

Compostable Products Advisory Committee Meeting Summary

Meeting #8: Tuesday May 7th, 2024 | 10:00 AM – 12:00 PM

Location: Zoom

Attendance

Members of the Advisory Council, Washington Department of Ecology (Ecology), Cascadia Consulting Group (Cascadia), and the public attended the meeting.

22 out of 27 Advisory Committee members attended (those who attended are marked with *):

| Name | Affiliation |
|-----------------|-----------------------|
| Alex Truelove* | BPI |
| Amy Clow* | WSDA |
| Patti Stacey | Kittitas County |
| Jill Reeves* | City of Spokane |
| Dan Corum | City of Tacoma |
| Gena Jain* | City of Kirkland |
| Heather Trim* | Zero Waste Washington |
| Janet Thoman | CMA |
| Jay Blazey* | Cedar Grove |
| Jenny Slepian* | Eco Products |
| Kate Kurtz* | City of Seattle |
| Liv Johansson* | WORC |
| Lewis Griffith* | City of Tacoma |
| Ryan Dicks | Pierce County |

| Name | Affiliation |
|----------------------|------------------------------------|
| Mark Chidester* | City of Richland |
| Reingard Rieger* | Tilth Alliance |
| Ron Jones* | City of Olympia |
| Samantha Louderback* | Washington Hospitality Association |
| Samantha Winkle* | Waste Connections |
| Scott Deatherage* | Barr-Tech |
| Shannon Pinc | NatureWorks |
| Alli Kingfisher* | Ecology |
| Wendy Weiker* | Republic Services |
| Peter Godlewski* | Association of WA Businesses |
| Zonell Tateishi | Yakima County |
| Rod Whittaker* | WRRRA |
| Brandon Housekeeper* | NW Grocery |

2 Washington Department of Ecology (Ecology) members attended, but did not participate as Advisory Committee members:

- Cullen Naumoff
- Chery Sullivan

3 staff from Cascadia Consulting Group (Cascadia) attended as meeting facilitators and support:

- Maddie Seibert
- Hannah Swee
- Taylor Magee

5 members of the public attended.

Meeting goals

- 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.

Agenda

| Duration | Agenda Item |
|----------|---|
| 10 min | Welcome, agenda, & objectives |
| 5 min | Where we've been and where we're headed |
| 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 |

Where We've Been & Where We're Headed

- Maddie oriented the group to where we are in the AC process, noting that we are beginning to identify potential solutions.

Research Presentation: Policy Review

- **Presentation:** Hannah provided an overview of the May research memo, including the methodology of the policy review, key types of policies used to manage compostable products and reuse programs and reduce contamination, and additional considerations.
- **Questions:**
 - Samantha Louderback shared that she had sent an email outlining her disappointment over the jurisdictions that were interviewed- noting that many cities do not cover rural areas of WA. She asked if there were plans to contact businesses who have been or will be impacted by these policies.
 - Hannah replied that for the jurisdictional interviews, the research plan was to target the AC members, as HB 1033 required representatives from rural and on-rural WA jurisdictions.
 - Maddie noted that there are no plans to interview businesses as part of this process, but we can highlight that as a gap for future work.
 - Alex Truelove commented that the Colorado EPR law includes compostable products, and the bill included specific funding for compost development.
 - Scott Deatherage asked if there were any jurisdictions noting organics contaminating the recycling stream, and if so, what do they do with it.

- Alli Kingfisher commented that a study from ECY found that 25% of compostables end up in the recycling stream and the national rate is 33%.
- Wendy Weiker commented that when organics end up in the recycling stream the load will go to the landfill.
- Samantha Louderback asked why there isn't time for interviewing businesses in this process.
 - Hannah replied that at the outset of the project, we pulled together our research plan to address the research topics outlined in HB 1033 and did not include business interviews, as they did not directly address any of the research topics and we did not hear feedback from the Committee at that time that it was a priority. At this point in our process, we are wrapping up research and moving into solutions generation.
- Brandon Housekeeper commented in the chat: the artificial restraints on time and discussion is disappointing.
- Alex Truelove commented in the chat: A note for the group, Colorado also passed a law (SB 253) that both includes some of the labeling requirements found in WA HB 1799 *and* prohibits non-compostable products for displaying misleading labeling, specifically to address contamination.

