

Compostable Products Advisory Committee

Meeting #8 – May 7th, 2024

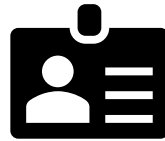
10:00am-12:00pm



Zoom tips and tricks



Please keep yourself muted unless you're speaking.



Please rename yourself with your affiliation and preferred pronouns: Click on 'Participants,' hover over your name Click 'More' then 'Rename.'



Please feel free to engage in the chat throughout the meeting.



Please keep your video on as bandwidth allows.



Use the Raise Hand feature.



The meeting packet is available at the "Resources" button.

Welcome and Project Team Introductions

- Facilitation Team
 - Maddie Seibert, Project Manager/Facilitator
 - Hannah Swee, Research Lead
 - Gretchen Muller, Facilitator
 - Taylor Magee, Facilitation Support
- Ecology Project Team
 - Alli Kingfisher, Advisory Committee member
 - Cullen Naumoff Leese
 - Patrick Merscher
 - Chery Sullivan

Advisory Committee Roll Call

- **Alli Kingfisher**, Ecology
- **Kate Kurtz**, City of Seattle
- **Ron Jones**, City of Olympia
- **Jill Reeves**, City of Spokane
- **Gena Jain**, City of Kirkland
- **Travis Dutton**, WSAC
- **Patti Stacey**, Kittitas County
- **Ryan Dicks**, Pierce County
- **Zonell Tateishi**, Yakima County
- **Lewis Griffith**, City of Tacoma
- **Wendy Weiker**, Republic Services
- **Samantha Winkle**, Waste Connections
- **Jay Blazey**, Cedar Grove
- **Scott Deatherage**, Barr-Tech
- **Reingard Rieger**, Tilth Alliance
- **Shannon Pinc**, NatureWorks
- **Jenny Slepian**, Eco Products
- **LC Ede**, Sysco
- **Brandon Houskeeper**, NW Grocery Association
- **Alex Truelove**, BPI
- **Janet Thoman**, CMA
- **Amy Clow**, WSDA
- **Liv Johansson**, WORC
- **Heather Trim**, Zero Waste WA
- **Samantha Louderback**, Washington Hospitality Association
- **Peter Godlewski**, Association of WA Businesses
- **Rod Whittaker**, WRRRA

Meeting Agenda

Duration	Agenda Item
10 min	Welcome, agenda, & objectives
5 min	Where we're going and where we've been
25 min	Research presentation
15 min	ECY presentation on new labeling law
45 min	Solutions discussion
5 min	Public comment
5 min	Closing remarks and preview next steps

Meeting Objectives

- Review research about policy options across the US and internationally
- Present enforcement guidelines for HB 2301 (Department of Ecology)
- Generate solutions to challenges in compostable products management:
 - **#1: Consumer confusion around compostable products leads to increased contamination.** Consumers face confusion and barriers at product disposal exacerbated by labeling, lookalikes, and inconsistent collection processes among jurisdictions.
 - **#4: There is uncertainty around enforcement of labeling and/or use of products.** Concerns over funding for enforcement and who will be accountable.

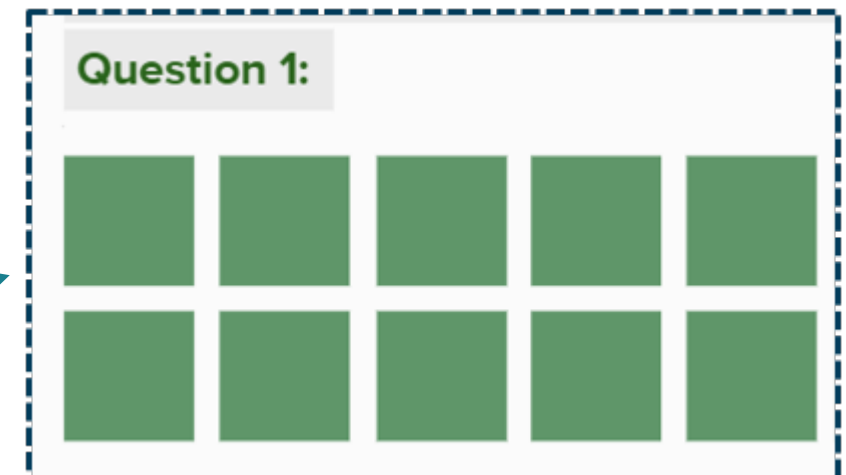
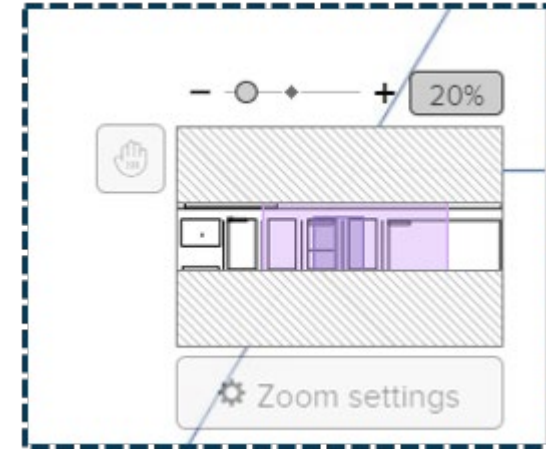
Ways for Members of the Public to Participate

