Compostable Products Advisory Council – Meeting 9 Agenda June 8, 2024

Meeting Goals

- Generate solutions for remaining four challenge themes
- Consider full set of solutions generated
- Prepare for MURAL voting exercise between June and July meetings

Date & Time

June 8th, 2024 10:00 AM – 12:00 PM, Zoom

Meeting Packet

- Agenda Overview
- Looking Ahead
- Challenge Themes
- Solutions Generated for Challenge Themes #1 and #4 at May Meeting
- Research Key Takeaways Memo

Agenda Overview

Total duration = 120 minutes

| Duration | Agenda Item |
|----------|--|
| 10 min | Welcome, agenda, & objectives |
| 5 min | Where we've been and where we're headed Review challenge themes |
| 45 min | Solutions discussion |

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| Duration | Agenda Item | |
|----------|---|--|
| | In breakout groups, discuss solutions for final challenge themes: #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. #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. #7: Some areas in the state lack access to local compost programs. Collection inefficiency in some jurisdictions and inaccessibility of programs in rural areas. Discuss: How would you build out and add more detail to the list of initial solutions related to this theme that were previously raised by this committee? What is missing from the list of initial solutions? | |
| 10 min | Break | |
| 30 min | Discuss full set of solutions Look holistically at solutions generated and consider criteria (impact, feasibility, equity, cost, co-benefits), gaps, and unintended consequences | |
| 10 min | Preview MURAL voting exercise | |
| 5 min | Public comment | |
| 5 min | Closing remarks and preview next steps | |

Looking Ahead

Committee Timeline



Next Steps

JUNE 10-17 (AFTER JUNE MEETING)

First round of voting via MURAL on recommendations

JULY MEETING

- Refine and prioritize recommendations to legislature
- Hear final feedback on the list of recommendations and conduct final round of voting on final recommendations
- Capture any final considerations and notes on agreement/ disagreement

Challenge Themes

| Challenge Theme | Generated 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. | Yes – May meeting |
| 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. | Not yet – June meeting |
| 3. It is not clear how well compostable products increase food diversion rates. | Not yet – June meeting |
| 4. There uncertainty around enforcement of labeling and/or use of products. Concerns over funding for enforcement and who will be accountable. | Yes – May meeting |
| 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. | Not yet – June meeting |
| 6. Acceptance of compostable products and food waste negatively impacts compost marketability. Compostable products impact organics certification and can introduce more contamination. | Yes – April meeting |
| 7. Some areas in the state lack access to local compost programs. Collection inefficiency in some jurisdictions and inaccessibility of programs in rural areas. | Not yet – June meeting |

Solutions Generated for Themes #1 and #4 at May Meeting

Theme 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.

• Adopt standards or a ban for lookalikes

- Explore a ban on single-use plastic foodware.
- Establish labeling standards to address lookalikes. Consider basing standards on facility acceptance in WA.
- Advocate at a federal level for labeling standards to address lookalikes.

• Conduct education and outreach

- Secure funding for, study (including analyzing equity impacts), design, and implement a strategic state-wide campaign or regional campaigns teaching the public how to identify and properly sort compostable products.
- Create educational messaging and materials for residents, businesses, and compostable product producers. Ensure that materials are in diverse media formats, available in multiple languages, and are culturally relevant.
- Empower residents in multifamily units through education of their rights and their landlords' responsibilities.
- Provide customers and staff of businesses with avenues to report businesses for contamination anonymously.
- Establish consistent statewide bin colors and signage
 - Explore the costs of standardized bin colors across jurisdictions. Consider green or brown for organics, blue for recycling, and black or grey for garbage.
 - o Consider clear, visual labels indicating what items are recyclable and compostable.

• Fund and guide local enforcement to reduce contamination at collection

- Study where enforcement will be most useful.
- Establish a clear statewide process to report any generators causing consistent contamination. Incorporate feedback from haulers and compost facilities. Clarify how the enforcement procedure will be funded and evaluated.
- Provide active technical assistance to businesses about inventory phasing and provide proactive enforcement beyond complaint-based enforcement.
- Use cart tagging or another inspection strategy to catch contamination in bins.

Theme 4. There uncertainty around enforcement of labeling and/or use of products.

Concerns over funding for enforcement and who will be accountable.