MURAL Discussion: Policy Review

The full Committee answered the following questions on MURAL. Their responses are listed below each question.

- **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?”**
 - Did not see evidence that compostable products help capture more food waste or if any particular products help divert more food waste
 - Research seems to suggest it's better to not allow compostable products.
 - It will be difficult to get a complete picture without businesses input and how they most easily divert food
 - Compostables can be successfully integrated, cities and entire countries show this
 - Reusables and compostables can play complementary roles (EPR, foodservice ware)
 - Compostable products have been problematic at composting facilities for a number of reasons discussed. By not accepting these products, some facilities have prioritized the whole system impact vs. compromising that system and end product.
 - The data that reusables are still a better choice than single-use is important.
 - It is unknown whether refusing compostable products actually reduces contamination or just invites non-compostable contaminants
 - Contaminated compost is not acceptable regardless of the system in place
 - Compostables can be successfully integrated, cities and counties show this
 - A statewide solution will be difficult- locals should have their own approaches to best match their systems
- **How well do the policies and the enforcement of the policies presented in the research manage compostable products and address contamination?**

- Effectiveness is unclear
- Lack of data on contamination before and after, just policies towards acceptable levels
- Policies do not address contamination from non-compostable products
- Embracing compostable products (Twin Cities, Italy) as part of policy leads to better outcomes
- Any policy must ultimately work for compost facilities- the CA requirement for 50% of facilities to be able to process a material makes sense. WA should develop similar facility based standards.
- **What gaps remain, and what solutions could fill them?**
 - Reuse over compostables
 - Input from businesses
 - Does refusing compostable products hinder food waste diversion?
 - Does refusing compostable products lead to less contamination or invite more non-compostables?
 - Effective labeling enforcement and tactics
 - Policies need enforcement mechanisms of producers/sellers of packaging
 - EPR can provide funds to offset the costs to facilities accepting compostables
 - Need to consider rural and urban settings

Department of Ecology Presentation: A Zoom Out on Organics Management + 2301's Impact to Compostable Products

- **Presentation:** Cullen Naumoff from the Department of Ecology provided a presentation on WA's organic management goals and new policy impacts.
- **Questions:**
 - Heather Trim commented that HB 2301 and its mention of fiber is referencing paper napkins and towels. She noted that there was an amendment last minute to the bill and it could be helpful to have a portion of this committee's work look at these types of products. There should be two separate standards for fiber-based napkins and towels and then other products such as cups.
 - Kate Kurtz asked for more detail on the 90-day compliance period.
 - Cullen replied that in the second observation period, a warning letter is sent and ECY will request a technical assistance visit and the producer has 30 days to accept. If there is a confirmed violation, ECY will send a notice.
 - Kate commented that the letter holds little value unless more letters come in.
 - Alli replied that the letters are used to see if it's still an occurring problem or if there are more identified complaints/observations.
 - Gena Jain asked what outreach will look like to help consumers understand the labeling law.
 - Brandon Housekeeper commented that he recommends the committee find the time to survey and discuss with businesses.
 - Alex Truelove commented in the chat: I'd propose we consider separating paper products based on whether or not they *claim* to be compostable. Both paper cups and napkins that make a claim should be able to back those up by meeting a standard.

However, if you're a napkin maker that isn't necessarily claiming compostability, perhaps a % threshold is sufficient.

Solutions Discussion

- **Presentation:** Maddie reminded the group of the scope of recommendation for HB 1033. She then presented the updated list of challenges and their initial solutions. Maddie presented a re-cap of the initial solutions identified at the April AC meeting for challenge #6 which focused on compost marketability solutions. The categories of solutions raised include:
 - Collect data about demand and end markets
 - Bolster end markets
 - Support contamination screening
- **Questions:**
 - Alex Truelove asked for more information/ evidence on the finding that accepting compostable products invites contamination.
 - Maddie replied that we did not hear more detail on that piece.
 - Jay Blazey commented that the CPO doesn't require usage, and what's missing is a good collaborative push whether that is education or resources.
 - Samantha Louderback expressed concerns over education not being directly addressed/included in end marketability. There should be education for the general public on composting.

MURAL Discussion: Solutions

The Committee considered solutions to address consumer confusion around compostable products and clarify enforcement of compostable products labeling and/or use of products.

