



February 2, 2022

U.S. Senate Committee on Environment and Public Works (EPW)

Hearing on “The Recycling and Composting Accountability Act” and “The Recycling Infrastructure and Accessibility Act”

Testimony of Rhodes Yepsen, Executive Director, Biodegradable Products Institute, Inc. (BPI)

Chairman Carper
Ranking Member Capito
Members of the Committee

Thank you for the opportunity to provide feedback on two bills that address our nation’s systems for recycling and composting.

The Biodegradable Products Institute (BPI) is a non-profit advocating for the value of certified compostable packaging in diverting organic waste to composting. BPI operates North America’s leading certification for compostable packaging, with 400+ member companies worldwide, and more than 15,000 items verified to ASTM compostability standards in our public database.

Our organization has been working on compostability topics since 1999, promoting the production, use, and appropriate end of lives for packaging that is designed to fully biodegrade in specific biologically active environments. BPI’s certification is science driven and our programs support a shift to the circular economy. This includes a number of initiatives that align with the objectives of the two bills under consideration today, which I will outline below.

The Recycling and Composting Accountability Act (RCAA)

This act covers important ground by tracking and quantifying the key aspects of successful recycling and composting programs.

Access: First, it looks at access to recycling and composting, which can be curbside collection or drop-off. BPI has been working on tracking of residential composting programs for over a decade with *BioCycle* magazine, and the latest survey showed 10 million households now have access to composting through municipal curbside or drop-off programs, a figure that rises each year.¹ Because access is not widespread, we’re seeing private subscription services pop up all around the country to fill a need.² These reports highlight what materials are accepted, what makes programs successful, and any associated barriers.

¹ <https://www.biocycle.net/residential-food-scraps-collection-access-in-the-u-s/>

² <https://www.biocycle.net/residential-food-scraps-collection-via-subscription-services/>

Processing Infrastructure: We know that access does not equate to recovery, since a majority of Americans have some form of recycling access, and yet recycling rates for most packaging remain low. Processing infrastructure, whether that's material recovery facilities (MRFs) for recycling or composting facilities for organics, is another critically piece of the solution, which means calculating the number of facilities, processing capacities and capabilities, tons diverted, contamination and reject rates, etc. Processing capacity not only helps tell the story for residential access, it also fills out the picture for commercial access, since many businesses contract directly with haulers for recycling and composting. This is another area that *BioCycle* has led the way on, in some cases with BPI support, such as with www.FindAComposter.com, which BPI took over and in 2022 will include residential collection and drop-off programs, in addition to composting facilities. *BioCycle* has detailed reports on composting infrastructure and in 2017 identified 4,713 composting facilities in the US, although the majority only accept only yard trimmings, with only about 500 accepting food scraps.³

End markets: Just like we need end markets for recycled materials, with postconsumer recycled content (PCR) used in new packaging, we also need end markets for finished compost, which has a number of uses including agriculture, landscaping, erosion control, green roof media, department of transportation projects, etc.⁴ Compost use helps restore our soils, improving water retention and pest resistance, in addition to providing nutrients for crops and humus for conditioning the soil. These benefits have been popularized in books and documentaries like *Kiss The Ground*,⁵ and by Rodale Institute, which reports that if regenerative agriculture practices like cover crops, no-till, and compost application were used on crop and pastureland around the world we would sequester more than our total global annual carbon dioxide (CO₂) emissions.⁶ That's in addition to avoiding methane, a potent greenhouse gas (GHG), by diverting food scraps and other organics from the landfill. The UN estimates if food waste and loss were a country, it would be the third largest emitter of GHGs after the US and China.⁷ Talk about a low-tech climate solution!

