



June 11, 2025

Rhodes Yepsen  
Biodegradable Products Institute  
888 8th Ave, #141  
New York, NY 10019

Mr. Yepsen:

This letter is in response to the letter dated December 16, 2024, that Biodegradable Products Institute (BPI) submitted to CalRecycle regarding the availability of extensions pursuant to Public Resources Code (PRC) section 42357(g)(1)(B)(i) and (ii) for products that contain synthetic substances. Based on recent and anticipated activities of the National Organic Standards Board (NOSB), CalRecycle is granting an extension to June 30, 2027.

Beginning January 1, 2026, PRC section 42357(g)(1)(B) will prohibit labeling products sold in California as “compostable” unless they are allowable agricultural organic inputs under requirements of the National Organic Program (NOP), a federal regulatory program administered by the Agricultural Marketing Service within the U.S. Department of Agriculture. Section 42357(g)(1)(B) authorizes CalRecycle to delay that restriction for products and substances that will soon become allowable agricultural organic inputs. That change can occur, for example, through addition of a substance as allowed on the NOP’s National List of Allowed and Prohibited Substances (NOP list) or due to some other change in federal law. Such an extension may be for up to five years.

The NOSB is an advisory board authorized to recommend to the NOP that the NOP initiate rulemaking affecting whether certain substances are allowable organic inputs. At the NOSB’s spring 2025 meeting, the NOSB did not consider whether to recommend regulations that would render products meeting an ASTM standard allowable. The NOSB Crops Subcommittee, however, announced that it was continuing information gathering, including procurement of a technical report, to inform whether the NOSB should do so.

CalRecycle anticipates that the NOSB Crops Subcommittee will publish a proposal related to the allowability of synthetic substances in advance of the NOSB’s fall 2025 meeting (October 22 – 24, 2025), at which the NOSB will vote on that proposal. If the proposal is approved, the NOSB will then submit to the NOP a corresponding recommendation to initiate rulemaking.

Although the NOSB continues its work toward recommending changes that would affect the allowability of synthetic substances, there is no reasonable possibility that such process and subsequent formal rulemaking will conclude before January 1, 2026. As a result, the NOP requirement under PRC section 42357(g)(1)(B) will take effect on that date despite the requirement's ultimate scope remaining unsettled. That fluid status of stakeholders' legal obligations would present a significant risk of market disruption and exacerbate consumers' confusion over what types of products are compostable.

Accordingly, CalRecycle is granting a two-year extension under PRC section 42357(g)(1)(B). The extension applies to products that contain synthetic substances that otherwise satisfy all requirements for lawfully being labeled "compostable," including the requirement that products meet an ASTM standard specification pursuant to section 42357(a)(1).

This extension shall expire as of June 30, 2027. However, before that date, CalRecycle will evaluate whether to renew exemptions for products that would become compliant with PRC section 42357(g)(1)(B) pursuant to regulations then under consideration. CalRecycle may determine regulations to be under consideration if there is a pending NOSB rulemaking recommendation to the NOP, the NOP has decided to initiate rulemaking but has not yet done so, or the rulemaking process is underway. A renewed extension shall continue while such regulations remain under consideration but shall not extend beyond January 1, 2031.

We look forward to continuing engagement with you as this process proceeds.

Sincerely,

Electronically signed by Zoe Heller

Zoe Heller  
Director