Organics Committee of the Statewide Commission on Recycling Markets and Curbside Recycling

Public Notice and Agenda

DRAFT Meeting Notes
Date: August 3, 2020
Time: 12:00 pm – 2:00 pm
Location: Remote
Webcast: Public Meeting Live Webcasts
Public Comment Portal

Present:

7 – Commissioners Ferrante, Kalpakoff, Lapis, Oseguera, Potashner, Skye, Ward.

Absent:

1 – Commissioner Cadena

List of Participants:

Committee Members

- Laura Ferrante (Laura F.) – Waste Alternatives, Owner
- Joseph Kalpakoff (Joseph K.) – Mid Valley Disposal, CEO
- Nick Lapis (Nick L.) – Californians Against Waste, Director of Advocacy
- Alex Oseguera (Alex O.) – Waste Management, Director of Government Affairs
- Eric Potashner (Eric P.) – Recology, Senior Director of Strategic Affairs
- Coby Skye (Coby S.) – Los Angeles County Public Works, Assistant Deputy Director
- Tedd Ward (Tedd W.) – Del Norte Solid Waste Management, Director

CalRecycle/CalEPA Staff

- Kate Wilkins (Kate W.)
- Laura Moreno (Laura M.)
- Audrey Vorametsanti (Audrey V.)
- Paulina Kolic (Paulina K.)
- Jessica Landesman (Jessica L.)
- Daniel Brown (Daniel B.)
- Loretta Sylve (Loretta S.)

- Teresa Bui (Teresa B.)
- Robert Contreras (Robert C.)

Agenda:

Item 1: 12:00 pm (5 min) Call to Order, Roll Call, and Establishment of Quorum – Facilitators

Laura M. welcomes all to the Organics committee meeting. Quorum is established and one commissioner is absent.

Public Comments: None

Item 2: 12:05 (10 min) Public Comment Review - Items Not on the Agenda – Facilitators

- Nam Doan, Los Angeles County Public Works
- Elijah Carder, Los Angeles County Public Works
- Kawsar Vazfidar, Los Angeles County Public Works
- Jennifer Rodriguez, Los Angeles County Public Works
- Neil Edgar, California Compost Coalition

Public Comments: See full comments in Appendix 1

Item 3: 12:15 pm (10 min) Selection of Chair and Vice-Chair

Laura M. introduces Daniel B., who outlines the role of CalRecycle in supporting the committee and the responsibilities of the chair and vice chair of the committee.

Eric P. summarizes why he is suited for the position of Chair of the Organics committee. The rest of the Commissioners vote for Eric P. for Chair.

Laura F.: Yes

Joseph K.: Yes

Nick L.: Yes

Alex O.: Yes

Eric P.: Yes

Coby S.: Yes

Tedd W.: Yes

Eric P. is elected the Chair of the Organics Committee.

Tedd W. volunteers for the Vice Chair position. The commissioners vote for Tedd W. for vice chair.

Laura F.: Yes

Joseph K.: Yes

Nick L.: Yes

Alex O.: Yes

Eric P.: Yes

Coby S.: Yes

Tedd W.: Yes

Tedd W. is elected the Vice Chair of the committee.

Public Comments: None

Item 4: 12:25 pm (40 min) Determination of Scope

This agenda item is discussed after agenda item #5. Chair Eric P. looks over the text from Statute (AB 1583). Nick L. suggests the scope of this committee be discussed in two areas: first, the determining of what is and is not compostable, and second, proposing recommendations to meet the targets of SB 1383. The Commissioners discuss the scope of the committee, including topics like the importance of labeling and the permitting process for composting facilities. Vice Chair Tedd W. proposes four categories of interest for the committee and after discussion the following four areas were determined: 1) labeling, compostability, and operations; 2) food rescue and waste prevention; 3) Infrastructure: capacity, permitting, entitlement, and financing; and 4) Organics products, procurement, and market development. Coby S. suggests tackling each of the areas of interest chronologically, hearing presentations from relevant stakeholders for each subsequent committee meeting. Chair Eric P. summarizes the discussion and format of using the four areas of interest to make recommendations. All commissioners present agree to this format.

