



April 1, 2026

The Honorable Isaac Bryan, Chair
Assembly Committee on Natural Resources
1020 N Street, Room 164
Sacramento, CA 95814

RE: AB 1812 (Aguiar-Curry), as amended on March 23, 2026: Solid waste: compostable products; OPPOSE UNLESS AMENDED

Dear Chair Bryan,

This letter represents a diverse set of stakeholders including growers, manufacturers, composters brands, retailers, restaurants, and producers of sustainable packaging and foodservice products. We are united in our commitment to build out a system where food waste and packaging are a resource, namely through California's landmark packaging law **SB 54 (Allen, Statutes of 2022)** and the state's landmark organic waste diversion law **SB 1383 (Lara, Statutes of 2016)**. The lynchpin connecting these audacious but, otherwise separate, goals is innovative compostable packaging, a proven, science-backed solution that is needed alongside reuse/refill and recycling if California expects to make meaningful progress.

It is precisely because of that commitment to California's goals that we must respectfully **oppose AB 1812 (Aguiar-Curry) unless amended**. As currently written, AB 1812 would effectively ban certified compostable products by eliminating the attribute of "compostable," which is the specific packaging criteria that manufacturers, restaurants, and retailers are investing in today to redesign non-recyclable food packaging and products to comply with SB 54. Compostable products bridge the gap between SB 54 and California's methane reduction goals by facilitating diversion of food waste and recovery of organic waste, where clean material is needed to meet procurement requirements. A major course correction is needed.

We share the authors' commitment to eliminating plastic contamination from California's compost streams and to providing a higher quality soil amendment for California farmers to utilize. Persistent microplastics in compost are a genuine and serious problem and need to be dealt with as the state pursues organic waste diversion from all households and businesses. But AB 1812 misidentifies the cause: the contamination problem is driven by conventional plastics entering the organics stream, not by certified compostable products that are independently tested, meet rigorous international standards, and have demonstrated 98% disintegration within 45 days under real-world composting conditions.¹

AB 1812 Worsens an Already Flawed Law Set to Ban Certified Compostable Products

AB 1812 strikes scientific standards used for well over a decade in California to demonstrate products that are safe for compost, while doubling down on the problematic requirement that products only be claimed "compostable" if federal rules are changed to allowed them in compost marketed for use in the National Organic Program (NOP). This requirement was erroneously established in **AB 1201 (Ting, Statutes of 2021)** under the premise that California composters

and farmers wanted and would support such a change at the federal level. However, California's NOP requirement has since become seen as a mistake, applying unwanted pressure on a federal regulatory framework designed to govern farm inputs such as fertilizers and soil amendments on certified organic farms. NOP's definition of compost was written over 25 years ago, before significant advancements in compostable packaging were developed and before organized curbside collection of organic waste was common. The framework is not designed to evaluate the performance of compostable packaging materials for a state definition.

Yet AB 1201 tied the legality of sustainable packaging such as compostable products to a future change in federal standards, meaning that products meeting rigorous international compostability benchmarks such as ASTM D6400 are out of compliance under California law not because they fail to compost properly, but because they cannot satisfy a federal agricultural framework that was never built for them.

The practical effect of AB 1812 extending this requirement is a sweeping ban on an entire product category: compostable food scrap bags, take-out containers, soup and hot beverage cups, cold cups and lids, deli and sandwich wrap, cutlery, produce bags, flexible food packaging, and the full range of innovative food-related packaging needing redesign. Thousands of California restaurants, stadiums, and retailers are actively adopting compostable products as the most viable sustainable alternative to comply with the intersecting goals for food waste and food packaging in SB 54 and SB 1383. California has robust and diverse compost end markets possibilities, and the focus should be on establishing the infrastructure and connections between composters and end-markets based on performance metrics to ensure the value for compost made from post-consumer and residential food scraps is used effectively.

Critically, AB 1812 casts a wider net than the authors stated purpose, sweeping in certified compostable products across all material types, including those most widely accepted by composters today, such as fiber- and paper-based compostable products. This includes products such as bowls, cups, lids, plates, portion cups, take-out containers, and trays. AB 1812 even goes as far as to ban the single most effective consumer-facing tool to accomplish this, the compostable bag. Certified compostable bags serve as the liner in household food scrap bins, making it easy and hygienic for consumers to collect and set out organic material for composting pickup.

Even more broadly, any product that is printed using printing inks, which includes the vast majority of branded food packaging and products to-go bags and beverage cups, will be rendered non-compliant under AB 1812 due to the use of plastic and/or polymer ingredients. This would mean that the simple act of printing "compostable" violates AB 1812, directly undermining California's own labeling mandates. As written, AB 1812 would also ban nearly all certified compostable fiber products, as most include "plastics or polymers, added through lamination, extrusion, or mixing" to provide strength and resistance to moisture and grease. AB 1812 is turning compliance with one California law into a violation of another.

AB 1812 Moves California Backward on Methane Reduction Under SB 1383

SB 1383 requires California to reduce organic waste disposal by 75% by 2025 to cut landfill emissions of methane, a greenhouse gas more than 80 times more potent than CO₂ over a 20-year

period. Achieving that goal depends on a massive build-out of infrastructure to accommodate the volume of residential and commercial food scraps generated statewide. That infrastructure has not kept pace with the law's ambitions.

California composting and anaerobic digestion facilities are already operating under significant capacity constraints. SB 1383 went into effect before the required collection and processing capabilities needed to handle the resulting surge in organic material was in place, leaving jurisdictions to collect far more than the system can reliably absorb. Compostable food service packaging is a critical part of closing that gap, because it allows food scraps and the packaging they contact to move through the organics stream together, increasing the total volume of material available for processing at a time when capacity is already strained.