- Provide technical assistance and tools to jurisdictions for enforcement.
 - Create and publish comprehensive lists of acceptable products.
 - Model enforcement or standards for local jurisdictions to adopt, produced by DOE.
 - o Allocate additional funds for staff enforcement at local and state levels.
 - Provide education tools to local jurisdictions to better understand requirements.
 - o Create an easy reporting form that is easily accessible to those intended to use it.
 - Define who is responsible for enforcement.

o Clarify the role of local/municipal ordinances and laws.

Funding for jurisdictions' enforcement

- Fund overs testing to help accelerate identification
- Consider prioritizing funding for jurisdictions that accept compostable products.
- Ensure that state and local governments have enough capacity for enforcement; consider providing funding for this capacity.
- Enforcement of non-compliant products sold in WA state
 - o Identify examples of non-compliant items for education purposes.
 - Work with other states with similar guidelines to help create a multi-state enforcement effort.
 - Work to achieve active enforcement; find/report products sold in WA that do not meet standards and contact sellers.
 - Provide ECY with tools to be proactive.
- Equity analysis
 - Understand: Who is bearing the burden of potential enforcement solutions? Which communities are negatively impacted?

Research Topics & Takeaways

Summary Memos and Presentations

The table below provides an overview of the research topics outlined in HB1033 for the Advisory Committee's consideration and when the information was presented in summary memos and/or presentations.

| RESEARCH TOPIC | SUMMARY MEMO / PRESENTATION |
|---|--|
| (a) 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 | This research topic is a guiding consideration for the Advisory Committee throughout the entire process. |
| (b) The types of compostable products, and amounts if known, sold or distributed in Washington | December: Literature review January: Ecology compostable products registry, Ecology statewide recovered organics characterization study |
| (c) Consumer confusion caused by noncompostable products that can lead to contamination issues | December: Literature review April: Washington organic materials management facility interview results May: Jurisdiction interview results (Washington & across the country) |
| (d) Compostable standards related to the breakdown of products in facilities and home composting | December: Literature review January: ASTM standards D6400 and D6868 April: Washington organic materials management facility interview results |

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| RESEARCH TOPIC | SUMMARY MEMO / PRESENTATION |
|--|--|
| (e) The status of acceptance of compostable products by organic materials management facilities in Washington, including consideration of organic certifications | April: Organic materials management facility interview results |
| (f) Estimates of the percentage of compostable products used in Washington that are disposed of at organic materials management facilities | March: King County & Seattle Public Utilities organics capture rates |
| (g) Financial incentives for organic materials management facilities accepting compostable products | April: Washington organic materials management facility interview results May: Jurisdiction interview results (Washington & across the country), International policy research |
| (h) Current laws related to compostable products and the enforcement of these laws | May: Jurisdiction interview results (Washington & across the country), International policy research |
| (i) Any work product from other contemporaneous stakeholder advisory committees currently discussing similar topics in other jurisdictions or nationwide | December: Literature review |
| (j) Policy options addressing contamination of organic waste streams and to increase the use of reusable and refillable items | May: Jurisdiction interview results (Washington & across the country), International policy research |
| Additions recommended by the committee: GHG emissions related to composting compostable products Toxic chemical contamination (PFAS) | December: Literature review |

Research Takeaways

As the Advisory Committee moves toward identifying solutions and recommendations to the legislature, this is a compiled list of the high level research takeaways for the Committee to reference and guide recommendations.

- By weight, compostable products are less than 2% of material collected in the curbside residential organics stream in Washington State. While the compostable products themselves comprise a small proportion of feedstock, the associated contamination that comes with these products disproportionately increases the cost of processing material due to additional equipment and staff needed to manage contamination, greater wear and tear on existing equipment, and increased disposal fees for contaminant materials.
- While several studies completed at sports and food service venues (examples of closed-loop systems) in the U.S. show that compostable service ware increases food waste diversion, we have not found any municipal studies of curbside organics collection and the correlation between compostable products and food waste diversion.
- There is potential to increase the capture of food waste into the organics stream. Data from the WA Department of Ecology 2020-2021 statewide waste characterization study showed that nearly 20% of residential garbage consisted of food waste. Additionally, food waste capture rates in King County (16%) and Seattle (36%) are relatively low.
- There is an opportunity to increase the capture rate of compostable products. Data for King County and the City of Seattle shows that the capture rate of compostable products (except for compostable plastic bag liners) is below 65% and as low as 2% for single-use food service compostable paper in Seattle.
- Compostable bags make up most of the compostable products sold or distributed in Washington state currently registered through the Department of Ecology. PLA is the most common material type used out of all the different products registered.
- Composting methods, conditions, and processing times vary across facilities in Washington state (aerated static piles is the most common technology used), and not all facilities have conditions that support the full breakdown of compostable products or ASTM standards D6400 and/or D6868. For example, processing times reported were as little as 35 days to as long as six months and ASTM standards require 90% degradation within 84 days (12 weeks or about three months).