Public Comments:

- Evan Edgar, Edgar & Associates, Inc.
- Ria Varghese, City of San Jose
- Caroline Ling
- Daniel W Noble, Association of Compost Producers
- Colleen Foster (1), City of Oceanside

Item 5: 1:05 pm (10 min) Discussion and Response to Previous Public Comments

The committee decided to discuss this agenda item before item #4. The commissioners discussed the public comments from Neil Edgar and Evan Edgar (see full comments in Appendix 2).

Item 6: 1:15 pm (15 min) Discussion of Invitation to Stakeholder Groups to Future Committee Meetings

Chair Eric P. introduces the agenda item. Vice Chair Tedd W. suggests including a compost processor as an invited stakeholder in the future, as well as a presentation from CalRecycle on SB 1383 regulations. Other stakeholders identified as important to potentially invite to help inform recommendations include local governments, Biodegradable Products Institute (BPI), manufacturers of retail products not represented by BPI, major processors/composters, Organic certification organizations (such as OMRI, CDFA) and local restaurants.

Public Comments:

- Bruce Magnani, Biodegradable Products Institute
- Colleen Foster (2), City of Oceanside
- Colleen Foster (3), City of Oceanside

Item 7: 1:30 pm (10 min) Discussion of Data and Information Needs

Vice Chair Tedd W. states the importance of getting more details on SB 1383 regulations, including capacities needed to manage organic materials. Nick L. suggests circulating a CalRecycle report on the current infrastructure of composting in California. Coby S. requests a breakdown of waste characterization data into three main categories: traditional green waste (to composting), wet green waste (to anaerobic digestion) , and dry green waste (to chip & grind or biomass). Other potential requests include compost use by state agencies (e.g. CalTrans), current information on end markets for organic materials, and what resources CalRecycle will provide for jurisdictions related to the Edible Food Recovery goal under SB 1383.

Public Comments: None

Item 8: 1:40 pm (15 min) Next Meeting, Proposed Meeting Schedule for 2020-2021, and Agenda Items for Future Meetings

Nick L. recommends having one meeting in August, two in September, and then continuing from there. The next meeting of the Organics Committee will be August 21st, from 10am-12pm. Speakers for the next meeting identified included BPI, compostable product manufacturer, composters (potentially California Compost Coalition), local government (California State Association of Countries or representative from rural counties).

Public Comments: None

Item 9: 1:55 pm (5 min) Meeting Summary and Closing

Chair Eric P. summarizes the meeting, and recommends manufacturers, BPI, local governments, and rural counties as stakeholders to be present at the next meeting. Chair Eric P. moves to adjourn, vice chair Tedd. W. seconds the motion.

Public Comments: None

Appendix 1: Public Comments

Nam Doan, LA County Public Works

The State should provide funding and assistance for local outreach strategies, including community meetings and door to door visits in underperforming areas. The State should provide funding and assistance in developing school/youth education programs to convey the importance of recycling organic waste.

Elijah Carder, Los Angeles County Public Works

Hello, Thank you for addressing this most important topic of organics waste management, circular economics, and the infrastructure necessary to help address the climate crisis. The State ought to provide funding for the development of additional organic waste recycling infrastructure. The development of financially viable facilities with reasonable tipping fees will ensure that local jurisdictions do not have to significantly raise waste collection rates to incorporate organic recycling in compliance with SB 1383. In addition to providing cohesive standards and guidance on recovering compostable products and food-soiled paper for SB 1383 compliance, the State ought to also provide more certainty on alternative options for diverting the full range of organic waste, from wet food waste to dry woody biomass. The State ought to assist with certifying mixed waste processing facilities that recovery organic waste, so that

jurisdictions do not have to implement source separation and then revert back to mixed waste collection to use these facilities.

Kawsar Vazfidar, Los Angeles County Public Works

The State should develop Statewide outreach guidance to ensure consistent terminology, colors, signage, etc. are used for organic waste collection programs throughout each jurisdiction. The State should consider developing a Statewide outreach campaign with powerful visuals and unified messaging to convey the importance of recycling organic waste.

