



Getting Composting Recognized in EPR Programs (and Other Learnings)

Canada Compost Council 2024

BPI's Rigorous Certification Process

Materials Ingredients Finished Items

Eligibility

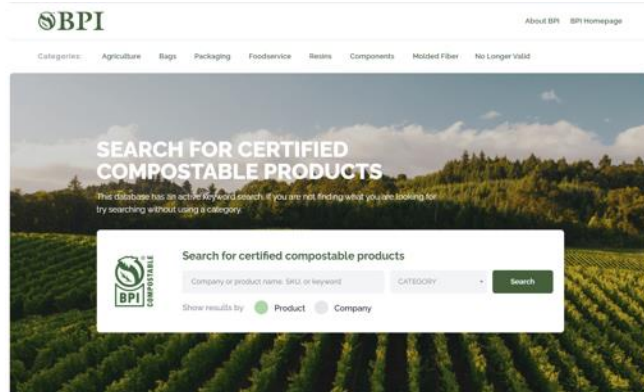
- Must be related to organic waste
- Must not be a better fit for recycling
- Must not require disassembly
- Must be able to label finished items
- Must not use PFAS

Testing at BPI-Approved Labs to ASTM Standards

Third-Party Conformity Assessment Based on BPI Certification Scheme

Artwork Review & Licensing

Listed in BPI Online Product Database



BPI's Focus on Policy to Build Successful Markets

Extended Producer Responsibility (EPR)

- Fees on packaging to fund collection, processing, education about that packaging.

Labeling and Terminology Laws

- Restricts misleading terms, requires products to meet standards and be labeled clearly

Infrastructure Grant & Loan Programs

- Funds food scrap collection programs and food scrap composting facilities (ie, not specific to packaging).

Landfill Bans & Diversion Mandates

- Requires businesses and cities to collect food scraps to avoid methane in landfills, support soil.

Compost End Markets

- Creates pull through demand for finished compost in agriculture, green infrastructure, etc.

Foodservice Takeout Ordinances

- Rules for restaurants, stadiums, airports, etc. requiring all foodservice items to be recyclable and/or compostable to reduce contamination.



The Evolution of EPR

Extended Producer Responsibility (EPR)

What does EPR do?

- Shifts the financial responsibility of waste management upstream to the product-maker, away from municipalities and general ratepayers.
- Five states (**ME, OR, CO, CA, MN**) have passed EPR laws for products and packaging, others needs assessments (MD, IL), while many others (CT, HI, MA, MI, MN, NH, NY, NJ, PA, TN, VA, VT, WA) have introduced bills

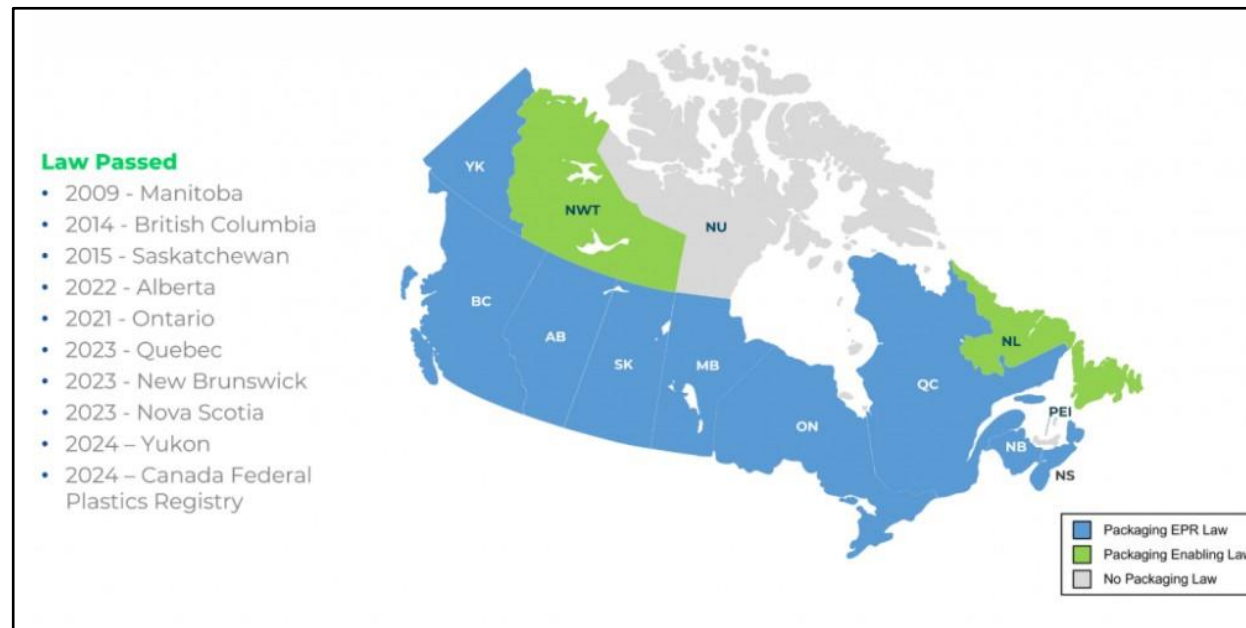
Where does the money go?

