
Environment & Energy Committee

HB 1686

Brief Description: Allowing the labeling of biodegradable products that are supported by recognized national or international test methods.

Sponsors: Representatives Harris, Stonier, Ryu, Springer, Shewmake, Bateman and Slatter.

<p>Brief Summary of Bill</p> <ul style="list-style-type: none">• Allows certain products to be labeled as "biodegradable".

Hearing Date: 1/20/22

Staff: Jacob Lipson (786-7196).

Background:

Since July 1, 2020, state law has restricted manufacturers and suppliers of plastic products from selling or distributing products labeled as "biodegradable," "degradable," "decomposable," or "oxo-degradable," or from using a similar form of those terms or that would in any way imply that the plastic product would break down, fragment, or decompose in a landfill or other environment. Biodegradable mulch film that meets specified testing and third-party certification requirements is exempt from this restriction.

Manufacturers and suppliers, upon request by a person, must provide non-confidential business information demonstrating their compliance with these labeling requirements. The Attorney General, cities, and counties have concurrent authority to enforce these product labeling requirements. Prior to assessing a violation, a city, county, or the Attorney General must send written notice to a manufacturer or supplier of an alleged violation, providing 90 days to come into compliance. Civil penalties of up to \$1,000 are authorized for an initial violation, followed by \$5,000 for a second violation, and \$10,000 for a third violation.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

The United States Federal Trade Commission (FTC) is a federal agency with responsibility for addressing marketplace competitiveness and consumer protection. The FTC has issued federal regulations known as "green guides" that include general principles that apply to environmental marketing claims and guidance on how marketers can qualify their claims to avoid deceiving consumers.

The American Society of Testing and Materials (ASTM) and the International Organization for Standardization (ISO) are international organizations that adopt technical standards applicable to a variety consumer products.

Summary of Bill:

The prohibition on the sale or distribution of plastic products labeled as "biodegradable" is eliminated. A product labeled as "biodegradable" that is sold, offered for sale, or distributed for use in Washington must be labeled with FTC guides and have third-party supported data using one of five specified ASTM test methods (D5511, D5526, D7475, D6691 for marine conditions, or D5988) or one of two ISO methods (15985 for accelerated landfill conditions or 17556 for soil conditions).

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.