- One of the main issues with compostable products is pre-processing and lookalikes rather than disintegration rates of compostable products. While compostable product disintegration rates vary by type of product and composting conditions, microplastics found in finished compost are typically caused by conventional plastics and not PLA.
- Five out of the 14 organic materials management facilities interviewed in Washington state report accepting certified compostable products and that they appear to disintegrate in their composting process¹. These facilities are all located near larger population centers (not in rural areas). Facilities that do not accept compostable products cited increased contamination and Washington State Department of Agriculture (WSDA) or Organic Materials Review Institute (OMRI) certification as reasons for not accepting that material.
- While all facilities noted **multiple barriers and challenges associated with** accepting compostable products, they did not indicate any clear incentives, financial or otherwise, for accepting compostable products.
- The main drivers of confusion and contamination around compostable products is unclear product labeling and inconsistency in organics collection programs across and within jurisdictions. Preventing contamination through education and enforcement before collection takes place is more effective than contamination removal during the composting process (i.e., increasing labeling requirements, sector specific education programs, jurisdictional cooperation & cohesive policies). The top named contaminants at facilities in Washington state are:
 - 1. Film Plastic
 - 2. Plastic
 - 3. Dog Toys
 - 4. Metal
 - 5. Glass
 - 6. Garbage
 - 7. Lookalike compostable products
- Washington State organic materials management facilities infrastructure takeaways:

¹ With Ecology's input, 27 out of 56 permitted organic materials management facilities in Washington State were selected to contact for interviews. The selected facilities are representative of statewide organic materials management facilities as they span all four regions of the state (Northwest, Southwest, Eastern, and Central), accept a range of materials as feedstock, and use different composting methods. Anaerobic digesters and biosolids-only management facilities were excluded as compostable products are not viable feedstock for these processing facilities. Fourteen out of the 27 facilities responded to information requests either through written responses or interviews (52% response rate).

- Most of the available existing organics processing capacity at organic materials management facilities is in Western Washington
- Several organic materials management facilities in Washington state note concerns about space constraints if they are required to begin accepting additional feedstock from new sources or generators (e.g., adding food waste to yard waste-only facilities)
- Several facilities who currently do not accept food waste and/or compostable products express concerns about being required to accept this material and potential changes it would necessitate in their operations and business model (i.e. equipment upgrades, additional screening equipment, more staff, increased space).
- Results from a LCA of compostable packaging and other foodservice ware conducted by Oregon DEQ in 2017 showed that in most comparisons, the production and use of compostable materials (and composting them) resulted in higher environmental impacts than that of either noncompostable materials, or compostable materials treated via recycling, landfilling, or incineration. This LCA did not include any impacts of potential diversion of food waste from the landfill through the use of compostable products.
- Compostable product labeling laws are recent policy tools used by several states, including Washington, to regulate compostable products and specifically to remove lookalike products from entering the system and reduce consumer confusion. These laws are relatively new and data on their effectiveness is not yet available as states figure out enforcement strategies. Enforcement is a challenge, and facilities continue to see lookalike products, specifically plastic film and other plastics, coming into their facilities.
- Extended Producer Responsibility (EPR) laws that cover compostable products are another strategy employed by states to manage compostable products. Determining and defining what materials are covered under EPR laws as well as conducting a needs assessment are key components of this policy option. Collecting information from composters is also critical in understanding what is needed for collection and investments for infrastructure.
- Current contamination reduction strategies (in addition to labeling laws) primarily include outreach, technical assistance, and fees and load rejections applied to haulers and/or generators where contamination is above a certain threshold.
- While some local governments have policies requiring single-use products to be recyclable or compostable, many interviewees noted that they prefer and 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. Additionally, a **majority of LCA** studies of food service ware show that reusables are better for the environment than single-use products and packaging.

 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.