truelove  
Legislation & Advocacy Manager  
Biodegradable Products Institute  
[alexander@bpiworld.org](mailto:alexander@bpiworld.org)