- During this meeting:
 - Add a question or comment using the **chat feature** at any time.
 - **Comment verbally during the comment period** toward the end of the meeting.
- Outside of Advisory Committee meetings:
 - **See the EZ View webpage** for this Advisory Committee to see agendas, meeting dates, and notes.
 - **Contact an Advisory Committee member.**
 - **Contact organics@ecy.wa.gov** to reach the Ecology project team.

Technology Tips for Discussion

How to Use MURAL

- Copy and paste **Mural** link into your browser.
- Sign in **as a guest using your name** (there is no need to make an account).
- If asked, **accept "cookies"** to proceed with platform.
- **Zoom in and out** using the window in the bottom right.
- To edit a sticky note, **click and start typing**.
- **Double click** to add new sticky notes.



Community Agreements

- Treat other workgroup members, facilitation team, and Ecology staff with respect.
- Allow one person to speak at a time and listen actively to others.
- Come to workgroup meetings with an open mind.
- Intend no malice with what you say, assume no malice in what you hear.
- Represent your interests and those of your constituents; bring forward constructive comments, don't disagree just to disagree.
- Be present and engaged throughout the meeting.
- Come prepared to use meeting time productively.
- When possible, provide data and information to support statements.

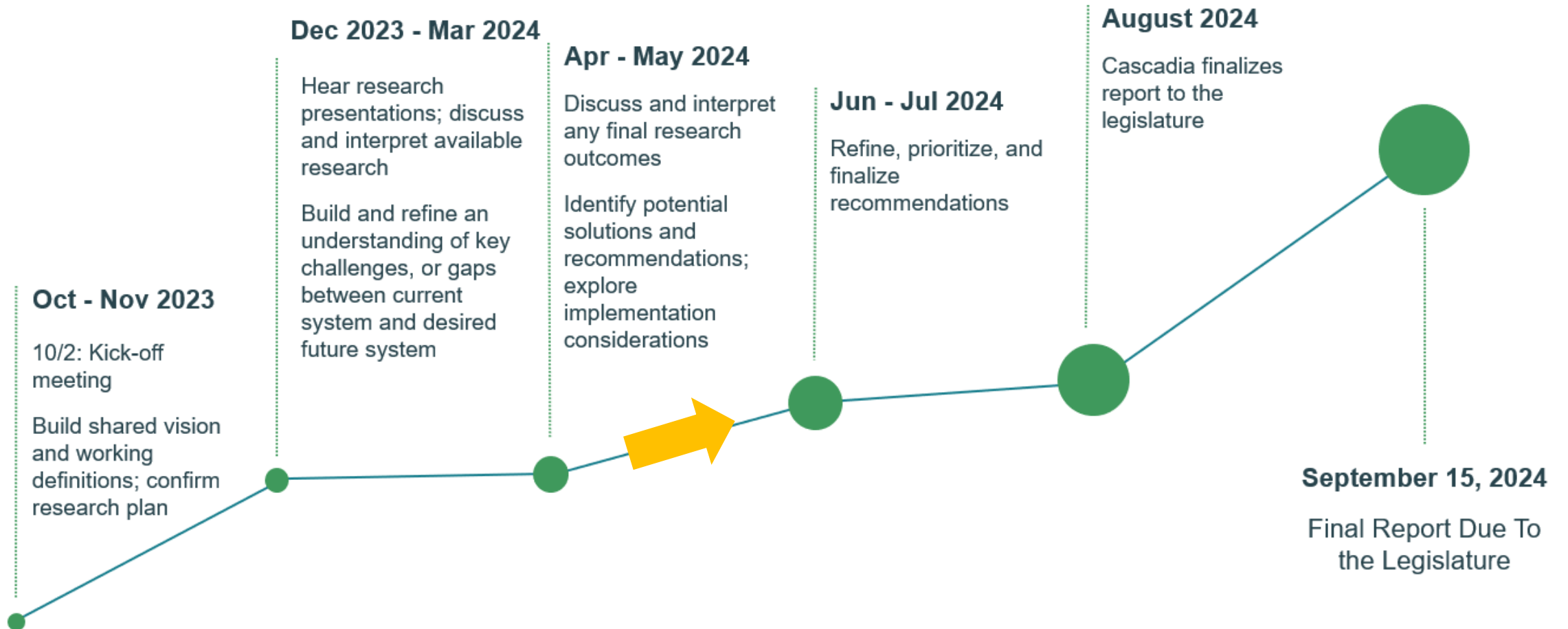
Pulse Survey Results

- Include reminders on MURAL board of the solution being addressed.
- Pre-populated solutions are helpful but may limit the creativity of the AC to identify new solutions. Create more space for creative solutions.
- Reminders for how to use MURAL before activity.