Jennifer Rodriguez, Los Angeles County Public Works

I recommend the subcommittee consider discussing the following recommendations to improve recycling within the state of California: -The State should consider delaying SB 1383 compliance deadlines due to COVID-19 so that jurisdictions can delay rate adjustments until the economy has recovered, possibly allowing jurisdictions to implement less costly alternatives, such as additional education to residents/businesses on upcoming regulations, tips on how to reduce organic waste, or community donation/collection centers. -The State should consider providing incentives for food waste drop off locations and composting hubs.

Neil Edgar, California Compost Coalition

Businesses, government entities, and individuals in California and across the country are seeking to conserve resources and reduce the environmental impacts associated with the landfilling of food scraps. To that end many of them have begun to utilize compostable food service packaging – often in conjunction with policies and ordinances mandating their purchase and use. Most often the implementation of policies and practices which endorse compostable packaging have not been established in consultation with the commercial compost manufacturers who receive these materials, or may have begun with no available composting capacity at all. Packaging and products made from compostable materials are not welcome at a majority of compost manufacturing facilities, especially those products which are not directly associated with food scrap recovery. While many facilities have continued to receive and process a mix of food scraps and compostable packaging, an increasing number of compost manufacturers are excluding the packaging as an acceptable feedstock for their operations: the vast majority of compostable packaging collected is sorted out and landfilled. Compostable packaging has issues which have negatively impacted compost manufacturers in the following areas:

• Identification: Compostable packaging acts as a Trojan horse for contamination – it is difficult or impossible to identify compostable packaging and discern it from conventional materials. At most facilities that pre-process feedstocks, compostable packaging is sorted out and disposed of with other contaminants.

• Performance: Compostable packaging may or may not degrade properly during the composting process due to variability in the material composition or the type of composting technology employed, despite meeting ASTM standards (D6400 or D6868) for compostability, causing contamination of the compost products, often with a multitude of microfragments typically remaining from heavier gauge containers and utensils.

• Organic Status and Chemical Contamination: Compostable packaging is typically composed of synthetic materials, particularly compostable plastics, like PLA, which are not approved for use as organic inputs, meaning compost manufacturers are sacrificing the marketability of their compost product.

Numerous compostable fiber foodservice products have been identified as containing significant amounts of fluorine compounds (PFOS, PFAS, or others used as a grease barrier) which persist through the composting process. Biodegradable Products Institute (BPI) has implemented a policy, whereby they will no longer certify these compostable fiber products if they contain excessive fluorine levels, beginning in January 2020. BPI, however, does not certify all products in the market. Until the above issues are resolved to a significant degree, the value promise of compostable packaging as a significant contributor to food scrap recovery efforts will be impaired and the ability to expand programs which include packaging – and to develop infrastructure which can produce clean, high-value compost products – will be impacted. To be clear, compostable packaging which is not directly related to food

scrap recovery has little to no value to compost manufacturers; recycling options for those materials need to be developed as a preferred option for truly sustainable recovery from landfill. Washington State has recently enacted HB 1569

(http://lawfilesext.leg.wa.gov/biennium/2019-20/Pdf/Bills/Session%20Laws/House/1569-S.SL.pdf?q=20200731163751)

which has established compostable products labeling requirements; any recommendations by CalRecycle should be an attempt to harmonize with those requirements. In my work as Chair of the US Composting Council's Legislative and Environmental Affairs Committee, we are working to establish national guidelines and avoid a piecemeal approach by states which will lead to confusion and make implementation difficult, if not impossible

(https://www.compostingcouncil.org/resource/resmgr/images/USCC_Compostable_Plastic_Lab.pdf)

Evan Edgar, Edgar & Associates, Inc.

Will the SB 1383 Local Government Procurement regulation for recycled organic products (compost, mulch, bioenergy, RNG), be the scope of this Committee or the Markets Committee?

Ria Varghese, City of San Jose

1. Will the video for this meeting be available to view online after this meeting? 2. When will the minutes for previous meeting be available?

