

February 13, 2023

Representative Rick Hansen
Chair, House Environment and Natural Resources Finance and Policy Committee
407 State Office Building
St. Paul, MN 55155

RE: Support for H.F. 1315

Dear Chair Hansen,

The Partnership on Waste and Energy is a Joint Powers Board formed by Hennepin, Ramsey and Washington counties to address waste management and energy issues. We support initiatives that keep products and materials in use for a more equitable circular economy. We are writing today to support H.F. 1315, authored by Representative Pursell.

Forty-three percent of Minnesota's waste was diverted from trash through recycling and organics recovery in 2020. The metro area has a statutory goal to divert 75% of waste from trash by 2030. Since organics comprise approximately 25% of the region's trash, success in achieving this goal requires significantly increasing the diversion of organics. Organics recycling also represents a major opportunity to reduce greenhouse gases from waste. H.F. 1315 will help counties reach the state's mandatory goals and reduce climate impacts.

The Partnership supports expanding Minnesota's plastic bag labeling standards law to apply to all food or beverage products and packaging, establishing certification requirements for composability claims and requiring clear identification of products claiming to be certified as compostable.

The provisions in H.F. 1315 will:

- Help eliminate confusion for consumers, food establishments, recyclers and composting processors about the compostability of products. Currently, products labeled with terms such as "biodegradable" lead people to think they are compostable, when in fact they are not. This bill will result in less contamination of collected organics.
- Ensure products sold and distributed in this state are truly compostable by requiring certification. Third-party certification, such as through the Biodegradable Products Institute (BPI), whose certification process is the most highly regarded in the composting industry, assures consumers and compost site operators that products will properly compost.
- Close the loop on organics recycling by helping to improve the quality of compost produced at compost sites. Local composters need organic material free of contamination

PARTNERSHIP ON WASTE AND ENERGY
HENNEPIN | RAMSEY | WASHINGTON

100 Red Rock Road | Newport, MN 55055
info@recyclingandenergy.org | 651-768-6670

to consistently produce marketable end products for landscaping, road construction and garden projects. H.F. 1315 provides consumers clear information on what products are truly compostable so organic material delivered to compost sites is clean and ready to compost.

Organics recycling programs are rapidly expanding. H.F.1315 helps the increasing number of businesses and residents involved in these programs gain confidence in the materials they can divert from trash for composting.

- Hennepin County required the City of Minneapolis to begin curbside organics recycling in 2015, and St Louis Park added curbside organics collection in 2014. The county then revised its solid waste ordinance in 2018 to require certain commercial generators of organics to have a food waste recycling program starting in 2020 and require cities to offer new residential organics recycling programs in 2022.
- Ramsey and Washington counties, through Ramsey/Washington Recycling and Energy, have invested \$7 million of state bonding funds from the 2020 legislative session in a \$42 million recycling system upgrade at its Recycling and Energy Center. This will allow, among other things, for the roll-out of curbside food scraps collection for residents and businesses in the two counties, with pilot collection starting this year.

Thank you for considering H.F. 1315. The Partnership strongly supports passage of this bill as an important tool for the region and the state to achieve statutory recycling, waste diversion and climate protection goals.

Sincerely,



Commissioner Debbie Goettel, Hennepin County
Chair, Partnership on Waste and Energy

cc: House Environment and Natural Resources Finance and Policy committee members



February 13, 2023

**Minnesota House of Representatives
Environment and Natural Resources Finance and Policy Committee**

Chair: Rep. Rick Hansen (53B)

Vice Chair: Rep. Sydney Jordan (60A)

Re: Support for HF1315/SF1321 expanding the State's Compostable Bag labeling law (325E.046) to also cover food or beverage products and packaging received at composting facilities

Dear Representatives Hansen and Jordan,

The Minnesota Composting Council (MNCC) is working with both the Minnesota Senate and the House to introduce language that will expand the State's Plastic Bag Labeling law (325E.046) to include all food and beverage products and packaging, including straws and utensils received at composting facilities. We are requesting that you support moving the bill forward when it is introduced in the House. Expanding the language for what "compostable" products are allowed here in Minnesota, will reduce confusion amongst residents, retailers, restaurants, and composting facilities who regularly encounter products that are claiming they are "biodegradable" and/or "degradable but do not completely breakdown in composting facilities. Products labeled "compostable" will have undergone testing and verification by a third party confirming that the products meet ASTM D6400 or ASTM D6868 as applicable to the item. Products will be clearly labeled, making the local organics collections cleaner and making it easier for processing facilities (composting facilities) to identify and sort out non-compostable products to reduce contamination issues that they currently face; thereby ensuring that they can manufacture a high-quality finished product.