Labeling and Education: The final component is making sure that we all know what and how to recycle and compost, because if we don't, then it doesn't matter how widespread access and infrastructure are, or how well end markets are developed. This means getting more consistent definitions and requirements about what's recyclable and compostable and what's not, and building education into K-12 curriculum. Today, due to lack of standardization it is common for the list of accepted recyclables or compostables to be different where we live and work in neighboring towns, so it's no wonder people are "wish-cycling", that there's high contamination, and we aren't achieving good recovery rates. Some states are setting requirements for labeling, but without consistency from state to state these requirements are nearly impossible for manufacturers of packaging to comply with. BPI released guidelines for manufacturers⁸ and model bill language⁹ for labeling and identification of compostable packaging to outline best practices and to start moving towards some common labeling.

³ http://www.biocycle.net/17_10_06_1/0001/BioCycle_StateOfOrganicsUS.pdf

⁴ <https://www.compostingcouncil.org/page/HowUseCompost>

⁵ <https://kisstheground.com>

⁶ https://rodaleinstitute.org/wp-content/uploads/Rodale-Soil-Carbon-White-Paper_v11-compressed.pdf

⁷ <https://www.fao.org/3/i3347e/i3347e.pdf>

⁸ <https://bpiworld.org/Labeling-Guidelines>

⁹ https://bpiworld.org/resources/Documents/BPI_Labeling-Identification-Policy-Compostable-Products.pdf



One small point of clarification would be editing the definition of “compostable material” to include certified compostable products beyond just paper:

(4) COMPOSTABLE MATERIAL.—The term “compostable material” means material that is ~~composed of biomass that can be continually and safely replenished or renewed~~ a feedstock for a composting process, ~~such as including, but not limited to—~~

- (A) wood;
- (B) agricultural crops;
- (C) paper **and certified compostable products associated with organic waste;**
- (D) other organic plant material;
- (E) marine products;
- (F) organic waste, including food waste and yard waste; ~~and or~~
- (G) such other material that is composed of biomass that can be continually replenished or renewed, as determined by the Administrator.

The RCAA will provide much needed national-level support to quantifying and qualifying recycling and composting on all of these fronts. Without this type of foundational data and reporting we won’t realistically be able to advance a national strategy to recovering products and packaging, and won’t be able to realize the climate benefits associated with widespread composting.

The Recycling Infrastructure and Accessibility Act (RIAA)

This act is an excellent complement to the Recycling and Composting Accountability Act (RCAA), providing funding to do something about the lack of access to recycling in underserved communities. It rightfully covers both curbside and drop-off programs, since one size doesn’t fit all in America’s variety of communities. However, we strongly suggest that the focus be expanded to include composting in addition to recycling, as food-soiled articles are often not readily recyclable. This would also further align it with the RCAA.

We know from years of EPA “Facts and Figures” data that food scraps are consistently the number one material disposed of in landfills and incinerators, and when combined with other readily compostable materials like yard trimmings and wood it makes up almost 40%.¹⁰ That’s not taking into consideration potential recovery of food-soiled packaging in the paper and plastics streams via composting, which takes the total to over 50%.

As part of the US Composting Infrastructure Coalition, BPI helped with the COMPOST Act, which would provide \$2 billion in grants and loans for composting infrastructure,¹¹ and we are actively working with states on extended producer responsibility (EPR) bills that could help fund recycling and composting for packaging.

¹⁰ https://www.epa.gov/sites/default/files/2021-01/documents/2018_ff_fact_sheet_dec_2020_fnl_508.pdf

¹¹ <https://compostinfrastructure.com>



However, the COMPOST Act looks unlikely to succeed in its current form, so we are thrilled at the possibility of the definition of recycling in RCAA being expanded to include “organics recycling” so that communities also have grant funding to help compost the largest material streams in their waste bins today.

In addition, we recommend modifying the definition of “underserved” to be inclusive of urban and suburban populations. As mentioned about the RCAA, the presence of a processing facility is not the only determinant of access, and there are certainly cases where communities within a 150-mile radius of a MRF or composting facility do not offer collection or drop-off for recyclables or composting. This could be due to a processing facility not having enough capacity to serve that community, or accepting primarily commercial streams not residential. There are also many examples where households officially have access to recycling and composting services, but have to pay extra for them.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rhodes Yepsen", with a long horizontal flourish extending to the right.

Rhodes Yepsen
Executive Director, BPI