Caroline Ling

Regarding compostable packaging, what would be the position of CalRecycle in reconciling the compostability standards between BPI and CMA (Compost Manufacturing Alliance)? How would the decision of standard setting influence, inform and advise the labeling legislation in CA?

Daniel W Noble, Association of Compost Producers

I agree with, and want to add our voice to the previous comments: 1. Organics feedstocks contamination and compostability is an existential issue affecting the compost industry. The Association of Compost Producers, the California State Chapter of the US Composting Council, is preparing a Guidebook on this issue that can be made available to the Organics Commission. 2. Relative to SB 1383 implementation - funding and other implementation support (especially Article 12,

Procurement of organic products by jurisdictions, and Article 3, relative to clean feedstocks), will be critical for success of the local Short-Lived Climate Pollution reduction programs.

Colleen Foster (1), City of Oceanside

Committee Scope should include a formal review and response to CalRecycle's status report. This review and response, should be used to help draft an update to the legislature and should include recommendations on whether target goals for diversion are even possible or whether they should be reconsidered, especially in consideration of the long term consequences of COVID. Statute clearly provides an avenue to go back to the legislature with asks for reprieve or adjustments on SB 1383.

Bruce Magnani, Biodegradable Products Institute

The Biodegradable Products Institute (BPI) would like to respond to comments submitted by Neil Edgar on behalf of the California Compost Coalition to the California AB 1583 Organics Committee, on the agenda for discussion on August 3, 2020 (agenda item 5). The California Compost Coalition comments are on the full Commission Agenda for August 5, 2020, item 3 for discussion, therefore it would be appropriate that these comments be distributed to the full Commission.

1. “Packaging and products made from compostable materials are not welcome at a majority of compost manufacturing facilities, especially those products which are not directly associated with food scrap recovery.” a. Response: This is not entirely true. For

several years BPI has only certified products/packaging associated with food waste, with the goal of enhancing organics recovery. However, we understand that not all compostable products on the market in California are certified by BPI.

2. “While many facilities have continued to receive and process a mix of food scraps and compostable packaging, an increasing number of compost manufacturers are excluding the packaging as an acceptable feedstock for their operations: the vast majority of compostable packaging collected is sorted out and landfilled.” a. Response: We acknowledge this as a serious problem. Prescreening compostable packaging at facilities and landfilling it is a failure of the entire system, especially if the government entity or business is telling people to include compostable packaging with the food scraps. This creates confusion and distrust not just in compostable packaging, but in the idea of composting in general. It is necessary to develop standards for identification, to reduce contamination. b. As a systemic problem, the solution is for stakeholders across the value chain to work together on alignment, such as with the meeting BPI convened in Oakland in June 2019 to identify barriers to using, collecting and processing compostable products in CA. The meeting included our entire Board of Directors (leadership of the compostable products industry), municipalities with organics programs (city of San Francisco, StopWaste.org), academia (Michigan State University), NGOs and consultants

(Californians Against Waste, US Composting Council, CORC), and composters (WM, Republic, Recology, Napa Recycling).

3. “Compostable packaging has issues which have negatively impacted compost manufacturers in the following areas:

• Identification: Compostable packaging acts as a Trojan horse for contamination – it is difficult or impossible to identify compostable packaging and discern it from conventional materials. At most facilities that pre-process feedstocks, compostable packaging is sorted out and disposed of with other contaminants.

• Performance: Compostable packaging may or may not degrade properly during the composting process due to variability in the material composition or the type of composting technology employed, despite meeting ASTM standards (D6400 or D6868) for compostability, causing contamination of the compost products, often with a multitude of microfragments typically remaining from heavier gauge containers and utensils.

