October 29, 2026

Re: Recycling Reform Act - Preliminary Needs Assessment

To the Washington Department of Ecology,

The Biodegradable Products Institute (BPI) is North America's leading authority on compostable products and packaging, certifying over 50,000 products from collection bags to food containers. For more than two decades, BPI has given composters and 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 certification, 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.

We thank the Department of Ecology for appropriately including compostable products and composting systems in this first draft of the needs assessment. In preparation for the full needs assessment, we request the department consider the following:

First, the categorization of material types in Table 1 (Pg. 14) separates certain compostable covered materials from others without clear explanation. For example, "flexible plastic packaging" includes "compostables bags and film," yet "organic & wood packaging" includes "bio-based packaging and utensils." Because both compostable paper/fiber and plastic packaging and utensils can be bio-based, and because bio-based packaging is not necessarily compostable, the categories overlap. In which category would a certified compostable fiber bowl lined with a bioplastic film lining belong? How about a certified compostable bio-based plastic rigid container?

While the recyclability of covered materials may depend on several factors including base material, size/shape, and market conditions, all certified compostable packaging approved under WA law is designed and tested to break down in well-managed compost facilities. In other words, it's unclear why the Department would separate compostable plastic film materials from rigid, plastic from paper/fiber-based, or why it would specify bio-based in certain instances and not others. For these reasons, we'd recommend placing

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compostable covered materials in their own separate category or categories to avoid confusion.

Next, the data provided in the report indicates that further refinement and data collection will be necessary to properly represent composting and compostables in the final needs assessment. We agree. The stated acceptance of compostable products appears to be based on the number of facilities, rather than total collection or a percentage of the population served. For example, the preliminary assessment states that there are 65 organics management facilities that could potentially process compostables, but only 24 responded to the survey. Four (17%) of the 24 indicated they take films and paper, and three (13%) of the 24 indicated they take rigid compostables. It is cited within the document that this considered a low acceptance rate (Pg. 49), however the acceptance rate is not dictated by the number of facilities, but rather the number of residents served or the capacity these facilities represent. A single large facility accepting compostable products might serve more residents than several smaller facilities combined. Some of this information can be approximated from this report, but the data set needs to be completed, and it should be clearly communicated to properly represent the relevant access.

Example: The report indicates that the total capacity of the facilities accepting compostable products, all located in the Northwest, is 729,000 tons per year (Pg. 64). The state processes 1.4 million tons of organics (Pg. 59). By stating only 13% or 17% of facilities accept compostable products, this incidentally misrepresents that ~50% of the organics processed today go to a facility that will accept compostable products. If this was further converted to the percentage of the population served by facilities that accept compostable products, it would be clear that the Northwest part of the state may house roughly 50% of the state's population. In the end, the final assessment must capture actual tonnage or volume collected as well as overall capacity and population served to properly represent the market.

We also have questions regarding how information has been presented to compost facilities while preparing this preliminary assessment:

Page 49 notes that "some facilities said that maintaining organic certification and access to organic farming markets is more valuable than incentives to accept compostable packaging," implying that facilities must choose between the two outcomes. Yet, we know that several facilities outside Washington state bifurcate their feedstocks and operations, creating finished compost products eligible for organic farming separately from products

that incorporate food waste including compostable products. Was this consideration included when "facilities estimated that investments of more than $1 million per facility may be needed to begin processing compostable products." Or did these estimates reflect other expenses, like equipment upgrades, or labor to manually sort feedstocks? We request the department clarify these assumed expenses and whether they've explained to composters that EPR funding might allow Washington composters to finance a shift towards bifurcated operations.

On a related note, it must also be mentioned that the U.S. Department of Agriculture has announced it will pursue final rulemaking on updating the rules limiting organic compost inputs beginning next year. Once these rules are finalized, accepting compostable products may not invalidate organic certification.

To the extent that compost facilities "*identified contamination from look-alike and non-compostable products"* as a major barrier, it's unclear to what extent statewide law *(chapter 70A.455 RCW)* has been helpful or properly enforced? In other words, have compost facilities found product claims and labeling requirements effective, or have they experienced contaminants in clear violation of the law (i.e. non-compostable bags tinted green)? We ask that the final needs assessment provide more detail as to what products and specific contamination challenges composters are facing. Among other things, it should be communicated that funding from EPR may provide financial support to test compost facility "overs" to help determine the material and origin of their contaminants, as has been included in other states' program plans. EPR should also directly support education and outreach on an ongoing basis to help improve signage and sortation upstream.

Example: It should be noted that for compostable bags, which are required to have prescriptive markings, and for which non-compostable bags are prohibited from the same markings, residents are largely successful in diverting over 80% of certified compostable bags and film (Page 34) without comprehensive education. Page 34 shows that over 80% of certified compostable bags and film are correctly sorted, which for comparison far exceeds the recycling rate for plastics #1-6.

While none of these rates are satisfactory, we ask that the final report take into account that the state has already established a robust foundation to support organic waste diversion and use of certified compostable products, where applicable.

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We thank the authors for starting a rigorous analysist of the compost and compostable products in the needs assessment. We ask that they consider some of the data gaps highlighted above, improve transparency on proposed costs, and for a balanced representation of the data in the context of the EPR program. Noting the current report cites a "challenge because only a small number of composting facilities are willing to accept and process these materials into finished compost" (Pg. 61), we wish to highlight that with the completed data set in the final needs assessment, it should be clear that Washington is in a position to not only successfully include compostable products into the EPR program, but realize the associated benefits of increased organics diversion that comes with these products.

Please reach out with any questions or concerns,

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