Northern Technologies International Corp (NASDAQ: NTIC) has its corporate headquarters located in Circle Pines, MN with 86 employees on staff, 57 of them here in Circle Pines. NTIC has a business unit, Natur-Tec, dedicated to developing and manufacturing our proprietary blends of biobased and compostable plastics. All our products meet the legislative requirements listed above and support the circular economy efforts. Our resins are used to manufacture finished products such as third party certified (BPI certified) compostable liners, biobased and compostable cutlery, and other single-use food service products sold under the Natur-Tec® and Natur-Bag® brands. Many of these products are

currently sold to, and used by end-users here in Minnesota who are diverting their organics to composting facilities. As a Minnesota-based company, and a member of the MNCC, we ask for your support in the expansion of the 325E.046 to include food and beverage products and packaging received at composting facilities. It will support the current and ongoing efforts NTIC and the Natur-Tec business unit have taken to develop innovative technologies and products that meet the proposed legislation. Thank you for your time and consideration for the expansion of 325E.046. Any questions or concerns you may have related to the language being proposed, or our business and products, please do not hesitate to reach out to us.

Sincerely,



Vineet Dalal
Vice President, Natur-Tec®
vdalal@ntic.com



SIERRA CLUB

NORTH STAR CHAPTER

North Star Chapter
2300 Myrtle Ave, Suite 260
St Paul, MN 55114

February 14, 2023

Dear Chair Hansen, Vice Chair Jordan and the Environment and Natural Resources Finance and Policy Committee Members:

I am writing on behalf of the North Star Chapter of Sierra Club in support of the following bill:

HF1315 Requirements for labeling items as biodegradable or compostable modified.

This change is an important step in clarifying for the public which items are biodegradable or compostable, whether they are purchased at a store or brought home from a deli or restaurant. Current labeling is often confusing or missing.

We get questions from the public and from our own members as to which products are compostable. Many products are labeled as 'eco-friendly' or 'made from 100% recycled material' and give the impression that they can be composted but might not meet composting standards.

Many food packaging items, such as coffee cups or deli containers, look like they are compostable but have a plastic lining. Even if organics facilities can remove some plastic by using sieves or some other means, it is impossible to remove all the plastic as they break down into microplastics.

People are increasingly aware of the plastic trash entering our environment, are working to reduce the amount they generate, and want to compost as much as possible. Clearly labeling compostable products, at the item level, will eliminate confusion. Consumers will be able to confidently purchase and compost items, avoid exposure to plastic and toxic chemicals, reduce their trash, and support a valuable resource that reduces the need for chemical fertilizers.

This bill is important to reduce waste and keep composting material free of contaminants and I ask that you support it.

Sincerely,

Lori Olinger
Zero Waste Task Force Chair
Sierra Club North Star Chapter



February 13, 2023

Peter Strohmeier
Committee Administrator
Minnesota House of Representatives
Environment and Natural Resources Finance and Policy Committee
Local Government Division
430 State Office Building
St. Paul, MN 55155

Re: Support for HF 1315 (and companion SF 1321) expanding the state compostable bag labeling law to cover food or beverage products and packaging received by composting facilities

To: Environment & Natural Resources Finance and Policy Committee

NatureWorks is the leading global supplier of certified compostable biomaterials with our headquarters based in Plymouth, MN.

NatureWorks supports HF 1315 and SF 1321 for the following reasons:

- Composters in Minnesota recognize and accept the ASTM 6400 and D6868 standards and test methods and want products to be certified to these standards.
- The bill will also ensure that compostability claims are accurate by requiring that compostable products are certified against standards that reflect the ability for these products to breakdown and become incorporated into the composting process.
- The bill will protect consumers from false environmental advertising and will help alleviate contamination from non-compostable packaging entering the compost stream.

For these reasons, we urge an "aye" vote on HF 1315 and SF 1321.

If there are any questions or concerns related to the bill language or about our company, please reach out to me directly.

Sincerely,
Shannon Pinc
Sr. Circular Economy Manager
952-562-3301
shannon_pinc@natureworksllc.com



Minnesota Solid Waste Administrators Association | 125 Charles Avenue, St. Paul, MN 55103-2108 | www.mn-swaa.org

February 13, 2023

Re: Support of HF1315 (Pursell) Requirements for labeling items as biodegradable or compostable modified.

Dear Chair Hansen and Members of the House Environment and Natural Resources Committee:

The Minnesota Solid Waste Administrators Association (SWAA) is an organization of county and solid waste district professionals and affiliated waste specialists and is an affiliate of the Association of Minnesota Counties (AMC), which represents all 87 Minnesota counties. SWAA advocates for policies and funding that improve and promote responsible waste management and reduce environmental impacts of solid waste.

SWAA supports HF1315 to ensure proper labeling of compostable and biodegradable products. Contamination is a costly problem for collection programs and composting operations. Accurate and understandable product labeling will eliminate confusion for residents and businesses trying to act responsibly and support industry success in Minnesota.

We appreciate the opportunity to provide you with our perspective on HF1315. Should you have any questions about the information provided above, please contact Brian Martinson, AMC Policy Analyst, at bmartinson@mncounties.org or 651-246-4156.