• Organic Status and Chemical Contamination: Compostable packaging is typically composed of synthetic materials, particularly compostable plastics, like PLA, which are not approved for use as organic inputs, meaning compost manufacturers are sacrificing the marketability of their compost product. Numerous compostable fiber foodservice products have been identified as containing significant amounts of fluorine compounds (PFOS, PFAS, or others used as a grease barrier) which persist through the composting process. Biodegradable Products Institute (BPI) has implemented a policy, whereby they will no longer certify these compostable fiber products if they contain excessive

fluorine levels, beginning in January 2020. BPI, however, does not certify all products in the market." a. Response on Identification: BPI, along with Californians Against Waste and Recology (a member of CCC) co-sponsored a bill with Assemblymember Eggman in 2020 to require better labeling, as part of a concerted effort to improve this issue. However, due to the complexity of the effort, and in light of COVID-19 limitations in the legislative process, along with Recology's concerns and potential opposition to efforts to resolve lthe labeling concerns this session, those provisions were removed from the bill. Currently BPI is in the final stages of developing voluntary industry standard guidelines for labeling of compostable products. This is a significant effort, and the draft of the guidelines has been shared with CCC for the express purpose of eliciting their comments for consideration. Further, BPI is sharing the voluntary guideline work with the entire composting membership of the US Composting Council. b. Response on Performance: We acknowledge that there is a wide range of variables in real world composting, and BPI has offered on multiple occasions to work on field testing with California composters to identify products that are not disintegrating (as well as identify any fraudulent, or falsely marketed products), and under what composting conditions. If composters have specifics on which BPI certified products are not breaking down, and that contaminate the finished compost, we would like to be notified and receive samples to help investigate why. Our offer of working with

California composters on field testing of compostable packaging will remain open, and we can only reach the aggressive state goals of organics diversion through cooperation. c. Response on Organic Status: BPI is working to address concerns and we are supporting efforts to resolve these issues. This is a national issue, and BPI participates in USDA activity related to organics standards. This is a key example where cooperation between composters and BPI, and specifically composters publicly supporting the use of compostable pruducts, would present a much more compelling case to achieve resolution. d. Response on Chemical Contamination: There is continued confusion around PFAS. BPI didn't just look at excessive levels of fluorine, we acted swiftly and proactively to prohibit all intentional use of fluorinated chemicals (PFAS) in compostable products receiving BPI certification, leading the world in this effort to address health and environmental concerns, and in support of composters. In our sponsorship of AB 2287 (Eggman), there was an attempt to require BPI certifications in specified instances that would have resolved many of the issues surrounding PFAS. Unfortunately the sections needed to be removed due to the extraordinary circumstances of this legislative session.

4. "Until the above issues are resolved to a significant degree, the value promise of compostable packaging as a significant contributor to food scrap recovery efforts will be impaired and the ability to expand programs which include packaging – and to develop infrastructure which can produce clean, high-value compost products – will be impacted. To be clear, compostable packaging which is not directly related to food scrap recovery has little to no value to compost manufacturers; recycling options for those materials need to be developed as a preferred option for truly sustainable recovery from landfill." a. Besides, BPI focusing on certifying compostable products associated with food waste, we attempt to not certify items that are widely recyclable, to avoid confusion and to support the zero waste hierarchy. While more research is needed, an initial study

conducted at full scale composting facilities show that compostable packaging may have value in itself, when compared to traditional carbon sources like yard trimmings. b. BPI supports composter efforts to produce clean, high-value compost products, and believe that compostable products are key to making that happen by replacing traditional packaging that is a contaminant to composting. We agree that compostable products are a vehicle for food scrap diversion, and in many cases businesses are realizing that switching to compostables is the only way they are able to collect front-of-house food waste without a huge amount of contamination. There are many examples of these types of recovery activities at restaurants, stadiums, universities etcetera across California, and in other states. 5. “Washington State has recently enacted HB 1569 which has established compostable products labeling requirements; any recommendations by CalRecycle should be an attempt to harmonize with those requirements. In my work as Chair of the US Composting Council's Legislative and Environmental Affairs Committee, we are working to establish national guidelines and avoid a piecemeal approach by states which will lead to confusion and make implementation difficult, if not impossible.” a. Response: Besides BPI’s attempt to

