

California's landmark law targets safety for compostable products

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News



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When Gov. Gavin Newsom signed “The Truth in Labeling for Recyclable Materials” bill, SB 343, into law in October 2021, he also signed a companion bill into law about compostable labeling, AB 1201. Both laws take effect on January 1, 2024.

SB 343 targets inaccurate and misleading product labeling to eliminate confusion about which plastics are recyclable and which are not. [Assembly Bill 1201](#) targets California’s product-labeling requirements for products marketed as compostable and biodegradable.

By expanding California’s existing legal definitions of compostability and biodegradability to cover more products than plastics, and by creating more specific, safer definitions, the single-use disposable products that companies label as “compostable” will now actually biodegrade into safe, usable organic matter. That means they cannot contain toxins such as so-called “forever chemicals,” which are often used to treat supposedly “compostable” single-use tableware.

Known as “forever chemicals” for their inability to be broken down, their scientific name is PFAS, or per- and polyfluoroalkyl substances.

This package of environmental legislation transforms the rules around environmental marketing claims and continues California’s move toward a truly sustainable economy.

In the current marketplace, too many products that get marketed as compostable cannot, in fact, break down into safe usable soil. Part of AB 1201’s goal is to keep harmful chemicals out of California’s compost stream, just as SB 343 aims to keep non-recyclable plastics out of the recycling stream by refining which products can bear the chasing arrows symbol.

Known as “forever chemicals” for their inability to be broken down, their scientific name is PFAS, or per- and polyfluoroalkyl substances. These compounds’ ability to resist water, oil, and grease has made them popular additives in consumer and industrial products since the 1940s, including stain-resistant clothing and carpet.

That same resistance is what makes them so dangerous: They don’t break down naturally in soil or water, or inside the human body. Instead, they pollute air and water, pollute farm and garden soil, and complicate the organic certification process of any food grown with that polluted compost. They are linked to cancer, birth defects, hormone disruption, and thyroid disease, to name a few.

The Center for Disease Control and Prevention reports that 99% of Americans have forever chemicals in their blood. Consumers will be shocked to learn that forever chemicals are also used to coat disposable tableware like plates and bowls that are marketed as compostable. This means those toxins enter the compost stream. Under AB 1201, products containing forever chemicals cannot be labeled compostable.

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It will also surprise consumers to learn that so many of the supposedly “biodegradable” single-use cutlery and plastic-like materials they buy are not compostable. To many of these products don’t break down into organic soil the way our garden waste and food scraps do. Instead, some disposable cutlery that is marketed as compostable only breaks down into smaller pieces, spreading the waste further afield in a process that resembles photodegradation in micro-plastics.

This is both misleading and dangerous. AB 1201 will make compostable products labeling honest and products safe. Consumers deserve accurate information to make informed purchasing decisions.

Sponsored by Assemblymember Phil Ting (D-San Francisco), AB 1201 was the result of hard work at the Statewide Commission on Recycling Markets and Curbside Recycling. State Sen. Susan Talamantes Eggman (D-Stockton) authored the bill that created the Commission, which started in 2020. Composed of representatives of public agencies, environmental organizations with recycling expertise, and private businesses who handle solid waste, the

Commission was designed to suggest policy that addressed the state’s ambitious recycling and composting goals from waste professionals, and to help legislators understand and tackle these waste management issues.

“We have a huge contamination problem in the waste stream right now,” said Heidi Sanborn, Founder and Executive Director of the National Stewardship Action Council. “Processing recyclables and compost is costing us all a fortune. Rates are skyrocketing. Nobody’s winning right now, so the Commission was tasked with helping the legislature by having us specifically define compostable and define recyclable products. The idea was, if we could get this consensus agreement amongst this many commissioners, chances were good they could pass the bill. And that’s what happened.”

Sanborn chaired the Statewide Commission on Recycling Markets and Curbside Recycling for two years. In that time, the 17 commission members came up with 34 recommendations that were unanimous.

“That is highly unlikely and a very difficult to do,” Sanborn told me, “so I’m extremely proud of all the commissioners and everything we accomplished, because we had waste management, we had other NGOs, we had local government people—the whole gamut—and we all managed to agree on 34 policy changes. Many of them happened. We were required by the law that set up the commission to define what’s recyclable and what’s compostable. That was SB 343 and AB 1201. So the Commission came up with those new extended definitions of what recyclable and compostable really mean. Incredibly, there wasn’t a lot of static in that process. We had public comments, we had email comments, we did the whole thing. People basically agreed with each other.”

As they are doing with SB 343, CalRecycle will develop the new labeling requirements for compostable products for AB 1201, to eliminate inaccurate and misleading product labeling and the confusion that labeling causes in consumers. Manufacturers will use CalRecycle’s requirements to guide their label and manufacturing activities to prevent misleading and illegal marketing claims.

CalRecycle has approved a third-party certification entity to certify products according to those revised specifications.