Sincerely,

Laine Sletta, Brown County Planning & Zoning Administrator
President, Solid Waste Administrators Association



February 13, 2023

**Minnesota House of Representatives
Environment and Natural Resources Finance and Policy Committee**

Chair: Rep. Rick Hansen (53B)

Vice Chair: Rep. Sydney Jordan (60A)

RE: Support for HF1315 / SF1321: Compostable product labeling

Dear Mr. Chair and committee members,

The Minnesota Composting Council is a state-wide 501c-3 non-profit dedicated to supporting and advancing the composting industry across the state. We encourage all representatives to support HF1315: Compostable product labeling.

For the past several sessions, the MNCC has been working diligently to gather support for this bill from various stakeholders across the state and address concerns raised by the bill language. Passing this bill is a win for our residents, a win for our businesses, and a win for our environment. The implementation of HF1315 will:

- Reduce resident confusion on what items are compostable
- Reduce the frequency that restaurants, food establishments and retailers are sold misleading products by distributors and manufacturers
- Support companies who are creating and properly labeling products that will fully and safely break down in the commercial composting process, and
- Reduce contamination arriving at compost sites – saving micro-plastics from our environment, lowering compost site operating costs, and increase the manufacturing of high-quality saleable compost.

This bill has support from compost facilities in the state, local non-profits and associations, compostable product manufacturers, and many government agencies from the MPCA, Hennepin, Ramsey and Washington Counties all the way to Pope/Douglas Solid Waste, Mahnommen, Beltrami, Norman, Polk, Clearwater, and Hubbard counties and the Western Lake Superior Sanitary District. It is also supported by the Solid Waste Administrators Association of Minnesota, the Association of Minnesota Counties. An overview document of the bill, that includes financial impacts its passage will have on composters, and a list of 26 confirmed supporters can be found on the [MNCC's Advocacy web page](#).

With organics recycling programs continuing to expand rapidly around the state – Glacial Ridge's new facility serving Pope, Douglas, Stevens, Grant and Ottertail Counties opened in September 2022;

Washington and Ramsey County's durable compostable bag program will roll-out this fall; the Shakopee Mdewakanton Sioux Community is in the process of permitting a new source-separated organics composting facility; and work is underway in Red Wing and Northfield to start new organics programs – it's more important than ever that this bill be passed.

After its passage, the MNCC will further building out our [Compostable Products web page](#) and develop additional educational materials for buyers of distributors and retail to have confidence the products they're stocking meet the requirements of the law.

Thank you for our time and your vote to support residents, businesses and the composting industry in Minnesota by passing HF1316 this session.

Please let us know if you have any questions.

Sincerely,

Kellie Kish
MNCC Chair
compostmn@gmail.com
608-792-9772

February 13, 2023

Chairman Rick Hansen
Minnesota House of Representatives
Environment and Natural Resources Finance and Policy Committee

Dear Chairman Hansen

I am writing to you regarding HF 1315 Status in the House for the 93rd Legislature (2023 - 2024).

Danimer Scientific is located in Bainbridge, Georgia with manufacturing in Winchester, Kentucky. We are a global leader in biobased plastics research, development, and commercialization. We produce 100% certified biodegradable and compostable biopolymers that can replace many types of petroleum and natural gas-based plastics.

Danimer Nodax® PHA biopolymers are renewable, sustainable and offer superior end-of-life scenarios for single-use plastics and other packaging applications. PHA is synthesized from biological feedstocks such as canola oil and is compostable and fully biodegradable in both aerobic and anaerobic conditions, including fresh water and marine environments. Plastic products made from Danimer PHA based materials are fully ASTM D6400 compliant and will break down at the same or faster rates as other compostable materials, including food waste. PHA biopolymers are currently in use by global brands as sustainable alternatives for packaging of food products and food service items. This is all possible because PHA is a naturally occurring polyester found in plants and microbes as an energy storage device.

Danimer is a member of the plastics industry but also a stakeholder in the fight against plastic pollution. Our company is founded on the principles of reducing plastic waste by providing an environmentally sound alternative to problematic items such as single use plastics (SUP), designing our products to be circular through ease of compostability, and enabling plastic products that, because of their biodegradability, will not contribute to the long-term problem of plastic pollution if leaked into the environment.

We believe bioplastics are vitally important as measures to assist the transition to a circular economy, increase landfill diversion rates, and combat plastic pollution. We urge the Minnesota House of Representatives to consider the following as HF1315 is reviewed, debated, and updated:

1. Regarding Labeling as Biodegradable, Degradable, Decomposable

Labeling guidance is certainly necessary, to stop greenwashing, protect consumers, and help prevent products from making claims that go beyond their true capability. The term biodegradable has been so misused over the past several years, that many have no real understanding of its meaning or boundaries. Danimer applauds the Minnesota House for seeking to prevent greenwashing claims and protect the marketplace. Biodegradation is a normal biological process that describes the use of materials as food for the smallest organisms found in soils, aquatic environments, and managed processes such as compost. While the term has been damaged, it remains the correct scientific term to help identify a product attribute that can be added through use of certain bioplastics. Terms such as degradable, decomposable, oxo-degradable, oxo-biodegradable or biotransformation should not be allowed, as they are not vetted scientific terms for the process of biodegradation, which fully consumes materials and leaves no residues behind.

