
SENATE BILL 5852

State of Washington

67th Legislature

2022 Regular Session

By Senators Cleveland and Llias

1 AN ACT Relating to allowing the labeling of biodegradable
2 products that are supported by recognized national or international
3 test methods; amending RCW 70A.455.030 and 70A.455.040; and creating
4 a new section.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** (1) The legislature finds and declares
7 that it is the public policy of the state that:

8 (a) Environmental marketing claims for plastic products, whether
9 implicit or implied, should adhere to uniform and recognized test
10 methods for biodegradability. Plastic products marketed as being
11 biodegradable should be readily and easily identifiable by supported
12 third-party scientific test methods.

13 (b) Legitimate and responsible packaging and plastic product
14 manufacturers are using biodegradable additives in order to enhance
15 biodegradability in plastic products when introduced to landfill,
16 marine, or microbe-rich soil environments. The labeling of products
17 as biodegradable and their use should not be discouraged when they
18 biodegrade in a manner recognized by national and international
19 testing standards organizations in these environmental conditions.

20 (c) Biodegradable plastic additives are recognized by the federal
21 trade commission and the European Union. The test methods used to

1 verify biodegradability, as developed by the American society for
2 testing and materials and the international organization for
3 standardization, are internationally recognized.

4 (2) Therefore, it is the intent of the legislature to authorize
5 plastic products that are verified by certain third-party testing
6 methods to be labeled as biodegradable in the state of Washington.

7 **Sec. 2.** RCW 70A.455.030 and 2019 c 265 s 3 are each amended to
8 read as follows:

9 (1) Except as provided in this chapter, no manufacturer or
10 supplier may sell, offer for sale, or distribute for use in this
11 state a plastic product that is labeled with the term
12 (~~"biodegradable,"~~) "degradable," "decomposable," "oxo-degradable,"
13 or any similar form of those terms, or in any way imply that the
14 plastic product will break down, fragment, (~~biodegrade,~~) or
15 decompose in a landfill or other environment.

16 (2) (a) This section does not apply to biodegradable mulch film
17 that meets the required testing and has the appropriate third-party
18 certifications.

19 (b) This section does not apply to biodegradable products labeled
20 consistent with the requirements of RCW 70A.455.040(3).

21 **Sec. 3.** RCW 70A.455.040 and 2019 c 265 s 4 are each amended to
22 read as follows:

23 (1)(a) A product labeled as "compostable" that is sold, offered
24 for sale, or distributed for use in Washington by a supplier or
25 manufacturer must:

- 26 (i) Meet ASTM standard specification D6400;
27 (ii) Meet ASTM standard specification D6868; or
28 (iii) Be comprised of wood, which includes renewable wood, or
29 fiber-based substrate only;

30 (b) A product described in (a)(i) or (ii) of this subsection
31 must:

- 32 (i) Meet labeling requirements established under the United
33 States federal trade commission's guides; and
34 (ii) Feature labeling that:

35 (A) Meets industry standards for being distinguishable upon quick
36 inspection in both public sorting areas and in processing facilities;

1 (B) Uses a logo indicating the product has been certified by a
2 recognized third-party independent verification body as meeting the
3 ASTM standard specification; and

4 (C) Displays the word "compostable," where possible, indicating
5 the product has been tested by a recognized third-party independent
6 body and meets the ASTM standard specification.

7 (2) A compostable product described in subsection (1)(a)(i) or
8 (ii) of this section must be considered compliant with the
9 requirements of this section if it:

10 (a) Has green or brown labeling;

11 (b) Is labeled as compostable; and

12 (c) Uses distinctive color schemes, green or brown color
13 striping, or other adopted symbols, colors, marks, or design patterns
14 that help differentiate compostable items from noncompostable
15 materials.

16 (3) A product labeled as "biodegradable" that is sold, offered
17 for sale, or distributed for use in Washington by a supplier or
18 manufacturer must be labeled with the federal trade commission guides
19 and have third-party supported data using the following test methods,
20 as they existed as of January 1, 2022:

21 (a) ASTM test method D5511;

22 (b) ASTM test method D5526;

23 (c) ASTM test method D7475;

24 (d) ASTM test method D6691 for marine conditions;

25 (e) ASTM test method D5988;

26 (f) ISO test method 15985 for accelerated landfill conditions; or

27 (g) ISO test method 17556 for soil conditions.

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