



April 10, 2026

The Honorable Catherine Blakespear, Chair
Senate Committee on Environmental Quality
1021 O Street, Suite 3230
Sacramento, CA 95814

**Re: SB 1031 (Blakespear), as amended on March 25, 2026; Solid waste:
compostable products; OPPOSE UNLESS AMENDED**

Dear Chair Blakespear,

The undersigned organizations represent a broad and committed coalition of growers, manufacturers, composters, brands, retailers, restaurants, and producers of certified compostable packaging and products who are committed to California’s landmark organic waste diversion law (SB 1383, Lara, 2016) and packaging recovery law (SB 54, Allen, 2022). The success of these two bold mandates depends critically on the continued availability of certified compostable products to bridge the two goals: allowing consumers to divert food waste from landfills and positioning California businesses to meet their 2032 obligations for food packaging and service ware.

As advocates for sound science and rigorous accountability, we appreciate your commitment to strengthen California’s circular economy. However, we are compelled to

respectfully **oppose SB 1031 (Blakespear) unless amended**. As currently drafted, the bill fails to solve the imminent ban on certified compostable products caused by AB 1201's reliance on an ill-fitting federal framework, while also introducing two new provisions that will surely accelerate market exit and create unjustified regulatory uncertainty.

SB 1031 Does Not Fix the Real Problem: The Imminent Ban on Certified Compostable Products

The most urgent need facing California's environment and organics diversion challenges is not simply resolving labeling standards, but establishing clear, consistent, and workable policies that ensure certified compostable products remain available and a valuable investment to producers, vendors, and consumers across the state. AB 1201 (Ting, 2021) tied California's compostable labeling standard directly to the federal National Organics Program (NOP). The NOP was not designed to regulate certified compostable products and was created over 20 years ago before the advancements in this industry occurred. Because the USDA has not extended NOP certification to compostables products, virtually all certified compostable products, bags, service ware, food-contact film, and more, could not lawfully be labeled "compostable" in California by June 30, 2027. This outcome was not the intent of AB 1201 or California's broader environmental framework, and California remains the only state in the nation to have established this awkward connection to a federal program.

SB 1031 does not remove or modify the NOP requirement. That omission is dispositive. No amount of refined labeling language, study mandates, or "except in California" labeling prohibitions can address a market that will effectively cease to exist once the NOP ban takes effect. The legislation before this Committee tinkers at the margins while the foundation collapses.

We urge the Committee to amend SB 1031 to eliminate the California statutory tie to the NOP and replace it with a performance-based compostability standard: one grounded in California's existing statute and established certifications such as those administered by the Biodegradable Products Institute (BPI), TUV Austria, or equivalent third-party bodies that evaluate actual compostability in industrial, commercial, and home composting systems. California's environmental goals demand a homegrown solution, not a default to a federal agricultural program never designed for this purpose.

The Prohibition on "Compostable, Except in California" Labeling Will Accelerate Market Withdrawal

SB 1031 would prohibit manufacturers from labeling certified compostable products with any language indicating that the product is "compostable, except in California." The intent of this provision, to prevent consumer confusion, is understandable, but in practice, the effects will be the opposite of what the Legislature intends.

Compostable products manufacturers' supply chains are tied to a complex economic system and ultimately the products are used uniformly at national and international scale.

Their products are produced at multiple facilities in and outside of California - and are distributed wherever demand exists. Labels and product molds cannot be changed overnight — the design, tooling, regulatory review, and production changeover process takes months to a full year, and frequently longer for complex product lines. Because the NOP requirement has not been removed from California law, responsible manufacturers have already begun labeling their products “compostable, except in California” to stay in legal compliance and give customers accurate information about where their products can be marketed. That labeling is not deceptive; it is transparent.

By prohibiting “except in California” language without also removing the underlying NOP obligation, SB 1031 presents manufacturers with an impossible choice: redesign product lines specifically for California at substantial cost and lead time or simply stop selling into the California market altogether. Given California’s regulatory complexity and the narrow margins on which many compostable manufacturers operate, most will choose the latter. This bill would not keep certified compostable products in the hands of California consumers, it would drive them out, creating an equally negative ripple effect for SB 1383 and SB 54 goals as manufacturers are forced to pivot to environmentally problematic conventional fossil plastic alternatives to meet the functional performance characteristics necessary to get food products safely to market thus decreasing the diversion of both packaging and associated organics.

This provision must be removed unless and until the NOP statutory connection is eliminated. The “except in California” label is a symptom of the underlying problem, not the problem itself.

