



Californians Against Waste

Conserving Resources. Preventing Pollution. Protecting the Environment.

March 24, 2015

Senator Mike Gabbard, Chair, Committee on Energy and Environment; and
Senator Rosalyn Baker, Chair, Committee on Commerce and Consumer Protection
Hawaii State Capitol
415 South Beretania St.
Honolulu, HI 96813
Emails: sengabbard@capitol.hawaii.gov; senbaker@Capitol.hawaii.gov

RE: HB620_HD2 Plastic Product Labeling - SUPPORT

Dear Chair Gabbard and Chair Baker,

Californians Against Waste (CAW) is an environmental nonprofit organization dedicated to conserving resources, preventing pollution and protecting the environment through waste reduction and recycling policies. We support HB620_HD2 for the reasons listed below and respectfully recommend two amendments to strengthen the measure.

California Has a Similar Law Already in Place: Since 2004, the California legislature has prohibited the sale of certain plastic products with degradability claims unless they meet specific standards. In 2011, CAW sponsored and passed a state law to expand those provisions. Under current California law, the sale of any plastic product with “biodegradable” or similar claims of degradability is strictly prohibited, and only “compostable” products that have met ASTM D6400 or other specified ASTM Standard Specifications may be sold in the state.

The Benefits of a Labeling Law: A California legislative committee analysis found that “many...consumers contentiously purchase products that have a minimal impact on the environment. This bill protects such consumers by deterring fraud in the marketplace.” Some claims, such as “biodegradable” claims, can actually encourage more consumption or littering and negatively impact the environment.

Moreover, “Many plastic products that are currently sold...claim to be 'biodegradable,' even though there is no technical standard to test against that term...Additionally, some plastic products are claiming to be 'compostable' even though they do not meet the technical standard for compostability, making the material unacceptable in composting facilities.”

Not All ASTM Standards Are Created Equal: CAW is an active member of several ASTM committees, and notes that only Standard Specifications such as ASTM D6400 have pass/fail standards. ASTM Test Methods act as a set of detailed instructions or a lab manual for testing or screening purposes.

ASTM D6400 is a Standard Specification for Labeling of Plastics to be Aerobically Composted in Municipal/Industrial Facilities and provides a test for compostable plastics within 180 days.

ASTM D5511 is a Standard Test Method for Determining Anaerobic Biodegradation of Plastic Materials Under High-Solids Anaerobic-Digestion Conditions. The scope of the Test Method under Section 1.4 notes that any results from ASTM D5511 “shall . . . not be used for unqualified ‘biodegradable’ claims” and claims of performance must “be limited to the numerical result obtained in the test.”

There is a Lack of Scientific Evidence for “Biodegradable” Claims: A Michigan State University study published just last month in Environmental Science and Technology found that five different additives claiming to enhance degradation did not significantly increase biodegradation when added to plastics.

Moreover, investigations on “biodegradable” claims that had a qualified time period have found a lack of reliable scientific evidence to prove those claims. For example, in 2010 the Better Business Bureau’s National Advertising Division (NAD) found that FP International lacked the sufficient evidence to support both its unqualified “biodegradable” claims and a biodegradability claim within 9 to 60 months. And just last month a decision from the U.S. Federal Trade Commission found that ECM’s claims for products that would “fully biodegrade in a landfill within 9 months to 5 years” were false and unsubstantiated.

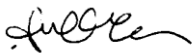
Some Suggested Amendments:

Given the confusion around the claim and lack of an acceptable standard, we recommend strictly prohibiting the sale of any products with a “biodegradable” claim or similar claims of degradability. No ASTM Standard Specification exists for “biodegradable plastics in landfill conditions” due to a lack of scientific consensus. Everything will theoretically biodegrade given enough time, so such claims are misleading. Removing the claim altogether from the market prevents consumer confusion and fraudulent claims.

We would also strongly urge the law to take effect sooner than January 1, 2112.

CAW hopes you will consider this information and support HB620 when it is heard in committee, to protect consumers and the environment from false environmental claims. Please feel free to contact us in the future with any questions.

Sincerely,



Sue Vang
Policy Analyst
Californians Against Waste