As such, I would urge the House Committee to consider how to both protect against misuse of the term and mislabeling, while encouraging qualified claims backed by testing certifications (i.e., ASTM, TUV, ABA). Innovation with PHA has brought the ability to create products that fully and quickly biodegrade in soils, the marine and freshwater environments. Many applications already exist, and brand owners continue to test new solutions that will help reduce future plastic pollution and bring products to the market for use in specific environments. Recreational fishing lures and gear can be produced using PHA that is fully marine and freshwater biodegradable, which offers a large improvement over conventional material. Agricultural and home gardening applications benefit from full soil biodegradable functionality, as many products that remain in the soil as part of their use can leave no residues behind.

The House Committee should seek to encourage innovation with bioplastics, and promote qualified claims of biodegradation, while protecting Minnesota citizens against misleading and unqualified labeling claims for products. In this way the state can both protect consumers while promoting transition to innovative and qualified biodegradable products.

2. Regarding Labeling as Compostable

Compostable labeling has made great strides in recent years. The BPI certification program using ASTM D6400 and D6868 has helped composters readily accept certified products and reduce contamination from traditional plastics. Danimer supports the expansion of food waste recycling, along with promoting the use of certified compostable products for use with safe and hygienic food delivery. This helps increase recycling rates and landfill diversion, which increases usable landfill life and reduces the environmental burden of landfill operation.

We would urge the committee to consider a broader view of compostable labeling. Qualified claims should be the goal for any compostable labeling. While ASTM has led the way in the USA and Canada, programs also exist in Europe, Japan and Australia that are equally qualified and use the same testing specifications. The Committee should consider the broader context of qualified claims based on international programs along with ASTM locally. These include the ABA, TUV and GreenPla.

The use of qualified compostability claims and labelling, based on well vetted testing specifications, should continue to be the goal of Minnesota statutes.

3. Regarding Labeling as Marine and Soil Biodegradable, or Home Compostable

As product innovations, such as PHA, continue to grow, we also see a continued growth of interest in making qualified claims around home compostability, and marine, soil and freshwater biodegradability. Few materials can offer this level of rapid biodegradation under diverse conditions, but PHA has demonstrated performance benefits because of its naturally occurring origins as an energy storage device for plants and microbes. PHA offers, for the first time, products that can be designed to full and quickly biodegrade in these environments.

We would urge the committee to consider how to allow for qualified claims of marine, soil and freshwater biodegradability and home compostability as part of the new statute guidance for the market. Many brand owners are considering how to offer fully certified home compostable packaging as part of their food delivery products. The BPI has announced plans to launch a home compostable labeling program in 2023 using the Australasian ABA testing methodology. An updated marine biodegradable testing standard is underway at ASTM, and in Europe the TUV certification program already offers these, plus soil and freshwater biodegradability certifications for products.

The committee should seek to prevent unqualified claims of biodegradability, while embracing qualified claims, as new programs emerge for testing and vetting materials such as PHA, which offer the opportunity to design products and packaging without long term persistence in their use phase or if leaked into the environment. Qualified claims based on certification programs should be the goal, to ensure a well vetted claim for products in the market. By building room for innovation into the statute, Minnesota will maintain its environmental leadership position for new products and reduced environmental burden in the future.

On behalf of Danimer Scientific, I thank you for taking on this immense challenge of creating specific legislation to address greenwashing and protect qualified biodegradable claims. As you continue this important work, we would encourage the House Committee to consider the big picture, and ensure qualified claims for home compostable, marine, soil, and freshwater biodegradable are supported and allowed as part of the updated statute.

Sincerely,



Keith A Edwards
VP Business Development



MINNESOTA GROCERS ASSOCIATION

1360 Energy Park Drive, Suite #110 • St. Paul, MN 55108 • 651-228-0973 • 1-800-966-8352 • www.mngrocers.com

February 13, 2023

Chair Hansen, Ranking Minority Member Heintzeman, and Members of the House Environment and Natural Resources Committee,

The Minnesota Grocers Association thanks you for the opportunity to express our thoughts on HF1315. This proposal looks to expand the current law on compostable plastic bag labeling to include food and beverage products, as well as additional packaging materials. We are concerned about the potential unintended consequences this proposal would present to a complex and already stressed supply chain.

The Minnesota Grocers Association is the only state trade association representing the food industry of Minnesota from farm to fork. Minnesota has a unique culture of hundreds of hometown grocers and convenience stores, many of whom are independent, multi-generational, and locally owned. The MGA is their state trade association, with over 125 years of advancing industry. We have over 300 members with over 1,300 locations statewide, as well as food producers, manufacturers, brokers, and wholesaler members. Our industry provides both union and non-union. The food industry is the backbone of Minnesota's prosperity, providing 1 out of every 20 jobs in our state.

