



Clear and Reliable Labeling of Compostable Products

Minnesota Composting Council

Food scraps and compostable materials make up approximately one-third (1/3) of residential waste. Diverting food scraps and compostable products from the trash is necessary to meet the State's recycling and composting goals ([§115A.551 Subd 2a.](#)).

Contamination is a costly problem for collection programs and composting operations. The vast majority of contamination is from misleading food-service products. Counties and cities are increasingly developing composting facilities and diversion programs. The success of public and private programs and composting operations is dependent on reducing contamination. By setting standards for compostable product labeling, resident and business confusion will be reduced and composting programs and the industry in Minnesota can thrive.

Bill overview

- [HF 1165 / SF 2243](#) will expand the State's Compostable Bag labeling law ([§ 325E.046](#)) to also cover food or beverage products and packaging (hereafter referred to as 'products') received at **composting facilities**
- **Goal of bill:** reduce contamination received at composting facilities and microplastics in our soils.
 - Washington, Maryland and California have adopted similar, but more stringent bills.
- **Key components of the bill:**
 - **Products can be labeled as 'compostable' if they:**
 1. Are made solely of wood without coatings or additives.
 2. Are made solely of paper without coatings or additives, or
 3. Meet ASTM D6400 (bags/films) or ASTM D6868 (plastic or plastic-lined items) standard.
specifications for composting in an industrial compost facility
 4. By January 1, 2024, all products must be certified by a non-profit third party whose is capable of performing product analysis.
 - **Products cannot be labeled 'biodegradable'** until an industry adopted standard ASTM *specification* is developed and approved by the State Legislature.
 - **Retailers must not knowingly sell misleading products.** All retailers are given an additional year over manufacturers, distributors and wholesalers to come into compliance. Unlikely to be fined for non-compliance as they would only be fined if they were previously informed to remove a product and failed to do so.



Benefits composters, businesses and residents

- Reduce contamination received by composters resulting in increased profits and reduced operational costs.
 - Increased ability to sell compost manufactured
 - Reduced cost of disposal of contaminants, staffing and equipment, and management of contact water
- Reduce confusion of food establishments who accidentally buy misleading products from manufacturers, distributors and wholesalers.
- Reduced confusion for residents participating in organics recycling programs.
- Support compostable product manufacturers in the State, and elsewhere, who already clearly label products.

Compost facility financial impacts

- Reduction of staff costs to screen and remove contaminants of incoming materials.
 - Est. \$40,000 - 65,000 savings per facility per year.
- Reduction of disposal costs of contaminated materials.
 - Disposal costs of contaminated material can vary widely based on composting facility types and acceptable tolerances of contamination. Savings up to \$250,000 per facility per year.
 - 30% of contaminants received at Shakopee Mdwakanton Sioux Community's Organics Recycling Facility in Shakopee are food-service packaging with misleading claims.
- Reduction of costs to manage contact water at site.
 - Misleading products often contain added PFAS chemicals. Reduction of misleading products will reduce PFAS entering facilities and possibly negate the need for contact water to be shipped to wastewater treatment facilities (WWTF). Est. savings of \$100,000 - \$300,000 per facility per year.

Enforcement

Goal is to discontinue use of the products that cause contamination at composting facilities, not to take punitive measures against retailers. The law is crafted so *persons* who distribute products (manufacturers, distributors, wholesalers, and retailers) have a role in ensuring that only appropriate products are sold.

To constitute a violation, a person must 'knowingly' sell inappropriately labeled items. This ensures that all persons cannot be assessed a penalty unless they have been previously notified that a product is out of compliance. Additionally, the administrative process for taking enforcement action must be followed before penalties are issued ([§ 8.31 subdivision 2](#)).



Bill supporters

- Solid waste and source-separated organic materials (SSOM) **composting facilities in Minnesota**
- **Minnesota's Compostable Product Manufacturers:** NatureWorks, Natur-Tec, Self-Eco
- **Associations & Non-profits:**
 - Association of Minnesota Counties (AMC)
 - Solid Waste Administrators Association (SWAA)
 - Association of Recycling Managers (ARM)
 - Clean Water Action
- **Government agencies:**
 - Hennepin Ramsey Washington Counties Partnership on Waste & Energy
 - Pope Douglas Solid Waste Management / Glacial Ridge Compost Facility
 - Western Lake Superior Sanitary District
 - Cities of Minneapolis, St. Louis Park, Richfield
 - Minnesota Pollution Control Agency (MPCA)
- **Community groups:** Zero Waste Mankato, Zero Waste St. Paul

Learn more about compostable product labeling, status of the bill, and read letters of support:





Education

The MNCC developed a [Compostable Products web page](#) to make it easy for buyers and residents to determine if a product is truly certified compostable and will be accepted by a compost facility in Minnesota. They will promote the web page to business associations and government staff to expand their reach.



How bill language works to prevent microplastics in our soil

All words and phrasing of the bill was thoroughly vetted by industry professionals prior to HF 1165 being introduced in the 2021 Legislative session.

- **Test method**—specific process to test an item.
- **Test specification**—set the criteria for pass/fail for the item being tested—90% broken down in 180 days in an industrial composting setting.
 - ASTM D 6400; ASTM D 6868 = US standard specifications and methods.
 - EN13432 = European standards and specifications. This specification isn't accepted for the reasons below.
- **ASTM is more strict than EN13432.** ASTM requires each component of a product (ex. paper and lining) to meet the test specification pass/fail threshold. EN13432 only requires the product as a whole to meet the pass/fail threshold. This means there can be a considerable increase in non-natural products in food-service items that are able to claim compostability. It also means that there may be a considerable increase in microplastics in the finished compost.
 - Having a plastic resin certified compostable does not mean all products made with it are also certified compostable. Each needs to be tested to verify each component meets the pass/fail thresholds.
- Showing a product can **'biodegrade'** may simply mean it breaks down **into microplastics**. Independent, third-party verification is needed to ensure the product fully breaks down leaving no unnatural byproducts. BPI is an independent third-party certifier of compostable products in the US that is recognized by Minnesota composters.
- **Marine biodegradable** —has a test method, but no test specification (pass/fail). It is not applicable to fresh water and there is no salt water in Minnesota. It is unknown if these products would fragment into micro plastics in our soils and waterways. A standard test specification should be developed before products are allowed to labeled marine biodegradable in Minnesota.
- **Home compostable** —There is no recognized standard test specification for home compostability in the US.

Statements of support



Glacial Ridge Compost Facility (GRCF), 5+ county regional organics processing initiative in west central MN, will be starting operations in early 2022. We strongly support sound actions and requirements to curb contamination at the source to ensure long-term stability of processing facilities and collection programs to help counties meet recycling and diversion goals.



NatureWorks is a global supplier of compostable biomaterials locally based in Plymouth, MN. We strongly support this labeling legislation as a way to protect consumers from false environmental advertising claims and to help alleviate contamination from non-compostable packaging in the organics stream. This bill will go a long way in helping to ensure the continued success of organics recycling programs in Minnesota.



To help support successful organics recycling programs, reduce consumer confusion, and create high-quality compost, the Association of Recycling Managers urges the legislature to expand the existing labeling law to cover food and beverage packaging.