- Fees collected generally pay for the collection, processing, and education for covered products and *can* reward composting alongside recycling and reuse through dedicated funding and eco-modulation

Extended Producer Responsibility (EPR)

EPR's beginnings in North America

- Starting in 2009, Canadian provinces started passing the first North American EPR law for products and packaging, totaling nine today.
 - In most cases, compostable products are required to pay fees as covered products, yet their money is spent elsewhere.



Extended Producer Responsibility (EPR), cont'd

The U.S. joins the fray, but the compost industry is initially ignored

- In Maine became the first U.S. state to pass an EPR law for products and packaging. Though regulations are still being negotiated and finalized, the statutory text does not create a clear path for compostables as the law is focused primarily on recycling. Exemptions for compostable products were never politically feasible, in Maine or elsewhere.

The compost industry responds

- In 2021, BPI and USCC co-developed policy principles for EPR, including:
 - Representation for the compost industry on advisory boards
 - Dedicated funding for compost collection, processing, and/or education programs
 - Eco-modulated fee considerations to reward biodegradability in compost, testing for toxicity, clear labeling, etc.
 - **Our members want to support composters!**

Extended Producer Responsibility (EPR), cont'd

In Colorado, new EPR concepts are memorialized

- In 2022, BPI successfully advocated for the integration of its policy principles into CO HB22 1355.
 - BPI presented to the advisory board in 2023, offering guidance
 - In early 2024, the EPR needs assessment was completed, including proposed categorized capital investments for composters accepting certified compostable products (equipment, facility expansion)
 - The named PRO, Circular Action Alliance, is now considering how to best distribute funding, (a “grant model” versus an “incentive model”)



Gov. Jared Polis, EPR supporter

Extended Producer Responsibility (EPR), cont'd

California passes a complicated bill

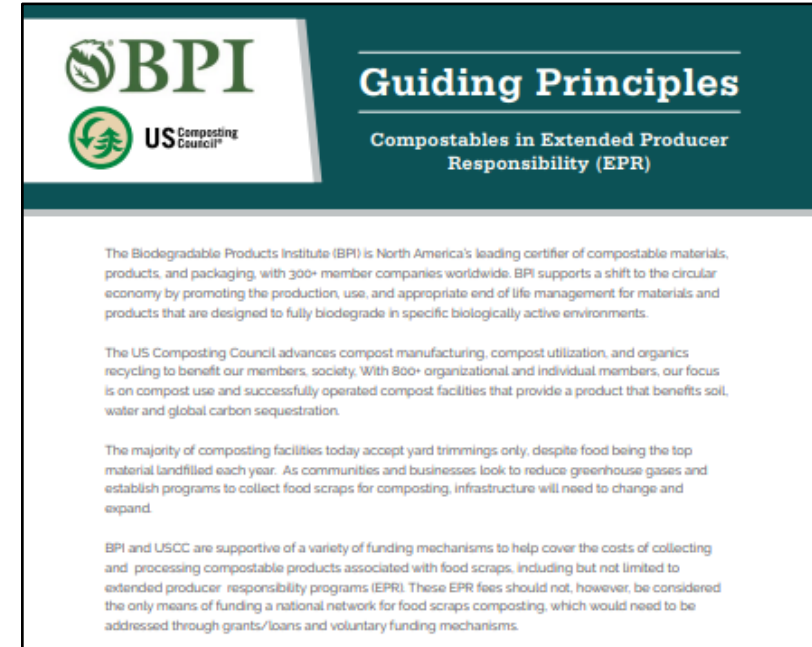
The passage of SB 54 in late 2022 adds new layers and complications, including:

- Requiring all covered products to be reusable recyclable, or compostable by 2032, raising questions for entire categories (i.e. flexible/film in food application)
- A larger advisory board that includes both a compostable product seat and a compostable product seat
- Current regulatory text from CalRecycle betrays statutory language and existing California law, inventing new requirements for compostable products based on collection thresholds (new text is expected this month).
- Source reduction requirements, and a \$500 million/year 'mitigation' fund

Extended Producer Responsibility (EPR), cont'd

Minnesota solidifies compost-friendly language

- In 2024, Minnesota becomes the fifth state to pass EPR for products and packaging
 - Statutory text once again includes elements of BPI/USCC's guiding principles, including:
 - Advisory board representation
 - Compost as part of the statewide needs assessment and funding categories
 - Directives to include learnings from successful programs within the state.



Extended Producer Responsibility (EPR), cont'd

Illinois and Maryland take baby steps

- Both states pass laws to create an initial EPR needs assessment and advisory board.
 - Illinois language includes a seat for a composter, [name]
 - Maryland includes a seat for a trade organization that includes compostable product-makers (AMERIPEN)
 - BPI will be presenting to the MD advisory board later this month

What might Canada do?

- As provincial laws are updated, consider opportunities to include more representation from the compost industry and funding for compost programs and facilities that accept compostable products.

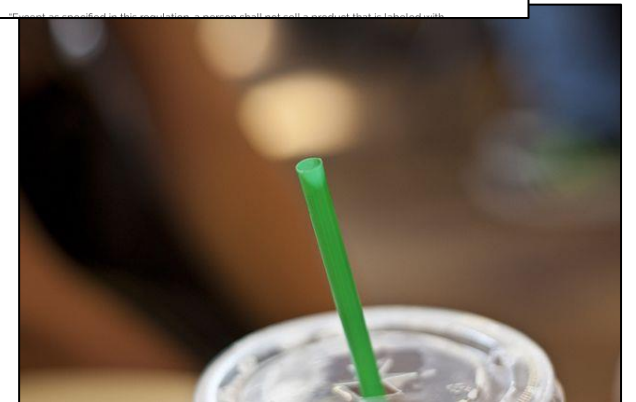
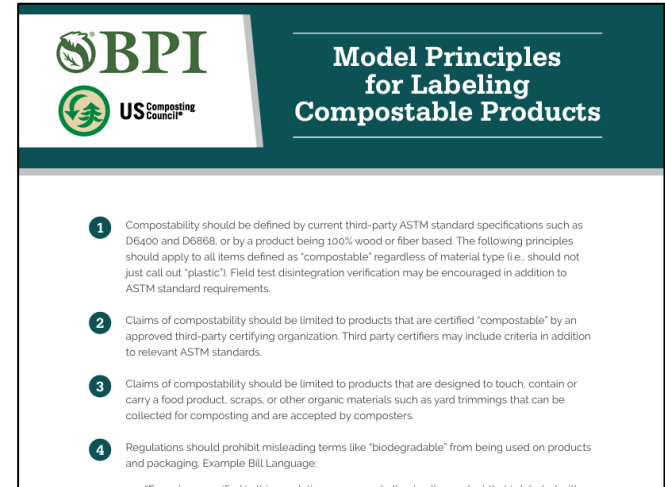


Product Labeling & Identification

How can we separate compostables from contaminants?

Addressing on-item labeling

- How can we identify compostable products more easily?
 - **Terminology:** require the word "compostable," third party certification marks (non-exclusive)
 - **Color:** require all compostable food service products and film bags to be colored, tinted, striped, or symbolized with green, sometimes brown/beige (Examples: *WA HB 1799*, *CO 253*, *Canada proposed ECCC rules*)
- How can we combat non-compostable contaminants?
 - **Terminology:** prohibit like terms including "biodegradable," "degradable," "decomposable" (Ex: *CA AB 1201*)
 - **Color:** prohibit non-compostable products from being colored or like compostables (Ex: *WA HB 1799*, for film bags only)



Is this straw compostable??



Developing Thoughtful Ordinances

When and where to encourage compostable products

Prioritized use cases

- Seattle, WA: single-use utensils, straws
- California: produce, bulk bags
- European Union: coffee pods, tea bags
- Next (Canada?): fruit stickers?

Missteps

- Focus on product performance and safety, not material (i.e. paper versus plastic)
- Banning compostable plastics can introduce regrettable substitutions
 - In British Columbia, non-compostable, PFAS laden paper products may be replacing certified compostable plastics.





Thank you!
alexander@bpiworld.org