Banning compostable products does not relieve pressure on the system. It redirects food-contaminated packaging back to conventional plastic, using depackaging equipment to pull contaminated organic material out and back toward landfill, the precise outcome SB 1383 was designed to prevent. This problem will only grow more costly as the state works to close the infrastructure gap the law was enacted before the state was fully ready to fill.

California already has proof that compostable products will successfully aide with SB 1383's goals. At Petco Park in San Diego, home of the San Diego Padres, all food service ware is compostable, supported by clear labeling and education signage throughout the venue. Through a partnership with their local waste hauler, Petco Park has achieved an **84% diversion rate** for food waste with the help of innovative compostable products and packaging, a direct contribution to California's SB 1383 and SB 54 goals. The compost produced is sold back to the Padres for use at the ballpark, closing the loop entirely. This is exactly the kind of innovative, scalable model that compostable packaging makes possible. AB 1812 would make compostable products used there today illegal.

AB 1812 Undermines SB 54 and Strands Businesses Already Investing in Compliance

SB 54 requires that all single-use plastic and packaging sold in California be recyclable or compostable by 2032. Manufacturers, brands, retailers, and food service operators across California have already begun, and in many cases completed, significant redesigns of their packaging to comply. Certified compostable packaging and foodservice ware are the primary innovative and compliant pathway for products associated with food. Since many food-contact packaging formats cannot be reliably recycled, certified compostable products represent a genuine breakthrough in sustainable packaging design and the clearest solution the market has produced to the single-use plastic and related food waste problems.

AB 1812, combined with the unworkable NOP requirement in AB 1201, creates an impossible bind for every business in that transition:

- **Keep conventional plastic products and packaging** = violate SB 54 and face producer responsibility penalties by 2032.
- **Switch to certified compostable packaging** = violate AB 1812 unless the existing NOP requirement is fixed, scientifically established compostable product performance criteria are retained, and prescriptive labeling requirements are reinstated and enhanced.

For many businesses, this contradiction is immediate and costly. Consider the following real-world scenarios that AB 1812 would create:

- A fast casual restaurant that has converted its take-out containers, soup cups, sandwich wraps, cutlery to certified compostable materials to comply with SB 54 would find those exact products banned under AB 1812, with no compliant replacement available.
- A school cafeteria or hospital food service operation that has adopted compostable trays, cups, and utensils for its organics diversion program would need to scrap that program entirely.
- A grower or food manufacturer has painstakingly transitioned to compostable PLU stickers, flexible packaging, or high-performance frozen food packaging, etc. After conducting years of expensive trials, they must convert back to plastics that contaminate the compost, and back to the drawing board for SB 54.

The bottom line: AB 1812 cannot be fixed in isolation. **The flawed NOP requirement embedded in AB 1201 must be corrected** first, and any further expansion of that requirement through AB 1812 only compounds a foundational error. For both SB 54 compliance and the continued viability of SB 1383's goals, that correction is not optional. Without these fixes, AB 1812 does not just harm compostable product manufacturers, it strands every grower, restaurant, retailer, and food service operator that has already begun transitioning their packaging to comply with forward-looking California laws that have been in place since 2016

Instead, We Ask that AB 1812 Address the Following:

- ✓ **Strengthen labeling requirements** for all compostable products, ensuring consumers and haulers can clearly identify certified compostable materials and distinguish them from conventional plastics.
- ✓ **Address contamination through education and prohibition of greenwashing**, targeting the conventional plastics that are currently contaminating compost streams.
- ✓ **Fix end market issues through compost quality standards**, not the National Organic Program, which is the wrong regulatory mechanism for this purpose.

Conclusion: Amend AB 1812 to Protect California's Climate Commitments

California has set ambitious goals to reduce plastic pollution and cut methane emissions, and businesses have responded with innovation by investing heavily in certified, science-backed compostable materials that represent the most advanced and viable alternative to conventional single-use plastics available today. AB 1812, by extending a California specific requirement to a federal standard never designed to evaluate packaging, much less compost for end markets, would eliminate that innovative pathway entirely, stranding the businesses that followed California's lead and setting back the state's own climate and waste reduction targets.

The fix is not complicated. Remove the NOP requirement that AB 1201 got wrong. Reinstate the globally recognized, science-backed performance criteria such as ASTM D6400 that protect compost. Reinstate and strengthen labeling requirements for certified compostable products so that consumers and haulers can identify them with confidence, while prohibiting misleading

claims on lookalike conventional plastics that are the true source of contamination in organic waste streams.

Taken together, these three amendments would allow AB 1812 to accomplish its stated goals (cleaner compost streams, higher-quality soil amendments, and less plastic contamination) without banning the certified compostable products California needs to meet its own climate and packaging mandates.

The stakeholders signed below have embraced compostable packaging as an innovative and proven solution to single-use plastic waste, making real investments to build a more sustainable supply chain. We urge you to protect that investment and amend AB 1812 accordingly. We remain committed to working with the author toward solutions that reduce plastic contamination, advance organics diversion and packaging recovery, all of which are needed as we continue to collaborate on California's path beyond single-use plastics and food waste in landfills.

It is for these reasons, we must respectfully **oppose AB 1812, unless amended**, and urge your **NO** vote unless these concerns are addressed.

Sincerely,

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¹ <https://www.closedlooppartners.com/research/compostable-packaging-disintegration-at-composting-facilities/>