Where We've
Been and Where
We're Headed

Re-Cap



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Research Presentation: Policy Review

Policy Review: Research Methodology

- **Cover two remaining research topics:**
 - (h) Current laws related to compostable products and the enforcement of these laws
 - (j) Policy options addressing contamination of organic waste streams and to increase the use of reusable and refillable items
- **Interviewed ten jurisdictions and compost facilities outside of Washington** where compostable products are or have been accepted in the organics stream.
- **Interviewed eight Advisory Committee** members representing jurisdictions in Washington State.
- Desktop research on policies and programs for compostable products management including **what is happening in other countries.**

Policy Review: Labeling Laws

- **Compostable product labeling laws are used by several states** (including CO, CA, MD, MN) and aim to remove lookalike products from entering the system and reduce consumer confusion.
- **Laws are relatively new and data on their effectiveness is not yet available** as states figure out enforcement strategies.
- Commercial composters continue to see lookalike products coming into their facilities despite labeling laws, **specifically plastic film and other plastics**.
- **AB 1201** in CA currently being implemented.
 - **Bifurcated collection determined not feasible.**
 - **Compostable products will not be accepted for sale or use in CA after 2026** unless timeline is extended or compostable products are considered acceptable feedstock under the USDA's National Organics Program (NOP).
 - **BPI has petitioned NOP for inclusion of compostable products**, and the National Organics Standards Board (NOSB) discussed at the end of April.

Policy Review: Statewide EPR Laws

- **Extended Producer Responsibility (EPR) laws** that include compostable products are another strategy employed by several states to manage compostable products.
 - CO (HB22-1355): Compostable products are not covered.
 - OR (SB 582): Some compostable products covered.
 - CA (SB 54): Compostable products covered must meet AB 1201 definition of compostability & accepted by 50% of facilities. Covered Materials Category (CMC) list not yet finalized.
- Determining **what materials are covered** under EPR laws and conducting a **needs assessment** are key components.
- Collecting **information from composters** during a needs assessment is central to understand what collection and infrastructure investments are needed to accept and process compostable products.
- **Most jurisdictions interviewed in WA noted they support EPR policies**, such as the ReWRAP Act proposed in the most recent legislative session (HB 2049/SB 6005). This bill would require covered paper and packaging products in Washington to be recyclable, compostable, or reusable.

Policy Review: Contamination Reduction

- Strategies primarily include **outreach, technical assistance, and fees and load rejections** applied to haulers and/or generators where contamination is above a certain threshold.
- In Washington, most jurisdictions interviewed use customer outreach and education, cart-tagging (“oops tags”), written notices, and cart removal. Jurisdictions noted the potential use of **truck cameras, AI technology, and automated generator feedback** to address contamination. Under Washington’s HB 2301, fining residents for contamination is not allowed.
- **SMSC Organics Recycling Facility in MN: 5% contamination** limit for incoming loads.
- **Maryland Department of the Environment: 10% contamination** limit for incoming loads at permitted facilities.
- **Oregon Metro:** Food waste and yard waste are collected separately, which allows for more efficient contamination reduction processes applied to the food waste stream before it gets combined with yard waste.

Policy Review: Contamination Reduction

- **San Francisco Strategies:**

- Recology as a hauler can **levy contamination charges to generators.**
- Recology as a processing facility has authority to **fine and reject loads from haulers with over 5% contamination.**
- **Refuse Separation Compliance Ordinance** (Ord. No. 300-18) requires Recology to audit high volume waste generators every three years.
- Businesses or multifamily properties that have contamination levels above specific thresholds (5% for organics stream based on visual inspection) are required to **engage a “Zero Waste Facilitator” to support contamination reduction at their own expense.** Some businesses meet this requirement by hiring staff to properly sort through all waste generated onsite.

Policy Review: Reuse Programs

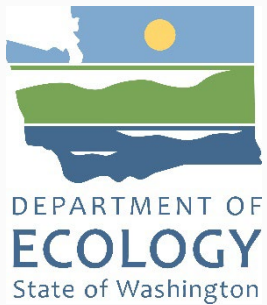
- Many interviewees noted that they have or are starting to **encourage reusable products over compostable products** whenever possible. Moving toward reusables **circumvents concerns about compostable products introducing PFAS, microplastics, and other potentially harmful chemicals** into runoff from organic materials management facilities and their finished compost products.
- **Incentives and technical assistance are needed to support the development of reuse programs** and required infrastructure in communities, such as partnerships with commercial reusables collection service providers and wash hubs.
- **Seattle & San Francisco** both have outreach and assistance initiatives that include **grants to purchase reusable serviceware** and are investing in commercial collection and **washing infrastructure** (r.World, Turn).
- **Maryland is developing a large-scale pilot program** to equip all public facilities and USDA –supported enterprises along a major highway corridor with an extensive fleet of reusable serviceware.
- **Boulder partnering with Deliver Zero to provide reusable takeout containers** for restaurants and r.World for jurisdiction events and large venues.
- Resources from Upstream on **model policies and ordinances** to support waste reduction and promote reuse in food service businesses.