There are several components within HF1315 that present concerns for Industry. This is a broad proposal that's goal is to reduce contamination at composting facilities, clarify claims, and assist Minnesotans in their composting efforts. All these are commendable, yet to date, only three other states in the nation have passed similar legislation. The bill includes aggressive penalties for selling banned products. This is a great concern, as we are not the manufacturers of the product, and as sellers, we must trust the products we receive meet state laws. A typical grocery store stocks around 36,000 different SKUs/products.

One missing component in this legislation is an education platform. There are no steps to educate consumers as to how to appropriately use compostable or biodegradable products. This is a critically important part of success, because the consumer is the final user in the chain of products.

As this bill moves through the committee process, the number of products in the supply chain must be considered and appropriate time to comply must be included. Many products are produced, packaged, and purchased by retailers far before they appear on store shelves. Any changes to current packaging requirements should be discussed with production and retail stakeholders. We are also concerned that adopting language that is too stringent will create a shortage of permissible packaging, forcing fewer products or switches in packaging. This too would have the unintended consequence.

On behalf of our membership, we thank you for the opportunity to voice our concerns. We thank Representative Pursell for meeting with us prior to today's hearing and for her willingness to discuss these concerns. We look forward to working together as this bill moves through the committee process.

We are here to be a resource and look forward to working to promote a strong economy that has positive outcomes for everyone.

Sincerely,

Jamie L. Pfuhl
President
Minnesota Grocers Association



February 13, 2023

Minnesota State Legislature
State Capitol
St. Paul, MN 55155

Dear Legislators,

The Association of Recycling Managers (ARM) is submitting this letter in support of HF1315/SF1321: the Compostable Products Labeling Bill, which would expand Minnesota Law 325E.046, Standards for Labeling Plastic Bags, to also cover food and beverage products and packaging.

ARM is a Minnesota nonprofit that was created to bring together city, county, and state recycling staff. We meet regularly to share recycling strategies and educational resources with our members to ensure quality recycling programs in Minnesota. Many of our members have curbside or drop-site organics programs, or will in the near future, and this legislative change will help ensure those programs have continued success.

The proposed changes will reduce resident confusion by preventing companies from selling misleading products that are not actually compostable in our state. Terms like “biodegradable” or “made from plants” do not indicate a product is compostable, but many people do not understand the difference and end up purchasing problematic products. Our members educate residents to look for labeling, such as the word “compostable” or an approved third-party certification logo, so they know which items are acceptable to compost. The requirement for proper labeling will help consumers correctly identify certified compostable products.

The success of residential and commercial organics programs is especially important in the Twin Cities metro where the legislature mandated a recycling goal of 75% by 2030. Without organics diversion, that number will be difficult, if not impossible, to achieve. Compostable food service items are part of that organics fraction and need to be labeled accurately so they end up in the right place.

Better labeling will also decrease the amount of non-compostable products ending up at composting facilities. This means that composters would have fewer contaminants to remove, resulting in high quality compost which can be sold back to cities, counties, or the state for use in roadway projects and to residents for use in gardens and lawns. Strong, stable markets for finished compost are important for the viability of the composting facilities that process organics and yard waste. Strong markets are built on quality product.

In summary, to help support successful waste diversion 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.

Sincerely,

A handwritten signature in black ink, appearing to read "Laura Horner", written in a cursive style.

Laura Horner

Chair, Association of Recycling Managers

February 13, 2023

Dear Chairperson,

The City of St. Louis Park is submitting this letter in support of the expansion of Minnesota Law 325E.046, Standards For Labeling Plastic Bags, to also cover food and beverage packaging through HF1315.

Since the early 1980's, when the city began organized recycling collection at the curb, St. Louis Park has been committed to recycling and reducing waste. In the last decade, this commitment resulted in adding residential organics collection at the curb and at multifamily drop-sites. In 2017, the City implemented a Zero Waste Packaging ordinance with the goal of decreasing single-use food packaging in the trash by requiring compostable or recyclable packaging. The city feels the expansion of this bill is an essential component in ensuring the long-term success of these programs for two key reasons:

First, it will reduce resident confusion by preventing companies from putting misleading products on store shelves. Instead, products claiming to break down at a compost facility will be required to have independent testing to verify that this is the case. In addition, the new labeling requirements will help consumers correctly identify certified compostable products. St. Louis Park residents are increasingly searching for certified compostable packaging in stores and restaurants because they are accepted in the city's organics program as a way to divert more food from the trash. Better labeling ensures our residents can easily identify the correct items. In 2019, St. Louis Park updated our Zero Waste Packaging ordinance to require such labeling on cups due to confusion caused by unmarked items. This legislation will go even further in clearing up any confusion caused by compostable product labeling.

