Biodegradable Products Institute (Alexander Truelove)

The Biodegradable Products Institute (BPI) is North America's leading authority on compostable products and packaging, certifying over 50,000 products from compost collection bags to food containers. For more than two decades, BPI has given consumers confidence in compostability claims with the backing of science-based standards, while enabling authentically sustainable choices for brands and packagers. BPI champions a systems-wide transition to the circular bioeconomy through rigorous testing, policy advocacy, and industry collaboration, building the infrastructure for "A World Without Organic Waste"—where food scraps and certified compostable packaging become resources. BPI is a non-profit 501(c)(6). To learn more, visit www.bpiworld.org and follow us on LinkedIn.

BPI was a member of the recent statewide Compostable Products Advisory Committee has a long and productive history of working with the Department of Ecology and appreciates the opportunity to engage as it considers updating regulations to support contamination reduction in organics processing facilities according to RCW 70A.205.5401. BPI is committed to supporting the success of residential and commercial food scraps collection programs in Washington, where there are strong examples that show source separated organics, with clear rules on certified compostable products, leads to low contamination, high participation, and profitable composting businesses. The regulatory proposal put forth2 jeopardizes Washington State's leadership in modeling successful organic waste diversion programs, and we fear that the decades of effort invested in Washington communities will be cast aside needlessly.

We have three specific requests regarding definitions:

BPI asks Ecology to update the definition of "organic materials," noting that the historical context for this definition relies on the origin of the raw materials, which is not necessarily limited to plants and animals. The important attribute is that the materials are capable of microbial degradation and ensure a high-quality finished compost product. Products included under the existing definition of "manufactured organics" also meet these criteria and therefore should be explicitly included. It should be noted that "manufactured organics" are regulated under RCW 704A.4553.

"Organic materials" means any solid waste that is capable of microbial degradation. Organic materials include, but are not limited to, manure, yard debris, food waste, food processing wastes, clean wood waste, garden wastes, and manufactured organics. "Organic materials" does not include any materials contaminated by herbicides, pesticides, pests, or other sources of chemical or biological contamination that would render a finished product of an organic material management process unsuitable for public or agricultural use.

BPI attended the webinar on November 54, and we were surprised to hear that Ecology's definition of "source separation" includes food in non-compostable packaging. This, of course, is not correct, as source separation would require non-compostable packaging to be separated at its source. The proposed definition would lead directly to contamination of compost, when compared to actual source separation, considering that depackaging of conventional materials creates persistent microplastics, and potentially introduces chemical contamination from products that are not certified compostable, such as PFAS, heavy metals, or other toxins.5,6 It would also render tons of potentially recyclable packaging unrecyclable and discourage the separation of recyclables and

compostables at the bin.

The logic that both valuable food or food waste and conventional materials would be directed to a depackaging process and therefore have the same end of life is flawed. This is critically important if it is the intent of Ecology, as stated in the webinar, to distinguish source separated organics from other streams, and to put the pressure upstream on the generator and not on the composter (or other organics processor). The current definition alleviates the generator of all responsibility to ensure quality feedstocks arrive at the composting facility. This can be solved if Ecology adopts our proposed definition of "organic materials" above, and if additional edits are made to the proposed definition of "source separation".

"Source separation" means the separation of organic materials from different kinds of solid waste at the place where the waste originates. Examples of source separation include but are not limited to a household that places recyclable materials, yard waste, and trash into separate carts, a construction site that places construction debris to be recycled in one container and solid wastes to be disposed in another, a grocery store that places unpackaged food "organic materials" for purposes of recovery within in one container and other solid wastes including packaged food the store generates in separate containers, or a lumber mill that separates wood ash to be disposed at a wood ash landfill in one container and other solid wastes destined for a municipal solid waste landfill in another.

We would also like to see Ecology take the opportunity to update the definition of "manufactured organics" since the subsequent passage of WA's laws on compostable product labeling, which provide strong definitions and stringent labeling requirements. This needs to be corrected to prevent confusion in this sister regulation, and to further bolster the definitions of "organic materials" and "source separation".

"Manufactured organics" means source separated solid wastes, such as product labeled "compostable" in accordance with RCW 70A.455.040. Manufactured organics do not include physical contaminants such as plastics and coated paper products that will not readily decompose under typical composting conditions, or wood derived fuel or wood waste as defined in this chapter.

Finally, we wish to comment on the ultimate impact of the regulations if they proceed as proposed with the requirement that composters are not allowed to accept feedstocks with more than 2% by volume in WAC 173-350-220 (2)(f) and (6)(a)(iii). Instead of creating regulations to support reduction of contamination upstream, this requirement will instead allow a flood of contamination to flow through depackaging systems. The regulation should incentivize high quality source separated organics streams. It is not clear why composters who are capable of making a quality product from source separated organics that meets the physical contamination limits in Table 220-B, would not be allowed to do so. In the end, these provisions may ultimately lead to all organic materials being "mixed waste" organics rather than source separated, sent through depackaging systems. This would generate an unquantified risk to the environment, absolving upstream waste generators of any responsibility to create clean organic streams, and eliminating all value to the state's encouragement of compostable products as a compliance pathway under SB 5284.

As stated on the webinar, Vermont has been looking into the risks associated with depackaging, and has made a number of recommendations7, including that organics should be source-separated;

depackaging should have limited use. While Ecology stated on the webinar that Washington is not like Vermont, we find this to be irrelevant and distracting from the regulation at hand. There is a clear distinction between source-separated organics and those that include conventional packaging that must be depackaged. The way that WA decides to regulate this topic will have major impacts on the future of the composting and compostable products value chain for years to come.

