Standards for Biodegradable Plastic Products

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

(HB 1349, Ch. 374)

February 8, 2018
• 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.
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.
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.
(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.
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