

February 21, 2024

Minnesota State Legislature

Re: SF 3561 / HF 3577 – OTHER, amendments requested

To the esteemed members of the committee,

We, the Biodegradable Products Institute (BPI) are North America's leading organization representing certified compostable materials, products, and packaging, with over 500 member companies worldwide and thousands of certified products. As a science-driven organization, BPI supports a shift to the circular economy by promoting the production, use, and appropriate end of lives 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 to prohibit PFAS, promote clear labeling, and sensible eligibility criteria, all to help to keep organic waste out of landfills.

BPI appreciates the work done by the bill sponsors and many advocates that have assembled this piece of legislation. Effectively transforming the packaging and waste systems of Minnesota is no easy feat, but we know it needs to be done. At BPI, we agree that establishing a producer responsibility program can help improve our diversion rate immensely, by encouraging more recyclable, compostable, and reusable products while also providing critical funding for infrastructure. However, we'd like to make specific suggestions to ensure that composters and compostable products aren't unfairly omitted from elements of the program. With these relatively minor changes marked below, we'd support this bill:

First, ensure that advisory board members are all participants in the management of covered products. A composter that does not accept compostable material should remain outside the scope of this law. We recommend (in red):

(8) one member representing a waste facility that receives **and processes** source-separated compostable materials, **including compostable covered products**, for composting or a statewide trade association that represents such facilities;

Second, compel the PRO to ensure at least some support for the statewide coverage for compostable materials as well as recyclable materials, to help ensure fees collected from covered compostable product-makers are spent appropriately:

(14) ensure statewide coverage of and access to the program operated under this act, including access to collection services for covered materials on the recyclable and compostable materials list established according to section 115A.1453, at no cost to all single-family residences, multifamily residences, and political subdivisions arranging for collection of recyclable materials from public places in a comparable level of convenience as collection services for mixed municipal solid waste;

Subd. 2. **Collection of recyclables and compostables.** If a household does not have access to collection services at a comparable level of convenience as collection services for mixed municipal solid waste for covered materials on the recyclable or compostable covered materials list established under section 115A.1453, the producer responsibility organization must ensure that collection service is available to the household through a service provider.

Third, properly exempt compostable covered products from postconsumer recycled content requirements, as they are not designed to be recyclable and are therefore exempt in similar programs across the country.

(1) by 2033:

...

(iv) all covered materials sold, offered for sale, or distributed for sale in this state, except for compostable covered materials, must contain at least ten percent postconsumer recycled content, with all covered materials containing an overall average of at least 30 percent; and

...

(2) by 2038:

...

(iv) all covered materials sold, offered for sale, or distributed for sale in this state, except for compostable covered materials, must contain at least 30 percent postconsumer recycled content, with all covered products containing an overall average of at least 50 percent.

Next, ensure that the definition of compostable material reflects that standards apply to specific materials and aren't overlapping:

"Compostable material" means a covered material that:

meets, and is labeled to reflect that it meets, the American Society for Testing and Materials Standard Specification for Labeling of Plastics Designed to be Aerobically Composted in Municipal or Industrial Facilities (D6400) or its successor; or

(2) meets, and is labeled to reflect that it meets, the American Society for Testing and Materials Standard Specification for Labeling of End Items that Incorporate Plastics and Polymers as Coatings or Additives with Paper and Other Substrates Designed to be Aerobically Composted in Municipal or Industrial Facilities (D6868) or its successor; or

(3) is comprised of only wood without any coatings or additives...

Thank you for your consideration, please reach out with any questions.

Sincerely,

Alexander Truelove

Legislation and Advocacy Manager, BPI

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