Washington has an opportunity to create systems for source separated organic collection and composting programs based on years of success in curbside residential and commercial programs across the state that have managed clean streams with certified compostable food packaging. The state is set to expand these successes with its organic waste diversion laws and new EPR law, but the proposed regulations under review today betray the recommendations made by the Advisory Committee, setting a collision course that will lead to the lowest common denominator. We will continue working with the Department of Ecology in our shared goals and hope you will seriously consider our recommendations and risks of the proposed regulations without changes.

December 12, 2025

To the Washington Department of Ecology,

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BPI was a member of the recent statewide Compostable Products Advisory Committee has a long and productive history of working with the Department of Ecology and appreciates the opportunity to engage as it considers updating regulations to support contamination reduction in organics processing facilities according to RCW 70A.205.540[1]. BPI is committed to supporting the success of residential and commercial food scraps collection programs in Washington, where there are strong examples that show source separated organics, with clear rules on certified compostable products, leads to low contamination, high participation, and profitable composting businesses. The regulatory proposal put forth[2] jeopardizes Washington State's leadership in modeling successful organic waste diversion programs, and we fear that the decades of effort invested in Washington communities will be cast aside needlessly.

We have three specific requests regarding definitions:

1) BPI asks Ecology to update the definition of "organic materials," noting that the historical context for this definition relies on the origin of the raw materials, which is not necessarily limited to plants and animals. The important attribute is that the materials are capable of microbial degradation and ensure a high-quality finished compost product. Products included under the existing definition of "manufactured organics" also meet these criteria and therefore should be explicitly included. It should be noted that "manufactured organics" are regulated under RCW 704A.455[3].

*"**Organic materials**" means any solid waste ~~that is a biological substance of plant or animal origin~~ capable of microbial degradation. Organic materials include, but are not limited to, manure, yard debris, food waste, food processing wastes, clean wood waste, ~~and~~ garden wastes, and manufactured organics. "Organic materials" does not include any materials contaminated by herbicides, pesticides, pests, or other sources of chemical or biological contamination that would render a finished product of an organic material management process unsuitable for public or agricultural use.*

2) BPI attended the webinar on November 5[4], and we were surprised to hear that Ecology's definition of "source separation" includes food in non-compostable packaging. This, of course, is not correct, as source separation would require non-compostable packaging to be separated at its source. The proposed definition would lead directly to contamination of compost, when compared to actual source separation, considering that depackaging of conventional materials creates persistent microplastics, and potentially introduces chemical contamination from products that are not certified compostable, such as PFAS, heavy metals, or other toxins.[5,6] It would also render tons of potentially recyclable packaging unrecyclable and discourage the separation of recyclables and compostables at the bin.

   The logic that both valuable food or food waste and conventional materials would be directed to a depackaging process and therefore have the same end of life is flawed. This is critically important if it is the intent of Ecology, as stated in the webinar, to distinguish source separated organics from other streams, and to put the pressure upstream on the generator and not on the composter (or other organics processor). The current definition alleviates the generator of all responsibility to ensure quality feedstocks arrive at the composting facility. This can be solved if Ecology adopts our proposed definition of "organic materials" above, and if additional edits are made to the proposed definition of "source separation".

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recovery ~~of the organic materials~~ within in one container and other solid wastes including packaged food the store generates in separate containers, or a lumber mill that separates wood ash to be disposed at a wood ash landfill in one container and other solid wastes destined for a municipal solid waste landfill in another.

3) We would also like to see Ecology take the opportunity to update the definition of "manufactured organics" since the subsequent passage of WA's laws on compostable product labeling, which provide strong definitions and stringent labeling requirements. This needs to be corrected to prevent confusion in this sister regulation, and to further bolster the definitions of "organic materials" and "source separation".

> "Manufactured organics" means source separated solid wastes, such as product labeled "compostable" in accordance with RCW 70A.455.040 ~~nonplastic coated paper plates, cups, compostable bags, and other items designed to decompose through composting, anaerobic digestion, or through other organic materials recycling processes~~. Manufactured organics do not include physical contaminants such as plastics and coated paper products that will not readily decompose under typical composting conditions, or wood derived fuel or wood waste as defined in this chapter.

Finally, we wish to comment on the ultimate impact of the regulations if they proceed as proposed with the requirement that composters are not allowed to accept feedstocks with more than 2% by volume in WAC 173-350-220 (2)(f) and (6)(a)(iii). Instead of creating regulations to support reduction of contamination upstream, this requirement will instead allow a flood of contamination to flow through depackaging systems. The regulation should incentivize high quality source separated organics streams. It is not clear why composters who are capable of making a quality product from source separated organics that meets the physical contamination limits in Table 220-B, would not be allowed to do so. In the end, these provisions may ultimately lead to all organic materials being "mixed waste" organics rather than source separated, sent through depackaging systems. This would generate an unquantified risk to the environment, absolving upstream waste generators of any responsibility to create clean organic streams, and eliminating all value to the state's encouragement of compostable products as a compliance pathway under SB 5284.

As stated on the webinar, Vermont has been looking into the risks associated with depackaging, and has made a number of recommendations[7], including that organics should be source-separated; depackaging should have limited use. While Ecology stated on the webinar that Washington is not like Vermont, we find this to be irrelevant and distracting from the regulation at hand. There is a clear distinction between source-separated organics and those that include conventional packaging that must be depackaged. The way that WA decides to regulate this topic will have major impacts on the future of the composting and compostable products value chain for years to come.

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Please reach out to us with any questions or concerns,

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