The AC focused on two challenges:

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

Ideas for initial solutions raised in previous meetings were:

- Consumer Confusion:
 - Stronger labeling standards
 - Education and outreach
 - Consistent cart and bin colors
 - Consistent enforcement to reduce contamination
 - Ban lookalikes
- Enforcement:
 - Technical assistance from ECY to jurisdictions
 - An easy reporting form
 - Clear direction about enforcement to jurisdictions
 - Funding for jurisdictions enforcement

- Enforcement of non-compliant products sold in WA state

The Committee considered these ideas and generated others by answering the following questions. Responses are listed below each question and sorted by topic.

Consumer Confusion:

1. How would you build these out and further define them?
 - Stronger labeling standards
 - Address lookalikes and their labeling/coloring
 - Concerned over the idea of patchwork state standards- federal government working on this issue
 - Need to simplify
 - Education and outreach
 - State-wide or regional campaigns teaching the public how to identify compostable products
 - Need funding for education campaigns
 - Simplify the system- use visuals/graphics
 - Consider supporting EPR as a funding source
 - Consistent cart and bin colors
 - Bin colors will not help with compostables; residents are confused on what products go in compost vs. Recycling, better targeted with education
 - Cost considerations for adoption
 - Rather than bin colors, consider bin labels on what is accepted
 - Green or brown for organics only; blue for recycling; black or grey for garbage
 - Consistent enforcement to reduce contamination
 - Who will pay for enforcement?
 - Clear process to report bad actors
 - Notification of widely distributed reported products
 - Incorporate feedback from haulers and compost facilities
 - Active enforcement beyond compliant based
 - Clearly define where the responsibility lies, whether that's producer, broker, etc.
 - Ban lookalikes
 - Ban single-use plastic foodware, with cups as possible exception
 - Focus on deliberately misleading products
 - Need to further define this as a solution
2. What is missing from the list of solutions?
 - Equity analysis of solutions:
 - Equity in terms of empowering customers, renters, and staff such as janitors or food service, by providing them avenues to report businesses without fear or retaliation
 - Equity in education and outreach- multi-lingual options, culturally relevant language
 - Diverse media
 - Impact to consumers in disadvantaged communities

- What additional research needs to be conducted?
 - How do you reach consumers?
- Standards/best practices for compost facilities, rather than individual facility testing
- Standards based on WA facility acceptance

Enforcement:

1. How would you build these out and further define them?
 - Technical assistance from ECY to jurisdictions
 - Create and publish comprehensive lists of acceptable products; easier to see what you can buy than what you can't
 - Model enforcement or standards for local jurisdictions to adopt, produced by DOE
 - Allocate additional funds for staff enforcement at local and state levels
 - Education tools from ECY to local jurisdictions to better understand requirements
 - Education before enforcement
 - An easy reporting form
 - Form needs to be promoted to public; if it's not promoted who will report?
 - Clear direction about enforcement to jurisdictions
 - Define who is responsible for enforcement
 - Clarify the role of local/municipal ordinances and laws. May become confusing to understand which laws to follow
 - Funding for jurisdictions enforcement
 - State-funding over testing to help accelerate identification
 - Should funding prioritize jurisdictions that accept compostable products?
 - Can penalties help offset costs?
 - What departments will handle this? What is their capacity?
 - Enforcement of non-compliant products sold in WA state
 - Identify example of non-compliant items for education purposes
 - Work with other states with similar guidelines to help create a multi-state enforcement effort
 - Enforcement should be proactive beyond complaint based; find/report products sold in WA that do not meet standards, contact seller
 - Provide ECY with tools to be proactive
2. What is missing from the list of solutions?
 - Equity analysis
 - Who is bearing the burden?
 - Which communities are negatively impacted?
 - Enforcing on whom? Residents? Importers?
 - Producers, importers, sellers (including Amazon etc.)
 - How do you enforce on Amazon or other out of state delivery services
 - How do we encourage reusables over compostable single-use while also making it easy to clearly identify compostables to keep non-compostables out of compost?
 - Contamination reduction at the bin

Public Comment

- Member of the public, in the chat: general note: need to highlight resources, recordings of training, guides, image-heavy signage, etc. on compostables available on ECY main webpage (similar to that of CalRecycle for 1383)

Next Steps

The May AC meeting will take place on June 4th from 10:00am-12:00pm.

Appendices

MURAL Discussion: Research discussion (Full Group)

1. 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?”

