



Biodegradable Products Institute

February 20, 2024

Members of the House Affairs committee,

We, the Biodegradable Products institute (BPI), request amendments to [HB 25](#) as written. BPI is North America's leading certifier of compostable materials, products, and packaging, with over 600 member companies worldwide. As a science-driven organization, BPI supports a shift to the circular economy by promoting the production, use, and appropriate end of life for materials and products that are designed to fully biodegrade in specific biologically active environments. Our certification program has verified thousands of items using ASTM standards as a baseline, plus additional requirements on PFAS, labeling, and eligibility criteria.

While we support a move towards more sustainable food service ware, the use of the term 'biodegradable' is misleading and has been prohibited in multiple states as a result.

"Biodegradable" does not specify an end of life (i.e. a compost or recycling bin) or environment in which a product is designed and tested to break down (i.e. an active compost pile).

Conversely, compostable products certified by BPI or other entities are designed to divert food scraps towards a specific end of life and are verified to be non-toxic, to disintegrate and to biodegrade. To prevent greenwashing and ensure consumers can make informed choices, we request the following changes:

"A restaurant that uses disposable food service ware shall use ~~biodegradable or~~ compostable disposable food service ware..."

"The department may grant an exemption to the restaurant for a particular product or type of disposable food service ware if the restaurant demonstrates to the department that:

(1) an affordable ~~biodegradable or~~ compostable product is not available to replace a polystyrene foam product;"

~~"biodegradable or compostable" means that all of the elements completely break down and return to nature or decompose into elements found in nature within a reasonably short period after customary disposal~~ a product that has been certified by an independent third-party organization to the ASTM D6400, ASTM D6868, ASTM D8410, or successor standard specifications as set by the American Society for Testing and Materials."

Please reach out to us with any questions,

Sincerely,

Alex Truelove

Legislation & Advocacy Manager

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