



Maryland
Department of
the Environment

Standards for Biodegradable Plastic Products

Annotated Code of Maryland, Environment Article § 9-2101
to 9-2105

(HB 1349, Ch. 374)

February 8, 2018



Overview

- The law applies to:
 - Plastic Products
 - Plastic product means a product made of plastic, whether alone or in combination with another material, including paperboard.
 - Plastic product includes:
 - (i) A package or a packaging component;
 - (ii) A film plastic product;
 - (iii) A food or beverage product; and
 - (iv) Any other plastic product or part of a plastic product.
 - Film Plastic
 - Film plastic product means a bag, a sack, a wrap, or any other thin plastic sheet film product.



Overview

- In general. -- Except as provided in this law, on or after October 1, 2018, a person may not sell in the State a plastic product that is labeled as biodegradable, degradable, decomposable, or with any other term to imply that the product will break down, fragment, biodegrade, or decompose in a landfill or any other environment.



Overview - Plastic Product

- On or after October 1, 2018, a person may not sell in the State a **plastic** product that is labeled as compostable or home compostable unless the **plastic** product meets the following standards:
 - (1) For a **plastic** product labeled as compostable, the **plastic** product shall meet:
 - (i)
 - 1. The ASTM D6400 standard specification; or
 - 2. The ASTM D6868 standard specification; and
 - (ii) Any applicable labeling guidelines in the federal Guides for the Use of Environmental Marketing Claims.
 - (2) For a **plastic** product labeled as home compostable, the **plastic** product shall meet:
 - (i) The OK Compost Home certification standard adopted by Vincotte; and
 - (ii) Any applicable labeling guidelines in the federal Guides for the Use of Environmental Marketing Claims.



Overview - Film Plastic

- On or after October 1, 2018, a person may not sell in the State a film plastic product labeled as soil degradable ag mulch film or **biodegradable** mulch film unless the product:
 - (1)
 - (i) Meets the OK **Biodegradable** Soil certification standard adopted by Vincotte; or
 - (ii) At ambient temperatures and in soil, shows at least 90% biodegradation absolute or relative to microcrystalline cellulose in less than 2 years' time, tested according to the ISO 17556 standard test method or ASTM D5988 standard test method; and
 - (2) Fulfills the plant growth and regulated metals requirements under section 6.4 of the ASTM D6400 standard specification.



Requirements - Plastic Bags

- (a) On and after October 1, 2018, a person that distributes or sells a compostable **plastic** bag intended for sale or distribution by a retailer in the State shall ensure that the compostable **plastic** bag is:
 - (1) Labeled in a manner that is readily and easily identifiable from other **plastic** bags;
 - (2) Labeled in a manner that is consistent with the federal Guides for the Use of Environmental Marketing Claims;
 - (3) Labeled with a certification logo indicating the bag meets the ASTM D6400 standard specification; and
 - (4)
 - (i) A uniform color of green and labeled with the word "COMPOSTABLE" in at least a 1 inch font on one side of the bag;
 - (ii) Labeled in green writing with the word "COMPOSTABLE" in at least a 1 inch font on both sides of the bag; or
 - (iii) Labeled with the word "COMPOSTABLE" in at least a one-half inch font on both sides of the bag within a green color band that:
 - 1. Contrasts with the compostable bag's background color; and
 - 2. Is at least 1 inch in height.



Requirements - Plastic Bags

- (b) **Size limitations.** -- If a compostable plastic bag is smaller than 14 inches by 14 inches, the compostable bag may be labeled in a manner that is in proportion to the size of the bag.
- (c) **Labeling.** -- A compostable plastic bag sold or distributed in the State may not be labeled as recyclable.
- (d) **Conflict with federal law.** -- A provision of this section has effect only to the extent that the provision does not conflict with the federal Guides for the Use of Environmental Marketing Claims.



Requirements - Food/Beverage Products

- On and after October 1, 2018, a person that distributes or sells a compostable food or beverage product intended for sale or distribution by a retailer in the State shall ensure that the compostable food or beverage product is labeled:
 - (1) In a manner that is readily and easily identifiable from other food or beverage products;
 - (2) In a manner that is consistent with the federal Guides for the Use of Environmental Marketing Claims; and
 - (3)
 - (i) With a certification logo indicating the compostable food or beverage product meets the ASTM D6400 standard specification or ASTM D6868 standard specification; or
 - (ii) As compostable.
- (b) **Conflict with federal law.** -- Subsection (a) of this section has effect only to the extent that the provision does not conflict with the federal Guides for the Use of Environmental Marketing Claims.



Penalties

- Enforcement is the responsibility of the county, municipality, or other local government.
- A person that violates this subtitle is subject to:
 - (1) For a first violation, a civil penalty of \$500;
 - (2) For a second violation, a civil penalty of \$1,000; and
 - (3) For a third and subsequent violation, a civil penalty of \$2,000.
- Any penalties collected under this section shall be paid to the county, municipality, or other local government that brought the enforcement action.



Implementation

- Creating a “recent legislation” web page that provides an overview of recent legislation; and
 - Identifies those laws that require local action
- Contacting counties informing them of the law and their responsibilities.



Implementation

- Contacting trade organizations representing manufacturers affected by the law informing them of the new requirements.
- Maryland's law is similar to California's law, so manufacturers may already be prepared for the labeling requirements.



Contact Information

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