

Testimony of the Biodegradable Products Institute (BPI)  
RELATING TO H.B. 620, H.D. 2

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SENATOR MIKE GABBARD, CHAIR  
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Our organization, International Biodegradable Products Institute (BPI), is a 501(c)6 not-for-profit organization that certifies that products are compostable and will meet well-established, scientifically based standards found in ASTM D6400 for compostability. This certification relies on testing the products in approved 3<sup>rd</sup> party labs, whose results are independently verified by NSF International, a leader in human health and safety. Our 200 members manufacture and distribute about 4,500 certified compostable products such as retail merchandise bags, kitchen waste collection bags, foodservice cups, plates & cutlery. The BPI "Compostable logo" is recognized by hundreds of municipal and commercial composters throughout North America.



We are pleased to see that the proposed legislation (HB620) is consistent with model legislation from the US Composting Council<sup>1</sup>, and we generally support the language in draft HD2.

Further, the BPI is honored to be cited in the text of the bill as a certification resource to determine if compostable products are suitable for composting.

The BPI would like to offer testimony to support the key points of the bill and to refute oppositional comments observed on the Legislature's website:

- 1) **ASTM D6400 is a strong, widely recognized specification for compostable products and should be included in any regulation defining compostable products. ASTM D5511 is not.**

"Standard Specification for Compostable Plastics" or ASTM-D6400, originally published in 1999 by ASTM, established pass/fail criteria (specifications) for plastic products labeled as compostable in professionally managed, industrial facilities. Compliance with D6400 means the product will disintegrate quickly and then fully biodegrade at a rate comparable to known compostable materials.

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<sup>1</sup> BPI-USCC Model Legislation for Compostable Products

A “specification” (such as ASTM D6400) is the highest, most stringent form of ASTM standard. A manufacturer performing a D6400 test will not be compliant unless the product meets the specific, defined standard.

An ASTM test “method” (such as D5511) simply describes a test to be conducted. It does not determine if the data from that test meets a specific, defined standard. Thus, using ASTM D5511, a manufacturer may conduct a test, and report only minor, trivial performance data, yet still be “compliant” to the method.

2) **The BPI believes that unqualified claims of ‘biodegradability’ should not be used to market commercial products.**

“Biodegradable” is a claim often misused by marketers. The word is vague and imprecise because it lacks important qualifications that allow consumers to decide if the claim is meaningful or trivial.

If such term is used, at a minimum, marketers should be required to qualify claims about biodegradability to include information about the environment or type facility in which the product is intended to biodegrade, to what extent will it biodegrade over a period of time, how long it will take to substantially completely biodegrade and if the consumer can take advantage of such biodegradability (e.g., is a recommended method of disposal available in the local community.)

3) **Environmental marketing claims should be backed by appropriate scientific evidence, ideally certified by independent third parties.**

The State of California Public Resources Code (PRC) Sections 42350 and 42355 specifically prohibits the term ‘biodegradable’ on all plastic products to avoid consumer confusion:

*“...environmental marketing claims, whether explicit or implied, should be substantiated by competent and reliable evidence to prevent deceiving or misleading consumers about the environmental impact of plastic products. For consumers to have accurate and useful information about the environmental impact of plastic products, environmental marketing claims should adhere to uniform and recognized standards, including those standard specifications established by the American Society for Testing and Materials (ASTM).*

We support similar language contained in HB620-HD2 since it represents the strong protection of consumer interests to counteract unscrupulous commercial interests.

**4) Methane emissions arising from biodegradation are a key contributor to atmospheric methane emissions.**

According to the US EPA<sup>2</sup>, biodegradation in landfills typically generates methane, which contributes global climate change, and acidic leachate, a known groundwater pollutant. A white paper by the American Chemistry Council<sup>3</sup> corroborates the negative impact of biodegradable materials in landfills. A UN study (recently cited in a NY Times article<sup>4</sup>), reports that methane gas from unchecked biodegradation in landfills is surpassed in emissions by only China and the United States.

To address these serious environmental problems, many states and communities have banned biodegradable materials (such as leaves, grass and, more recently, food waste) from being landfilled.

In summary, the BPI and its 200+ members are supportive of legislation that seeks to provide consumers with clear, scientifically backed information to make informed purchasing and disposal decisions.

Bill HB620 – HD2 appears to address these concerns and is consistent with other important legislative efforts including California.

Respectfully submitted,

Steven A. Mojo  
Executive Director

March 23, 2015

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<sup>2</sup> <http://www.epa.gov/composting/questions.htm>

<sup>3</sup> <http://plastics.americanchemistry.com/Landfilling-FAQs>

<sup>4</sup> <http://www.nytimes.com/2015/02/26/us/food-waste-is-becoming-serious-economic-and-environmental-issue-report-says.html>





**gabbard2 - Donna**

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**HB620**

Submitted on: 3/23/2015

Testimony for ENE/CPN on Mar 24, 2015 15:45PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Paahana Kincaid	Individual	Support	No

Comments: Please support this bill.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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