



Tuesday, March 10, 2015

Representative Chris Lee  
Hawaii House of Representatives  
Honolulu, HI

**VIA EMAIL \*.PDF**

Re: Opposition to HB No. 620 HD2 as Written

Dear Representative Lee:

This is a response to the modifications made to HB620 at HD2. When HB620 HD1 was settled on, in the section 342H -"Plastics products; labeling," it was stated as follows:

- (a) No plastic product shall be labeled as "compostable" unless it meets ASTM D6400 specifications.
- (b) No plastic product shall be labeled in any way to imply that it will biodegrade, decompose, break down, or fragment in a landfill or other environment, unless it is certified by independent scientific laboratory testing to break down in a manner that is not harmful to the environment.

HB620 HD1 allows an independent testing facility to verify if a plastic that biodegrades is harmful to the environment compared to giving a specific industry a monopoly on degradable plastics. Now, as modified, in HB620 HD2, Section 342H (a) has been designed so as to once again wrongfully exclude biodegradable plastic with the wording:

- (a) No plastic product shall be labeled as "compostable" or in any other way to imply that it will biodegrade, decompose, break down, or fragment in a landfill or other environment, unless it meets ASTM D6400 specifications as certified by an approving authority.

Once again preference is being given to competing technologies and a harmful competitive advantage is being purveyed through legislation with amendment of the wording of HB620 HD1 by HB620 HD2.

Furthermore, the Biodegradable Products Institute is not an independent testing facility, the BPI is simply a trade organization for compostable plastic. That it should have a favored position in this legislation is wrong.

The test that should be referenced for the labeling of biodegradable plastics is D5511 "Standard Test Method for Determining Anaerobic Biodegradation of Plastic Materials Under High-Solids

Anaerobic-Digestion Conditions,” which to an extent mimics the conditions found in landfills.

There are significant differences between compostable and biodegradable plastics. This can be a difficult concept to understand and conceptualize without specific industry knowledge so I would like to make myself available to any legislator that would like to understand the concepts better.

But for the moment, consider what composting is and what is left over from the composting process. The composting process produces a product of nutrient-rich, organic soil amendment from the biodegradation of food waste and other such material like banana peels, leaves, grass clippings etc. On the other hand, the industrial composters’ requirements for plastics, as opposed to everything else that they accept for composting, make composting of plastic the environmental equivalent of incinerating the plastic without any energy recovery. Composting plastics in the municipal or industrial scale will accelerate CO2 emissions to the air, worsening greenhouse gas effect as well as wasting potential energy.

The biodegradation of plastics in landfills on the other hand, is a slow process where the degradation occurs from the process of naturally occurring micro-organisms producing CO2 and methane that are captured by the landfills as a renewable energy source.

As a member of numerous committees of the ASTM and chairman of the D20.92 subcommittee for Plastic Vocabulary, I can assist your committees to make sure they are protecting the environment and the consumer while not illegally discriminating against certain segments of the plastics industry.

Please tell me how I can help.

Very truly yours,

Robert Sinclair  
President & CEO

A handwritten signature in black ink, appearing to read 'R. Sinclair', with a long horizontal flourish extending to the right.

RS/jas