Policy Review: Additional Considerations

- Burden on local governments to police purchasing, manage enforcement, and maintain accepted materials lists
- Rapid product & market changes
- Zero waste goals
- Lifecycle impacts
- Microplastics & chemicals
- International policies
- Majority of LCA studies of food service ware show that reusables are better for the environment than single-use products and packaging.

Discussion Questions

- What does this research tell us about what is working to achieve “*the state’s goal of managing organic materials, including food waste, in an environmentally sustainable way that increases food waste diversion and ensure that finished compost is clean and marketable?*”
- How well do the policies and the enforcement of the policies presented in the research manage compostable products and address contamination?
- What gaps remain, and what solutions could fill them?



A Zoom Out on Organics Management + 2301's Impact to Compostable Products

KEY GOAL

In developing recommendations, the stakeholder advisory committee must, at a minimum, consider:

- The state's goals of managing organic materials, including food waste, in an environmentally sustainable way that increases food waste diversion and ensures that finished compost is clean and marketable.

Recall Washington's Bold Goals

By 2030

Reduce food waste by 50%

Reduce organic material in the landfill by
75%.

*Based on 2015 baselines.

Progress Toward Organics Goals

By 2030

Reduce food waste by 50%;
or send 608,390 tons or less to the landfill
annually

*Current status:
827,515 tons of food waste are disposed of in the
landfill (2021)*

*For the 2015 baseline, 1.2 million tons of food waste
was generated, 830,981 tons went to landfill*

Progress Toward Organics Goals

By 2030

Reducing organic material in the landfill by 75%,
or send 570,350 tons or less to the landfill.

*Current status:
2.5 million tons go to landfill (2021)*

For the 2015 baseline, 2.3 million tons went to landfill

By weight, compostable products are a small fraction of material

Single Use Food Service
Compostable Paper and
Compostable Paper Products: **1.2%**
(7,322 tons annually)

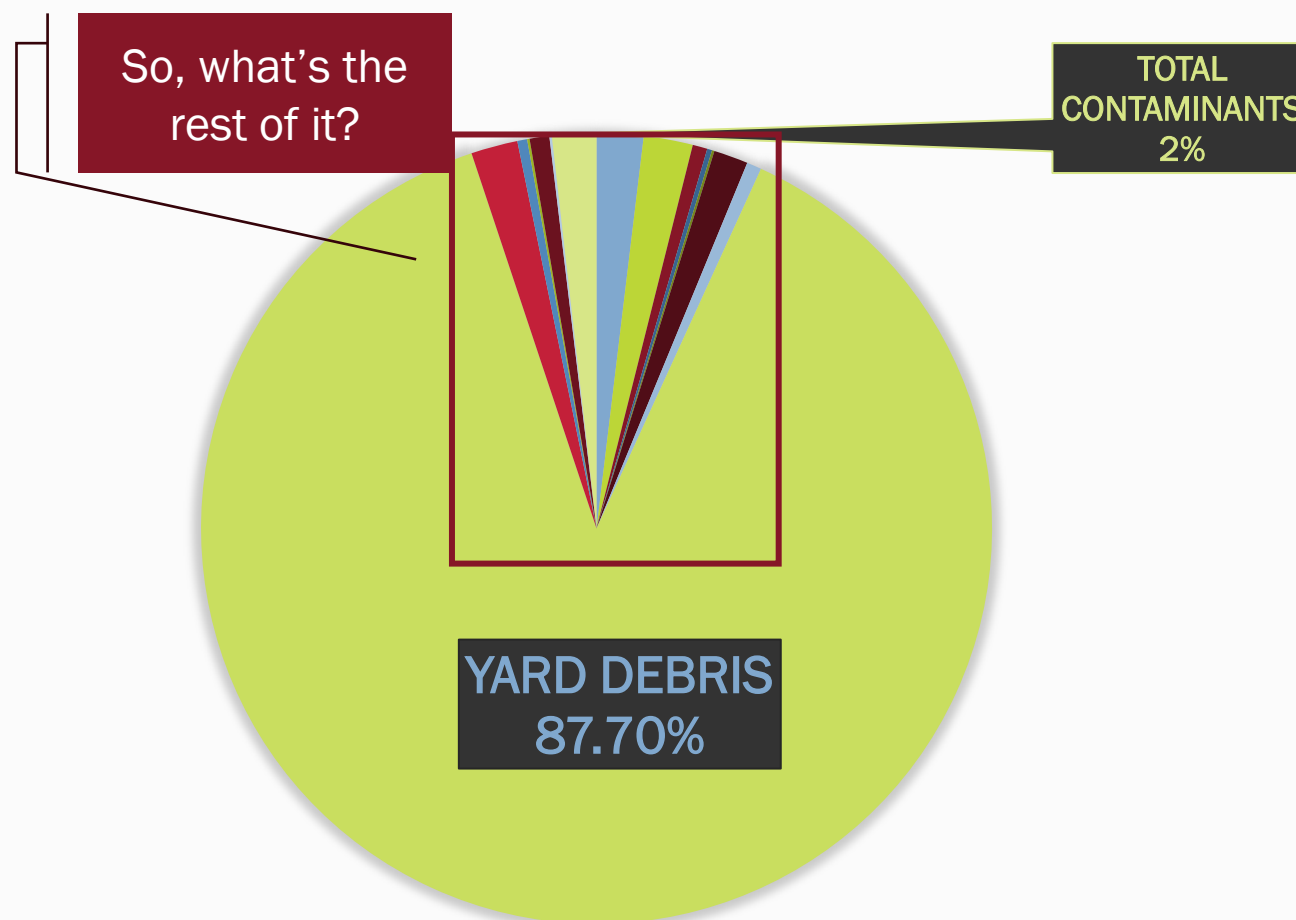
PLA Compostable Materials (mostly
plastic bags & film):
0.1%
(899 tons annually)