Second, the bill expansion will decrease the amount of non-compostable products inadvertently ending up at composting facilities from well-intentioned, but misled, consumers. This means that composters would have less contaminants to remove, resulting in high-quality compost which can be sold back to the city for use in roadway projects and to our residents for use in their gardens and lawns. Strong, stable markets for finished compost are important for the viability of the composting facilities that process the food scraps and yard waste collected in the city.

In summary, to support successful waste diversion programs, high quality compost and reduced consumer confusion, the City of St. Louis Park urges the legislature to expand the existing law to cover food and beverage packaging. Please feel free to contact me with any questions you may have.

Sincerely,

Kala R. Fisher

Kala Fisher, solid waste manager
City of St. Louis Park
kfisher@stlouisparkmn.gov

cc: Kim Keller, city manager

February 14, 2023

Minnesota House of Representatives
Environment and Natural Resources Finance and Policy Committee

Re: HF1315 – Compostable Labeling Requirements

Dear Chair Hansen and Members of the Committee,

Eureka Recycling is submitting this letter in support of HF1315: Compostable Labeling Requirements

Eureka Recycling is a Zero Waste non-profit and social enterprise recycler based in Minneapolis. Our mission is to demonstrate that waste is completely preventable. While we hold a clear and bold vision for a world without waste, we use our on-the-ground experience to advocate for tangible, real-world solutions to better manage our resources, reduce waste, support local economies, and build healthy, equitable communities.

We piloted and launched the first commercial composting collection program for restaurants in Minneapolis, and ran a residential pilot project in Saint Paul to explore best practices for residential composting collection. Both projects relied on commercial composting sites in Minnesota and required education of residents about the confusing array of mislabeled products claiming compostability. A strong and effective composting infrastructure across the state is a key component to a zero waste future, and mislabeled products are a threat to that.

Food waste is a significant and problematic portion of our waste stream. In a landfill it generates methane – a greenhouse gas 25 times as potent as CO² – and contributes to the release of dioxins in energy intensive incinerators. Compostable food-service products can make food waste diversion more efficient and successful for residents. However, if those products are not actually compostable and do not completely break down they leave behind microplastics, PFAS, and other problematic toxics in the soil. To fully realize the benefits of composting, the end product needs to be clean, healthy, and usable for food production and erosion control. A composting system cannot work if it is contaminated by mislabeled and greenwashed products.

HF 1315 provides much needed standards for compostable product labeling, which will:

- Reduce operational costs for composters
- Reduce confusion of food establishments who accidentally buy misleading products from manufacturers, distributors and wholesalers.
- Reduce confusion for residents participating in organics recycling programs.
- Support compostable product manufacturers in the State, and elsewhere, who already clearly label products.

Counties and cities across Minnesota are increasingly developing composting facilities and diversion programs to meet our urgent climate change goals. 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 in Minnesota can thrive.

We ask for your support of HF1315 and appreciate your consideration of our comments. Please feel free to contact us with questions or for further information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lynn Hoffman', with a stylized, flowing script.

Lynn Hoffman,
Co-President of Eureka Recycling
(612) 455-9110
lynnh@eurekarecycling.org
eurekarecycling.org

1/26/2023

Letter of Support for the Clear and Reliable Labeling of Compostable Products Bill

To whom it may concern,

We as Curbside Compost Cooperative support the Clear and Reliable Labeling of Compostable Products bill. As a compost collection service, we deal first hand with compost contamination and have a clear view of how confusing labeling on products contributes to this. It is our assertion that the items outlined in this bill will significantly decrease contamination in compost systems. In addition to our collection service, we are moving towards starting our own processing site and knowing that there are efforts being made to clarify what is and is not compostable for consumers makes this a more achievable goal for us.

Thank you for your time and consideration,
Curbside Compost Cooperative





Solid Waste Facilities

Incinerator

708 8th Street NW
PO Box 179
Fosston, Minnesota 56542
(218) 435-6501 Telephone
(218) 435-6619 Fax
ESA: jon.steiner@co.polk.mn.us
Facility Mgr: ron.larson@co.polk.mn.us

Landfill

Located: Gentilly, Minnesota
PO Box 179
Fosston, Minnesota 56542
(218) 281-5419
Accountant: julie.mathison@co.polk.mn.us
Secretary: debbie.kappedal@co.polk.mn.us

December 21, 2022

Mr. Nathan Reinbold
2115 S. Jefferson St
Alexandria, MN 56308

RE: Support for Amendment to MS 325E.046
Transparency in Compostable Product Labeling

Dear Mr. Reinbold,

Polk County owns and operates a Source Separated Organic Material (SSOM) Compost Facility (MPCA Permit: SW-124). The SSOM Facility was permitted in 2017, and constructed in 2019. It is utilized by our Regional Partners – the Counties of Beltrami, Clearwater, Hubbard, Mahanomen, Norman and Polk.