Reinforces that reusables are the solution over pushing more green garbage aka "compostable products"

The research is all over the place with some places not allowing compostable products and others allowing them

It highlights some of the risks associated with allowing compostable products in the organics stream

A global solution will be daunting. Best to start thinking about how to start in local jurisdictions and within our current framework.

There are still many different approaches tried out by different jurisdictions.

The research seems to suggest it's better to not allow compostable products.

Didn't see evidence it helps capture more food waste.

Outside of US jurisdictions more likely to allow compostable bags, but not other compostable products - citing that other products less effective at capturing more food waste

There is zero research that points to certified compostables as being the actual contaminants - need to focus more on non-compostable lookalikes

do the risks outweigh the benefits? Who is evaluating this?

A state-wide solution will be difficult. Locals should have their own approaches

It tells us that contamination thresholds are different across different regions, as are enforcement tactics

Would like to know if locations that have banned plastic look-alikes have had success with reduction of contamination in compost

Compostables can be successfully integrated, cities and entire countries show this

The research is incomplete. There are too many gaps to conclude sufficient review of WA state laws and outcomes.

Reusables and compostables can play complementary roles (EPR, foodservice ware)

There was no info about whether compostables help redirect food waste to compost

Data is unavailable regarding whether compostables divert food waste from disposal or which compostables divert food

The research shows that small countries with incentives still struggle to have uniform policies

Contaminated compost is not acceptable regardless of the system in place

Many jurisdictions and processors are not accepting compostable products. This is effective in reducing contamination and a more marketable compost product

The research could use a deeper dive of what EPR can do to help put responsibility on producers, less on relying on residents for sorting.

Compostable products have been problematic at composting facilities for a number of reasons discussed. By not accepting these products, some facilities have prioritized the whole system impact vs. compromising that system and end product

It is going to be hard to get a complete picture without business input and how they most easily divert food

The data that reusables are still a better choice than single-use is important

It is unknown whether refusing compostable products actually reduces contamination or just invites non-compostable contaminants

2. How well do the policies and the enforcement of the policies presented in the research manage compostable products and address contamination?

Not clear on effectiveness

I'd prefer to look at how we could educate the general public before focusing on enforcement.

The research is incomplete, and the facilitators aren't adequately acknowledging it.

Any policy must ultimately work for compost facilities- the CA requirement for 50% of facilities to be able to process a material makes sense. WA should develop similar facility based standards.

The non-compostable contaminants aren't even identified

Didn't see data on contamination - before and after - just policies toward acceptable levels

Contamination is always going to be problem from non-compostable products unless there is enforcement and policies at the source

Where can responsibility be added to manufacturers over residents/general public to bear the blame?

The policies don't address the real contaminants - NON-COMPOSTABLE products

It will be important that labeling policies are enforced. We are starting to see a positive shift with manufacturer labeling.

5-10% inbound contamination limit means generators are required to source separate their waste. Source separation is critical to limit contamination and should be maintained in our state.

they don't address contamination

There does not appear to be evidence of effective enforcement approaches except where compostable products are not allowed

Embracing compostable products (Twin cities, Italy) as part of smart policy leads to better outcomes

Like Italy's approach to bags

Italy's approach that all single-use bags must meet DIN for composting may be a model to explore.

3. What gaps remain, and what solutions could fill them?

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| Reuse over compostables | which products aid in more food waste collection and which do not? | would be good to know if there is a distinction between cups and other foodware types | Effective labeling enforcement tactics and practices | Would like to know more about Germany's approach | Cross contamination data from MRFs | Labeling needs to prohibit misleading products | How contaminated will the recycling stream become with more compostables in the stream | Why did CA decide to ban compostable products starting in 2026? | << they aren't necessarily banning them, organic ag markets are very different in California |
| The research has been overly broad and vague. It is unclear and doesn't represent the view of commercial facilities. Research hasn't helped us learn what is happening because it is too narrow. | LCAs fail to include the value of diverting organic waste when evaluating compostable products | Does refusing compostable products actually lead to less contamination, or more non-compostables? | research conclusions should consider if they apply to rural settings as well as urban | We need to better understand the costs to facilities who accept compostables | Reusables made from non-biodegradable plastic can shed microplastics with use & washing - more research? | More data is needed about business confusion when it comes to purchasing | Why did A-1 stop accepting compostables | Why did OR stop with the push for compostables? | EPR can provide \$\$ to offset the costs to facilities accepting compostables |
| We really need input from businesses. | Does refusing compostable products hinder food waste diversion? | Education | Policies need to have enforcement mechanisms for producers/sellers of packaging | Gaps in education - some research indicated that compostable products invite significant additional contamination | examples of bags used for collection but removed from feedstock before processing - is this a model to explore? | Many products aren't reusable or recyclable but can be compostable (food scrap bags, produce stickers, meat packaging) | A-1 is still taking certain products, like 5gal food scrap collection bags, and from certain events | | |