NOTE:

- These products are lightweight
- Commercial sector data not available

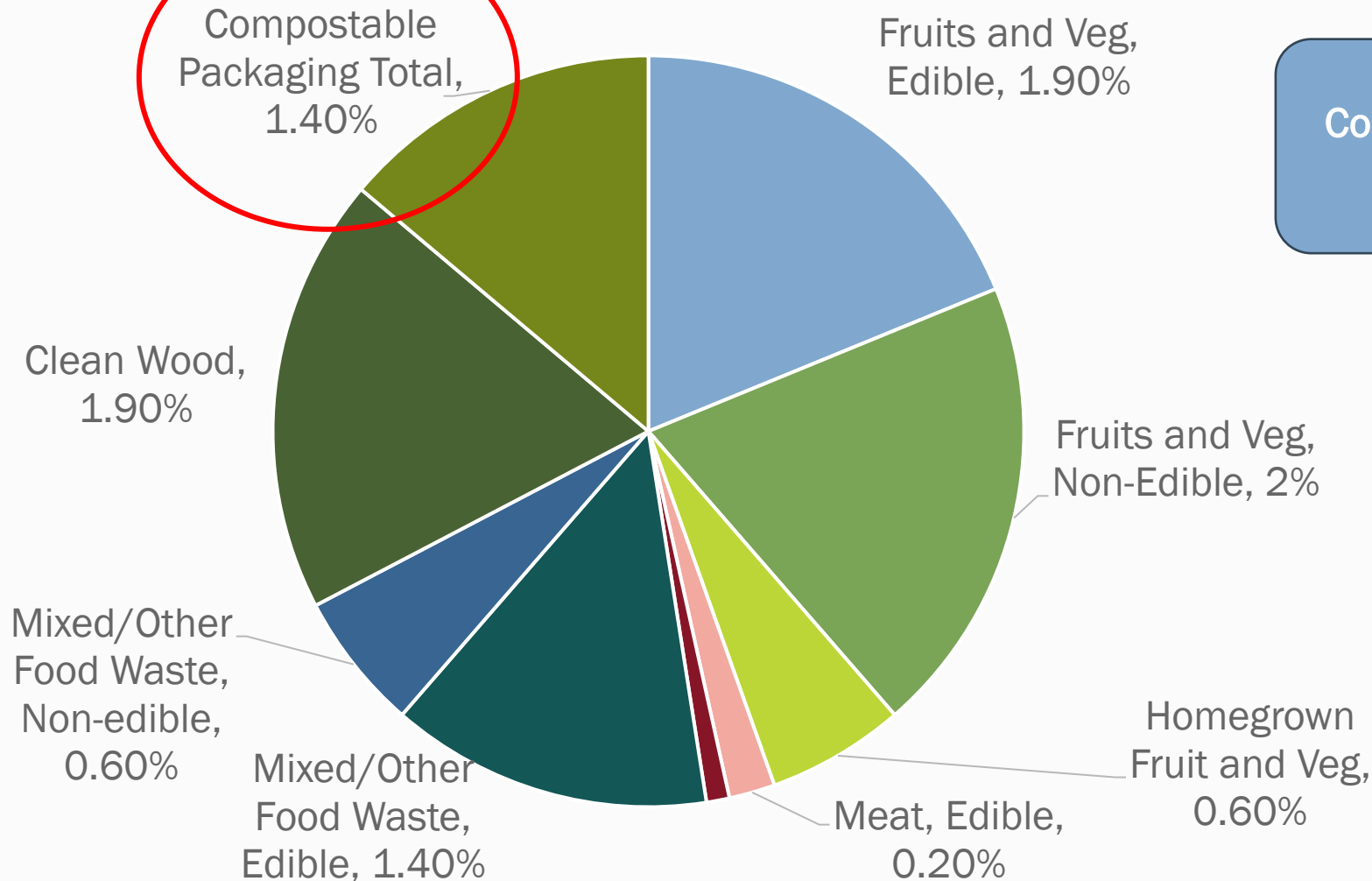
Composition of Organics Recovered

A characterization of organics that reach organics management facilities



Composition of the Organics Stream

EXCLUDING Yard Waste & Contamination



Pre & Post
 Consumer Food
 Waste:
 6.2%

Top Named Contaminants

1. Film Plastic
2. Plastic
3. Dog Toys
4. Metal Glass
5. Garbage
6. Lookalike Compostable Products

HB 1033 Advisory Council on Compostable Products
Research Memo, April 2024





HB 2301 (“OML 2.0”) Impact to Compostables

Produce Sticker
Technologies
Study

Updates to
Compostable
Product
Labeling
Requirements

Compostable
Product
Labeling
Enforcement

Produce sticker technologies study

- Ecology and WSDA must study produce sticker technologies
 - Include options without plastic or that otherwise meet compostability standards.
- Ecology will hire a consultant to conduct the study.
- Legislative report is due September 1, 2025.
- Shannon Jones, Ecology Lead (shannon.jones@ecy.wa.gov)

Compostable product labeling changes

1. Products made from **wood** and products made from at least **98% fiber** with **no plastic** additives, polymers, etc. → **do not need to follow labeling standards**
2. **Film bags, other film products, food service products** → Still must meet **ASTM D6400 or D6868** standards and be certified by third-party
3. **Other products** (packing peanuts, mailers, etc.) → Must be certified to meet the **same or a significantly similar standard** for industrial composting (ASTM D8410, ISO 17088, and EN 13432)

Compostable product labeling changes

4. Clarification to **non-compostable film bags (i.e., lookalikes)** and **prohibited use of colors green, beige, and brown**

- Does **NOT** include stripes smaller than 1/4-inch and used as visual aids
- Does **NOT** include lettering and logos used solely for brand identity purposes
- **DOES** include the use of botanical motifs like vines and leaves

5. Recognition of ‘**Home Compostable**’

- Allowed if producer has **valid scientific evidence** AND
- Product must be **certified for industrial composting** (no Home Compostable Only)

Compostable product labeling enforcement

- Ecology, cities, and counties are all co-authorized enforcement but cannot duplicate penalties
 - **OML 2.0:** Local governments who want to do their own enforcement will send a letter to Ecology with dates, boundaries, and any help/assistance requests.
- Max penalties: 1st offense \$2,000 | 2nd offense \$5,000 | 3rd or more \$10,000
- Ecology will open an **online public form** for people to report non-compliant products in July
 - Tied to the producer declaration database

Enforcement Criteria

Misleading or “Greenwashing”

- Compostable film bag uses chasing arrows or other recycling symbol.
- Product uses a term other than compostable (“biodegradable,” etc.)
- Non-compostable film bag uses green, beige, or brown tinting/color schemes required on compostable film bags.
- Non-compostable product is labeled or uses term compostable.