Acceptance of questionable “compostable” materials has been a major concern for our Facility. The concern was so great that Polk refused to accept compostable products (utensils, plates, containers, bags, etc.) in SSOM loads from generators unless prior approval was granted from Polk. This created much frustration with commercial organics generators looking to use those types of products. However, several requests for approval were denied when the documentation provided by the generator failed to show the product was entirely composed of, or met the requirements of, ASTM D6400 or D6868. Many of the products denied acceptance contained many of the ‘buzz words’ or were carefully worded to imply they met the requirements for being compostable, but stopped short of stating the entire product met the ASTM D6400 or D6868 certification.

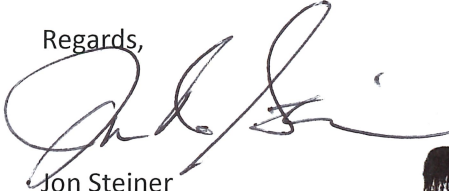
Polk and our Partner Counties support efforts to require clarity and transparency by mandating the labeling of any compostable products to be sold in Minnesota by any vendor, supplier or retail sales.

However, we do have concerns with the following provisions:

- 1) We believe the Statute should clearly state/indicate the product is made entirely with compliant ASTM D-6400 or D-6868 materials. (*questionable compostable materials often state they use some materials meeting 6400/6868, but not entirely made from those materials.*)
- 2) We don’t support a gradual “phase-in” approach to allow vendors or retailers to “phase-out” their inventories. The Statute should set a date by which it would be illegal to offer to sell, sell or use non-compliant products. (*Let them sell it in another State or throw it away. Delayed “phasing” only encourages the flooding of our facilities with these non-compostable products.*)
- 3) We don’t believe its necessary to give the MPCA or MN Attorney General powers they already have delegated to them. The issue is these entities have been reluctant to use those powers. We believe the liability should be placed on all parties (wholesaler, retailer and generator) for using non-compliant products, and enforcement is mandatory with annual report by enforcement entity of each complaint received, review of complaint and enforcement outcome.

By way of this letter, Polk and its Partner Counties involved in the SSOM Compost Facility declare their support for Statute modifications to require a clear and transparent labeling of compostable products to be sold or used in Minnesota.

Regards,



Jon Steiner
Polk SWA



Garry Johanson
Norman SWA



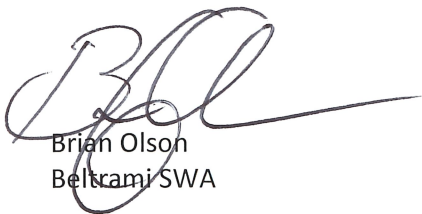
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February 13, 2023

Via Email Peter.Strohmeier@house.mn.gov

Chair Hansen
House Environment and Natural Resources Finance and Policy Committee
Minnesota House of Representatives
407 State Office Building
St. Paul, MN 55155

Re: **Opposition - HF 1315 Standards for Labeling Biodegradable or Compostable Products**

Dear Chair Hansen and Honorable Members of the House Environment and Natural Resources Finance and Policy Committee:

Thank you for the opportunity for WinCup, Inc. to explain the reasons for its opposition to HF 1315. WinCup is a manufacturer of disposable foodservice packaging, including compostable and marine biodegradable products, for customers located throughout the United States. WinCup is opposed to HF 1315 because it is unnecessarily burdensome and harmful to businesses located inside and outside of Minnesota. The bill is premature in light of pending revisions to the FTC's Green Guides that will further address compostable and biodegradable product claims. Last, the proposed bill does not adequately address innovative new products that are home compostable and marine biodegradable.

OPPOSITION

Confusing Patchwork of State and Federal Laws

If HF 1315 is adopted, Minnesota will be one of only four states with such a restrictive law in place. Businesses in Minnesota and across the country will be unduly burdened because they will have to comply with a patchwork of varying state and Federal laws on this subject.

The other forty six states rely on the existing Federal regulatory framework addressing these matters, which is Section 5 of the FTC Act, and specifically, the FTC's "Green Guides." The Green Guides provide very detailed and specific requirements for the substantiation required to market compostable and biodegradable products and the claims that can be made. ASTM D6400/6868 and BPI certification are already widely accepted as the standards for certification that must be met to market and sell a product as industrially compostable.

Pending FTC Revisions to Green Guides

Action to regulate biodegradable and compostable product claims is premature right now. The FTC is currently in the process of soliciting comments for revisions to the Green Guides, which is required by the FTC's regulatory mandate that requires review of all agency rules and guides every ten years. The comment period ends April 24, 2023 and thereafter, the FTC will put forth proposed revisions to the Green Guides that address biodegradable and compostable product claims. This process is anticipated to be complete in the next twelve months. The Minnesota legislature should defer any action on HF 1315 until the revised Green Guides

have been formally issued. Taking action before that will likely result in conflicting Minnesota state law and Federal law covering the same exact issues, further confusing and burdening businesses.

