

ECM BIOFILMS

Wednesday, February 15, 2012

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The Joint Senate Committee on Energy and Environment
and Economic Development + Government Operations, and
Housing Research and Development
Hawaii State Legislature
Conference Room 225
State Capitol, 415 South Beretania Street
Honolulu, Hawaii
ENEtestimony@capitol.hawaii.gov

TRANSMITTED VIA WEBSITE AND EMAIL

Re: Opposition to Hawaii SB No. 318 for the Current Session

Dear Sirs,

My name is Robert Sinclair and I am the President of ECM BioFilms, Inc. We an Ohio company whose only business is to manufacture additives for plastic products to make those products biodegrade in some period greater than a year in any biologically-active environment, including most landfills. I am also a member of the ASTM and am the Chairman of D20.92 Subcommittee for Plastic Terminology (as well as the United State's ISO delegate for the comparable group there, TC61 SC1) and an active participant of the D20.96 Subcommittee on Environmentally Degradable Plastics and Biobased Products.

I am writing to testify to my support for the general intent of SB No. 318 but not for the bill as written or for its passage during this legislative session as is. SB No. 318, as written, requires the following:

§486-B Plastic carryout bag labeling requirements. No person shall sell a plastic carryout bag that is labeled with the term "compostable", "biodegradable", "degradable", or any form of those terms, or in any way imply that the plastic carryout bag will break down in a landfill, composting, marine, or other natural, terrestrial environment, unless, at the time of sale, the plastic carryout bag meets a current ASTM standard specification for the term used on the label.

The ASTM does not have enough of the necessary specifications in place yet and there then needs to be enough time for the plastic product technologies to test according to the requirements of the specifications. Without additional time there will be an enormous competitive advantage to technologies that are the least environmentally favorable.

Currently the only standard specifications that are in place are as follows:

D6400-12 Standard Specification for Labeling of Plastics Designed to be Aerobically Composted in Municipal or Industrial Facilities

D6868-11 Standard Specification for Labeling of End Items that Incorporate Plastics and Polymers as Coatings or Additives with Paper and Other Substrates Designed to be Aerobically Composted in Municipal or Industrial Facilities

D7081-05 Standard Specification for Non-Floating Biodegradable Plastics in the Marine Environment

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Each of these specifications is tied to commercial composting (I know that does not make much sense for D7081 but it does indeed require passing the commercial compostability specification before even qualifying to be tested for biodegradation in an ocean environment; which is why there are revisions being made for that specification as I write).

One would think that this would be good environmentally but fact is that it is not. The commercial composters still look at the plastics that would qualify to go to their facilities under such specifications as impurities so they require that they convert to carbon dioxide and water in 180 days or less (in fact they are looking to change the specification to require even faster times). Nothing else going to the commercial composting facilities (orange peels, banana peels, lettuce leaves, coffee grounds, etc.) will convert to carbon dioxide and water in anywhere near as short of a period (if they did the composter would have no compost to sell). Therefore sending plastics to a commercial composter is the environmental equivalent to burning the plastics without capturing energy and simply letting the resulting greenhouse gas to go directly into the atmosphere.

It is also the fact that most products passing the commercial composting specification will not biodegrade anywhere else which is why our D20.96 subcommittee is working on the enacting the following new standard specifications:

WK29802 New Specification for Aerobically Biodegradable Plastics in Soil Environment

WK34780 New Specification for Plastic Materials that Degrade in Landfills

WK35342 New Specification for Home Composting of Biodegradable Plastics

The one that is furthest along, WK34780 for landfills, is the most important specification that needs to be in place prior to the passage of this bill. This is because landfills are still the places that most plastic products will end up after disposal. This new standard specification may pass the vote at the April meeting but still would not be issued as an official standard for a couple of months thereafter. Companies will need to test to the specification at that point and would be very hard pressed to have everything in place by the first of January, 2014 when SB No. 318 would go into effect. If there is any unforeseen delay with the ASTM approval process they will be unable to sell their products at all in Hawaii just as they are now precluded from selling in California that has already enacted such a mistimed effort which has significantly hurt a very promising, yet fledgling, industry.

By the way, the landfill biodegradation of the plastics is the best overall fate for the elements the plastic products are made of because the anaerobic biodegradation of what is mostly hydrocarbon produces methane which the landfills are now capturing for either a renewable energy source or even to make new polymers or other chemicals with.

I believe it would be in the best interest of the people of Hawaii, to delay this very important piece of legislation until the ASTM has passed at least the new landfill standard specification. I can be available to Senator Shimabukuro at any time to update her on the details as well as the progress of the new specification as it moves through the ASTM committees. I can also assist with the technical aspects when this bill is being revised to make sure the legislation encompasses the most environmentally-friendly technologies available.

Please let me know if you have any questions or comments about the testimony I am submitting.

Very truly yours,



Robert Sinclair
President & CEO