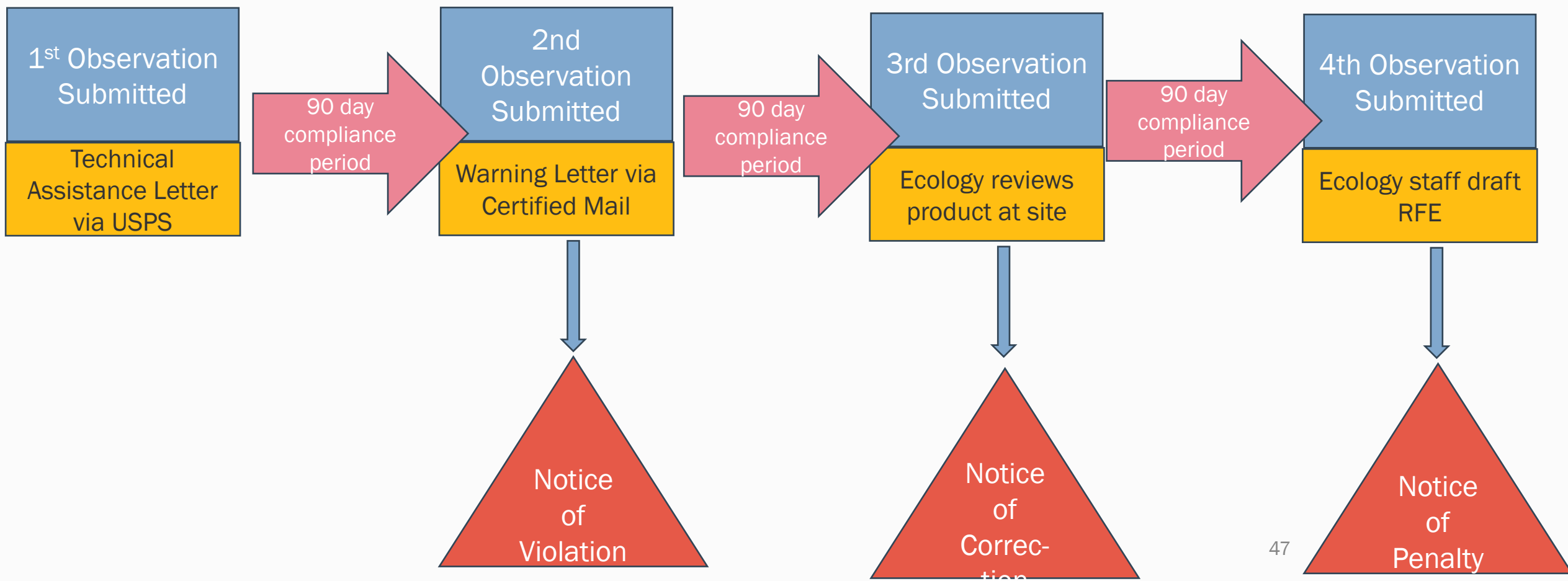
Mislabeled Compostable Product

- Missing the word “compostable.”
- Labeled or implied product is “Home Compostable Only.”
- Improper or no use of green, beige, or brown as a color signal for compostable products.
- Missing or invalid certification logo.

Other/Misc

- Product is undeclared or not up to date on the producer’s certified declaration with Ecology.
- Other: _____

General Enforcement Action





DEPARTMENT OF
ECOLOGY
State of Washington

Thank you

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Questions?