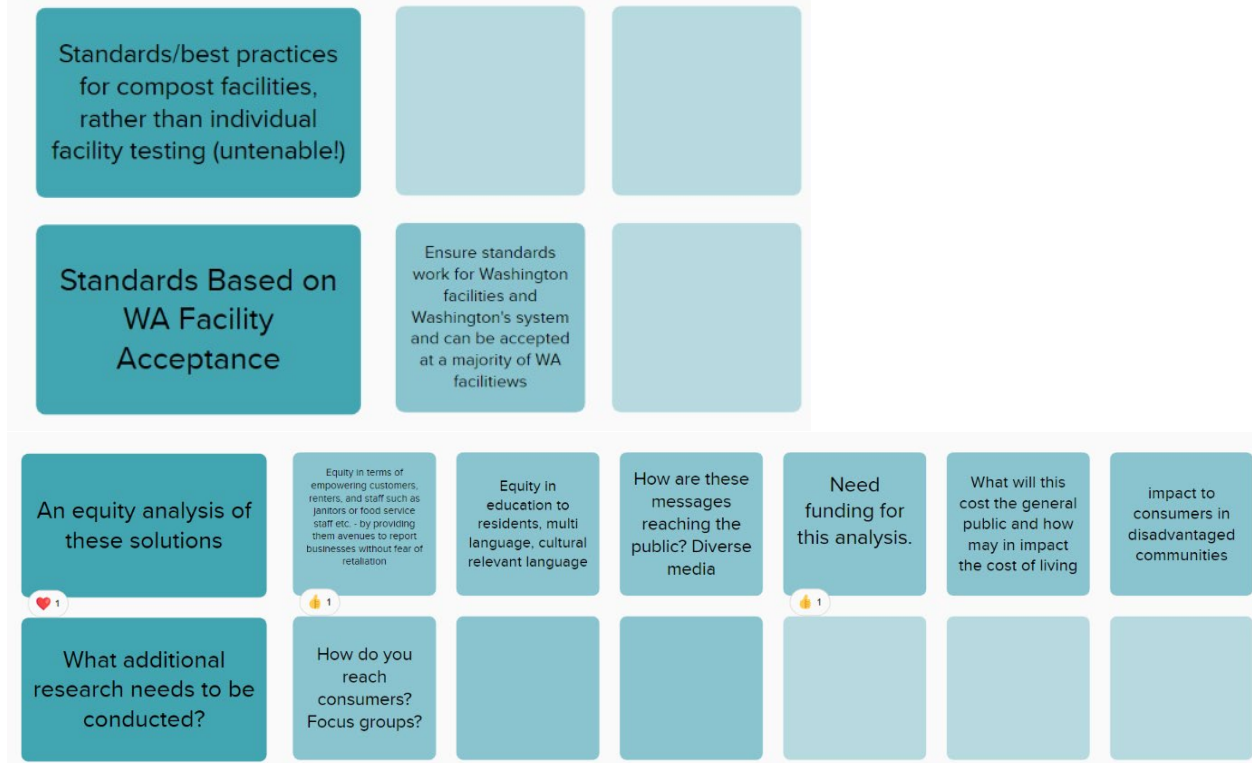
MURAL Discussion: Solutions Discussion

Consumer Confusion

1. How would you build these out and further define them?

| | | | | | | | | | |
|--|--|---|---|---|--|--|---|---|---|
| Stronger labeling standards | Won't support a state patchwork of labeling standards. The feds are working on this issue. | Address lookalikes | We just increased labeling requirements | | | | | | |
| Education and outreach | State-wide or regional campaigns teaching people how to identify compostable products | Strategic approach to educate all stakeholders that are impacted | Education continually for high turnover industries - We can't expect people to train their staff | shared/consistent materials (brochures, etc.) across state, engage trained volunteer teams | A must. | Education to producers, more responsibility on manufacturers, less on residents | education to raise aware that contamination in the organics stream is akin to littering because it ends up on the landscape | toolkit for residential, multi-family, business, producers | Need \$\$ for education campaigns |
| Consistent cart and bin colors | | Green or brown for organics only. Blue for recycling, black or gray for garbage | Is this relevant with proper education | Research is required on this to determine if it actually could be impactful | Color is important but not enough - still need to clearly show the logos for compost/recycle/garbage | | | Empower residents e.g. in multi-family units through education of their rights and their landlord's responsibilities. | Where is the equity component in this? |
| Consistent enforcement to reduce contamination | Clear process to report bad actors | Notification of widely distributed reported products | consistently low thresholds for incoming contamination and authority to impose penalties | reevaluating the current enforcement tactic and whether it will actually be effective in reducing contamination | Who will pay for enforcement? | Identify how the enforcement procedure will be evaluated | Need resources to fund staff for enforcement. State or local enforcement? | incorporate feedback from haulers, compost facilities | |
| Ban lookalikes | Align with existing laws & principles re: color use & terminology | Banning products is not a solution when we continue to hear that some facilities do not want compostable products | | seems near impossible and also plastic lookalikes are likely recyclable | This is not defined enough. Ban what? | Focus on deliberately misleading elements | Definitely support a ban. I think this also needs strong outreach/ media campaigns with clear visuals | Unless you ban a whole category of a product (all cold cups, all hot cups) type, how does this reduce confusion? | |
| Stronger labeling standards | | Ban language and coloring on lookalikes | Labeling standards must be clear and obvious (such as color or something readily identifiable) | Based on facility acceptance in Washington - such as California 50% standard | Needs to be simple and easy to understand | | | | |