Adequate Minnesota Laws Already in Place

In addition to existing Federal legislation that adequately addresses these matters, Minnesota has adopted a “truth in advertising” law which prohibits untrue, deceptive or misleading product claims, the Minnesota False Statements in Advertising Act (Minn. Stat. § 325F.67). The Federal Lanham Act also protects consumers from deceptive or misleading advertising. Thus, if a distributor is selling a product as compostable or biodegradable in Minnesota without adequate substantiation, there are already adequate remedies available to the Attorney General, consumers and competing businesses to address this. More laws to add to business complexity and confusion are not needed.

Solving the Problem of Compost Contamination

The problems cited by supporters of the bill that the bill arguably “fixes” will not be solved by this law. This bill will not solve the problem of contamination of compost with non-compostable products. Consumers need more education about what types of products are compostable. After this bill is passed, consumers will still put paper cups with poly liners in the compost bin because too many consumers think all paper products are automatically compostable.

Home Compostable Claims are not Addressed

HF 1315 does not address home compostable claims, leaving it entirely unclear whether such claims are permitted at all, and if so, what substantiation is required for such claims. ASTM D6400 and D6868 only address industrial composting. Home composting is an entirely different process than industrial composting but it is just as important for consumers to know whether a product is home compostable, and arguably more important given the limited availability of commercial facilities. If HF 1315 moves forward, this uncertainty on home compostable claims should be addressed. TUV (formerly Vincotte), a well-respected European certifying body, has adopted a certification standard for home compostable products which can be utilized by the Minnesota legislature.

Marine Biodegradable Claims are not Addressed

HF 1315 does not take into consideration marine biodegradable products that have been introduced to the market over the past few years. These marine biodegradable products are made with polyhydroxyalkanoate (known as “PHA”), which is a naturally occurring material that is highly biodegradable in various environments, including home compost piles, industrial compost facilities, marine waters, and others.

As currently drafted, HF 1315 provides that products may not be labeled as “biodegradable” unless “an applicable ASTM standard specification is adopted for the term claimed and the specification is approved by the legislature.” The bill ignores that ASTM has already adopted a standard for marine biodegradability – ASTM D6691. The Legislature should act now and allow marine biodegradable claims on packaging of products that degrade within the FTC’s requirements of one year as shown by ASTM D6691.

Given that marine biodegradable products made with PHA are industrially compostable, there is no risk to contamination of the compost stream from these products. Plastic leakage in our oceans is a concern of consumers. There is value to consumers in knowing that the products they buy, despite being properly disposed of by them, will biodegrade naturally and safely if they are leaked into our oceans downstream in the waste disposal process.

Impact on Minnesota

By limiting what truthful claims may be made about innovative new foodservice and packaging products made with PHA, HF 1315 will also be detrimental to local interests in Minnesota. PHA is produced with feedstock made from rapeseed (canola) oil. The state of Minnesota is the 4th largest producer of rapeseed in the U.S.¹

¹ USDA National Agricultural Statistics Service.

You can learn more about biopolymers and their importance in the state at the University of Minnesota's website (<https://csp.umn.edu/>). The University is engaged in extensive research, which is sponsored by the National Science Foundation, on these new materials. Because HF 1315 limits the truthful claims that manufacturers can make on their products related to biodegradability, it will stifle innovation in biopolymers and new products made with them, and ultimately foreclose a significant growth opportunity for Minnesota's agricultural and educational sector. We urge the Committee to study this potential impact before prematurely acting on HF 1315.

Delete "Offer to Sell"

As drafted, HF 1315 regulates actual sales, and offers to sell, covered products in the state. Only actual sales should be regulated. With the prevalence of ecommerce and online market places such as Amazon and Shopify, and even online sales from retailers who operate in more than just Minnesota, regulating "offers to sell" casts far too wide a net for prohibited conduct. The language is unnecessarily broad for the intended purpose of the law – to reduce contamination of the compost stream in Minnesota. The compost stream cannot be contaminated because a covered product is merely offered for sale (without an actual corresponding sale of a product into the state).

Conclusion

We urge the Committee to carefully review and consider the burden HF 1315 will place on Minnesota's business community, particularly its farmers and small businesses. HF 1315 will add an unnecessary layer of complexity for businesses due to potentially differing state laws among the 50 states, and differences from the Federal regime that is already in place. This complexity will likely be further exacerbated by the FTC's pending revisions to the Green Guides and changes to the rules for making compostable and biodegradable claims. As drafted, HF 1315 fails to address home compostable claims, leaving confusion and ambiguity as to whether and how such claims can be made. The bill also fails to take into consideration significant innovations in product technology that have led to the creation of marine biodegradable products and the truthful, substantiated claims that should be permitted to be made about these products. Last, the bill is overly broad in unnecessarily attempting to regular offers to sell covered products in the state, instead of only actual sales of covered products.

In conclusion, WinCup respectfully urges you to oppose HF 1315.

Please do not hesitate to contact me at vickiorourke@wincup.com should you have any questions on this matter.

Sincerely,

Vicki O'Rourke
Corporate Counsel