Generating Solutions

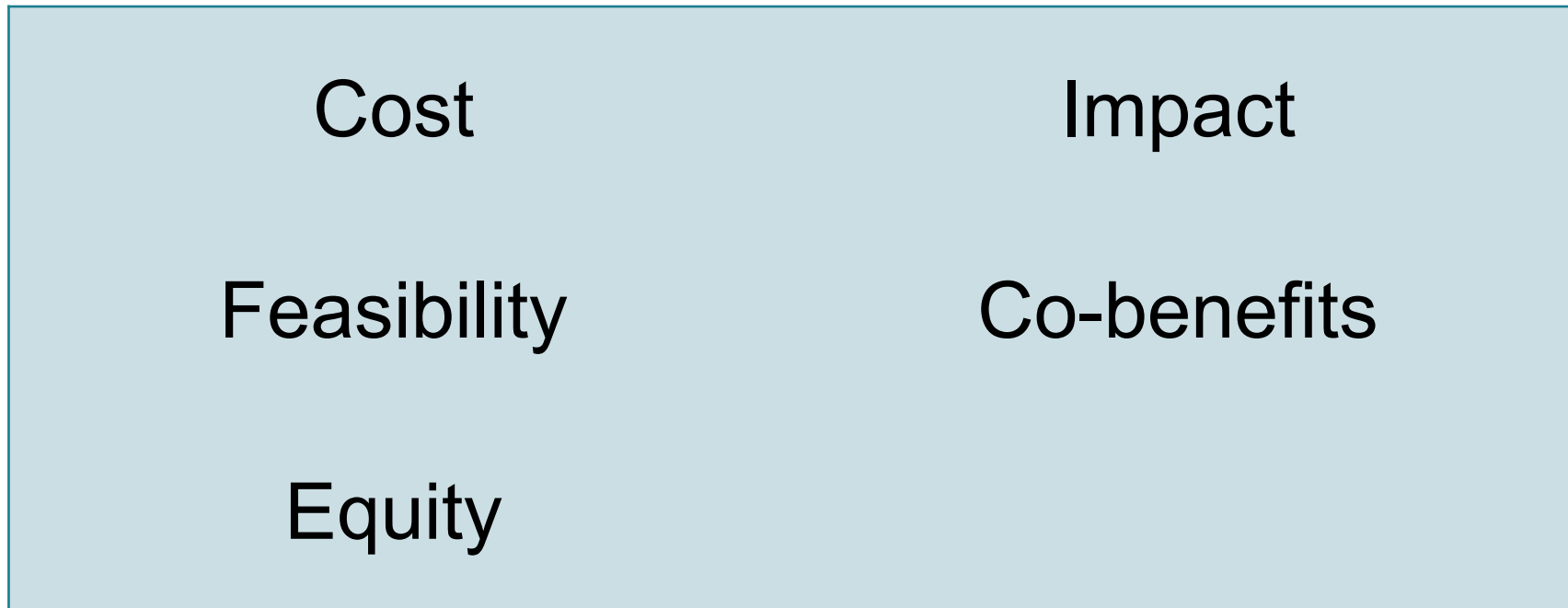
Scope of Recommendations

- **HB 1033 mandate:** The advisory committee shall make recommendations to the appropriate committees of the legislature on the development of standards for the management of compostable products, especially food service products, by composting and other organic materials management facilities.
 - The state's goal is “managing organic materials, including food waste, in an environmentally sustainable way that increases food waste diversion and ensure that finished compost is clean and marketable.”