| Education and outreach | | Make the system as simple as possible ideally with visual messaging | Education and funding for it will be necessary to reduce the extra contamination associated with compostables | Simple, multilingual, consistent | Consider supporting EPR as a funding source | | | | |
| Consistent cart and bin colors | applies to all bins | | Bin colors will not help with contamination. Residents are confused whether compostable products should go in recycling or compost - not the color of the bin, bin has no visual effect as bin color. | Significant cost for some to adapt. How to fund? | | rather than bin colors, labels on bins with what is accepted | | | |
| Consistent enforcement to reduce contamination | Clearly define where the responsibility lies: producer, broker, seller, user/officer | High-visibility enforcement, perhaps starting with high-volume users | Follow-up on businesses | Active enforcement - beyond complaint based | Clarification about inventory phasing | Haulers need authority to address contamination - whether fines or remove from service | one standard across the state re compostable products allowed or not allowed | Ability to easily report bad actors | Unclear where the best focus of attention should be for enforcement |
| Ban lookalikes | ban plastic single-use plastic foodware - with possible exception of cups | << non-compostable foodware or all plastic? | Align with existing laws & principles re: color use & terminology | Focus on deliberately misleading elements | Have strong financial enforcement mechanisms/ deterrents for producers | | | Consideration of PFAS presence in paper products | enforcement would need to happen upstream of the collection/hauling of organics |

2. What is missing from the list of solutions?



Enforcement

1. How would you build these out and further define them?

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| | | | | |
|--|--|--|--|---|
| Technical assistance from ECY to jurisdictions | Create and publish comprehensive lists of acceptable products. Easier to see what you can buy instead of what you can't. | | Model enforcement or standards for local jurisdictions to adopt, produced by DOE | |
| An easy reporting form | Form needs to be promoted to public as well  1 | | | |
| Clear direction about enforcement to jurisdictions | Define who is responsible for enforcement | Clarify the role of local/municipal ordinances and laws. May become confusing to understand which laws to follow | | |
| Funding for jurisdictions' enforcement | | State-funded overs testing to help accelerate identification? | Should funding prioritize jurisdictions that accept compostable products? | Can penalties levied help offset the costs? |
| Enforcement of non-compliant products sold in WA state | Wall of shame? Identify examples on non-compliant items for educational purposes | Work with other states with similar guidelines to help create a multistate enforcement effort | Enforcement should be pro-active, beyond just complaint based. Find/identify products sold in WA that do not meet standards and contact seller | |

2. What is missing from the list of solutions?