harmonize Washington State language on compostable labeling in California with AB 2287 (Eggman), and our project to develop voluntary industry guidelines on labeling, BPI’s members are actively engaged in the US Composting Council’s efforts to expand model bill language for compostable labeling. Conclusion Concerns around contamination, and the ability for composters to sell into Organic agriculture markets are real, and BPI has been actively engaged with efforts to work in collaboration with composting facilities. California businesses, and government agencies with organic waste collection programs are preparing to comply with SB 1383, and those that can include compostable products are already reducing single-use products sent to landfills in advance of SB 1335 and SB 54/1080. We agree with the CCC that CalRecycle should work on harmonization, but not just with other states on labeling. It is imperative that within California’s many policy efforts it is important to get consistency between packaging regulations, and organic waste regulations. There appears to be a significant disconnect between efforts to make single-use packaging in California reusable, recyclable, or compostable (SB 1383 regulatory activity and SB 54 / AB 1080 legislative efforts) does not include compostable packaging in its definition of organic waste that is to be collected. This means that each community will make individual decisions, and that standardized education about what is compostable across the state will be virtually impossible, resulting in inevitable contamination. Until this is resolved, it means that compostable packaging will not be a truly viable option in California. · Neil Edgar, Edgar & Associates, Inc. - published

We appreciate BPI's comments and their participation in navigating solutions to the compostable products that their members produce. However, there is an underlying assumption in their comments that compost manufacturers have a responsibility to receive and process these compostable products. Composters don't assume that responsibility, but are attempting to be active partners in providing solutions to these complex issues.

Colleen Foster (2), City of Oceanside

SB 1383 - Off agenda, but also relative to Agenda Item 5 - SB 1383 progress report. Question: Does the committee have access to all the comments and letters received from CalRecycle most recently regarding SB 1383. Has the Committee seen the numerous letters from multiple jurisidictions across the state asking for some kind of relief from SB 1383 rules relative to impacts and limitations further exacerbated by COVID and the current economic recession? How is the committee responding to the needs and requests of these jurisdictions? Also what is the status of the SB 1383 progress report. The legislature in statute required that report to be released July 1, 2020. That report is to help the state determine what is happening in regards to organics, and to help determine what barriers exist to organics diversion. That report at this point is crucial in clearly identifying whether the state and our local

jurisidcitons are are even ready to move forward with SB 1383. We (jurisdictions - across state, and throughout San Diego) ask for the release of the report, and we ask that Committee work with CalRecycle to provide ways in which jurisdictions can meet the goals of SB 1383 while also receiving some reprieve on the front end of implementation due to COVID?

·Colleen Foster (3), City of Oceanside

League of California Cities CRRA Major stakeholder cities from across the State. Jurisdictions are the most impacted by this rule, and should be actively involved.

Appendix 2: Comments Discussed in Agenda Item #5

Evan Edgar, Edgar & Associates, Inc.

The Recycling Commission could be more effective and efficient with the SB 1383 Progress Report in hand, and make the January 1, 2021 Commission Report deadline. SB 1383 does have a ‘market status’, and ‘incentives’ section for policy recommendations for not achieving ‘significant progress’ on market development goals of SB 1383. Significant progress has not been made as determined by analyzing the 2018 Waste Characterization Study. The organic product market development goals of SB 1383 is explicitly linked to your work at the Commission, and how local government is mandated to procure organic products under SB 1383 – compost, mulch, renewable energy, and renewable natural gas (RNG). Attached is the market potential for the state of California, and there is no reason why CalRecycle would want to wait until Jan. 1, 2022, to provide these metric options to each jurisdictions. Since I have prepared the CCC newsletter on ‘The SB 1383 Progress Report’ – I want to officially offer it to the Commission as an information source on developing policy recommendations to achieve market development goals for compost, mulch, renewable energy, and RNG,

focusing on the local government procurement, where CalRecycle should be releasing these procurement model tool for the Commission ASAP and not wait until the Fall, when the SB 1383 regulations may become adopted by OAL. My question – When will the SB 1383 Progress Report official public process start and when will the Report be final, and what is the process to officially circulate future information from stakeholders during this gap period.

Neil S Edgar, California Compost Coalition

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