Compostable Products Working Definition

- **Working definition of compostable products:**
 - a) Meet ASTM standard specification D6400;
 - b) Meet ASTM standard specification D6868;
 - c) Be comprised of wood, which includes renewable wood, or fiber-based substrate only; or
 - d) Be comprised at least 99% of paper, which includes renewable wood or fiber-based packaging materials. The remaining 1% must not contain any plastic or polymer additives or coatings.

Criteria for Solutions



Challenges → Solutions

1. Consumer confusion around compostable products leads to increased contamination. Consumers face confusion and barriers at product disposal exacerbated by labeling, lookalikes, and inconsistent collection processes among jurisdictions.

2. Existing facilities may not have capacity to accept compostable products and food waste. Adding new feedstock will increase the volumes of material at facilities, compostable products increase processing times, and it is difficult to site new facilities.

3. It is not clear how well compostable products increase food diversion rates.

4. There is uncertainty around enforcement of labeling and/or use of products. Concerns over funding for enforcement and who will be accountable.

5. Compostable products do not break down in all facilities and processing types. Standards for compostable products not inclusive of all processing types and facility conditions.

6. Acceptance of compostable products and food waste negatively impacts compost marketability. Compostable products impact organics certification and can introduce more contamination.

7. Some areas in the state lack access to local compost programs. Collection inefficiency in some jurisdictions and inaccessibility of programs in rural areas.

1. Address consumer confusion around compostable products.

2. Increase facility capacity to accept compostable products and food waste.

3. Understand how compostable products impact food diversion rates.

4. Clarify enforcement of compostable products labeling and/or use of products.

5. Better align accepted compostable products with facility conditions and processing types.

6. Support marketability of compost that has food waste and compostable products as feedstocks.

7. Improve statewide access to local compost programs.

Compost Marketability Solutions

6. Support marketability of compost that has food waste and compostable products as feedstocks.

1. Collect data about demand and end markets:

- Clarify supply and demand for compost and any barriers to expand compost markets. Leverage CPO reporting and collaborate with stakeholders.
- Understand end user standards for “clean” compost based on application.

2. Bolster end markets:

- Update finished compost standards – for example, create grade levels to indicate product quality.
- Educate to encourage compost use in appropriate applications.
- Ensure compliance of CPOs and grow those over time.
- Fund and/or incentivize compost procurement, including providing access to affordable compost spreading and/or transportation equipment.
- Address organic agriculture rules that limit compost sales.

3. Support contamination screening:

- Fund composters' procurement of screening equipment.
- Create policies that allow haulers to reject loads.

Challenges → Solutions

1. Consumer confusion around compostable products leads to increased contamination. Consumers face confusion and barriers at product disposal exacerbated by labeling, lookalikes, and inconsistent collection processes among jurisdictions.

1. Address consumer confusion around compostable products.

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6. Support marketability of compost that has food waste and compostable products as feedstocks.

7. Some areas in the state lack access to local compost programs. Collection inefficiency in some jurisdictions and inaccessibility of programs in rural areas.

7. Improve statewide access to local compost programs.

Initial solutions from the Committee

1. Address consumer confusion around compostable products.

- Stronger labeling standards to differentiate compostables from lookalikes.
- Education and outreach on compostable products.
- Consistent cart and bin colors.
- Consistent enforcement to reduce contamination.
- Ban lookalikes.

Initial solutions from the Committee

4. Clarify enforcement of compostable products labeling and/or use of products.

- Technical assistance from ECY to jurisdictions.
- An easy reporting form.
- Clear direction about enforcement among jurisdictions.
- Funding for jurisdictions' enforcement programs.
- Enforcement of non-compliant products sold in WA state.

Discussion Questions

1. How would you build these initial solutions out and further define them?
2. What is missing from the list of solutions?

A vertical split image. The left side shows a dense forest of evergreen trees shrouded in thick fog, with a dark teal overlay. The right side shows a clearer view of a forest with tall, thin trees and some green foliage at the bottom.

Public Comment

Please add comments to the chat or raise
your hand to speak verbally

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Next Steps and Action Items

Next steps

- **Next meeting: June 4th, 10:00am – 12:00pm**
 - Review previously generated solutions (Themes #1 and #4)
 - Generate solutions for remaining 4 challenge themes
 - Look holistically at solutions generated and consider criteria, gaps, and unintended consequences
- *After June meeting: First round of voting via MURAL on recommendations*
- **Please take 2-5 minutes to complete the pulse survey:**
<https://www.surveymonkey.com/r/D9GTV52>