The Proposed OEHHA Study is Premature, Duplicative, and Structured to Penalize Certain Products That Have Already Proven Their Safety

SB 1031 would direct the Office of Environmental Health Hazard Assessment (OEHHA) to conduct a study evaluating the health effects of degraded certified compostable plastics and their additives, with biennial status updates and public posting of findings. We do not oppose rigorous science, and we acknowledge OEHHA’s expertise and independence. We do, however, have serious structural concerns with this provision as written.

First, certified compostable products already undergo extensive third-party testing and independent review of test results. BPI certification, for example, requires demonstrated biodegradability, disintegration rates, ecotoxicity screening, and materials transparency under standards developed in alignment with ASTM D6400. These are not voluntary self-assessments; they are reviewed based on rigorous evaluations conducted by accredited laboratories, based on well-defined science that has been investigated for over three decades. Certified compostable products have been deployed in composting systems across California, the United States, and internationally, with substantial peer-reviewed literature confirming that they do not persist in finished compost, do not generate harmful residues, and actively support organic diversion goals.

Second, the study singles out certified compostable plastic products for scrutiny that is not applied to other materials in the foodservice and packaging space. The asymmetry is difficult to justify: products that have already earned third-party certification under rigorous, internationally recognized standards are subjected to a new state-mandated health review while comparable materials face no equivalent obligation. Furthermore, the study appears to distinguish between certified compostable products based on material type alone — a distinction without a scientific basis. Products that meet ASTM standards for compostability are all held to the same requirements for ecotoxicity screening and disintegration, and should be treated accordingly, regardless of what they are made of.

Third, and most pointedly: if the NOP prohibition takes effect as scheduled, there will be nothing left to study. Certified compostable products will have been effectively prohibited from California's market before OEHHA's can begin to fully conduct the study. Mandating a study of products that the Legislature is simultaneously banning is not precautionary policymaking, it is an irreconcilable contradiction and misuse of tax payer funds.

We ask that the OEHHA study provision be amended to: (1) conduct a comparative analysis that includes conventional single-use plastics and foodservice products alongside all types of certified compostable products; (2) direct OEHHA to consider and build upon existing certifications, international studies, and peer-reviewed literature before commissioning new research; and (3) clarify that the study shall not serve as a de facto moratorium on the sale or use of currently certified compostable products during the study period.

What We Endorse in SB 1031

We want to be clear: we endorse meaningful labeling improvements and enforcement for compostable products, such as those that have been implemented in other states. The prescriptive enhanced visual identification requirements for all compostable products in SB 1031 are constructive steps that can help composters, consumers, and collection programs quickly identify compliant products and reduce contamination. However, we have to note that the requirement for labels 1 inch in height for all compostable products is spatially prohibitive for most food service products and packaging; it is also inconsistent with existing requirements in other states with effective compostable labeling requirements. We ask the authors to please consider adopting the relevant labeling requirements that have been established in Washington State¹ and Colorado² for tinting and marking requirements, including accommodations for small products.

We further would request a prohibition on non-compostable products being allowed to use the same markings. According to the California Compost Coalition, over 90 percent of the contamination received at composting facilities consists of conventional plastics, not

¹<https://ecology.wa.gov/waste-toxics/reducing-recycling-waste/plastics/compost-labeling>

² <https://cdphe.colorado.gov/hm/standards-compostable-products>

certified compostable products. Measures that help composters distinguish certified compostable products from others that contaminate the stream are worth pursuing, and we welcome continued dialogue on those provisions.

We remain open to working with the author on any amendments that strengthen the composting infrastructure, reduce plastic contamination, and advance the organics diversion goals of SB 1383. These are shared goals.

The signatories to this letter have made real, sustained investments to build certified compostable product supply chains that serve California’s environmental ambitions and organic waste diversion goals. We urge this Committee to protect those investments, and to protect California’s climate and waste diversion goals, by amending SB 1031 to: (1) remove the NOP statutory tie and replace it with a performance-based compostability standard; (2) strike the prohibition on “except in California” labeling unless and until that underlying problem is resolved; and (3) restructure the OEHHA study to be comparative, additive to existing science, and non-prohibitory during its pendency.

For these reasons, we respectfully oppose SB 1031 unless amended and urge a NO vote absent from those changes. We remain committed to working with the author and this Committee toward a legislative outcome that delivers on California’s promise: less waste in landfills, less plastic in our environment, and more sustainable materials in the hands of consumers and businesses alike.

Sincerely,

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