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HOUSE FILE NO. 403

FIRST COMMITTEE ENGROSSMENT

January 29, 2009

Authored by Gardner; Knuth; Sailer; Murphy, E.; Greiling and others

The bill was read for the first time and referred to the Committee on Environment Policy and Oversight

February 12, 2009

Committee Recommendation and Adoption of Report:

To Pass as Amended and re-referred to the Committee on Commerce and Labor

Referred by Chair to Labor and Consumer Protection Division.

February 27, 2009

Returned to the Committee on Commerce and Labor as Amended.

1.1 A bill for an act
1.2 relating to environment; requiring plastic yard waste bags to be compostable;
1.3 establishing biodegradable and compostable standards for certain plastics;
1.4 providing civil penalties; amending Minnesota Statutes 2008, section 115A.931;
1.5 proposing coding for new law in Minnesota Statutes, chapter 325E.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2008, section 115A.931, is amended to read:

1.8 **115A.931 YARD WASTE PROHIBITION.**

1.9 (a) Except as authorized by the agency, in the metropolitan area after January 1,
1.10 1990, and outside the metropolitan area after January 1, 1992, a person may not place
1.11 yard waste:

1.12 (1) in mixed municipal solid waste;

1.13 (2) in a disposal facility; or

1.14 (3) in a resource recovery facility except for the purposes of reuse, composting, or
1.15 cocomposting.

1.16 (b) [Renumbered 115A.03, subd 38]

1.17 (c) On or after January 1, 2010, a person may not place yard waste or
1.18 source-separated compostable materials generated in a metropolitan county in a plastic
1.19 bag delivered to a transfer station or yard waste compost facility unless the bag is
1.20 certified by an independent and knowledgeable third party, such as the Biodegradable
1.21 Products Institute, as meeting all the specifications in ASTM Standard Specification
1.22 for Compostable Plastics (D6400) based on standardized test procedures conducted by
1.23 independent laboratories. For purposes of this paragraph, "metropolitan county" has the

2.1 meaning given in section 473.121, subdivision 4, and "ASTM" has the meaning given in
2.2 section 296A.01, subdivision 6.

2.3 (d) A person who immediately empties a plastic bag containing yard waste or
2.4 source-separated compostable materials delivered to a transfer station or yard waste
2.5 compost facility and removes the plastic bag from the transfer station or yard waste
2.6 compost facility is exempt from paragraph (c).

2.7 (e) A city of the first class with an organized collection system for collecting solid
2.8 waste is exempt from paragraph (c) until January 1, 2013.

2.9 **Sec. 2. [325E.046] STANDARDS FOR LABELING PLASTIC BAGS.**

2.10 Subdivision 1. **Biodegradable label.** A person may not offer for sale in this state a
2.11 plastic bag labeled "biodegradable," "degradable," or any form of those terms, or in any
2.12 way imply that the bag will chemically decompose into innocuous elements in a reasonably
2.13 short period of time in a landfill, composting, or other terrestrial environment unless an
2.14 internationally recognized, scientifically-based standard for biodegradability is developed,
2.15 and the bags are certified as meeting the standard by an independent and knowledgeable
2.16 third party, based on standardized test procedures conducted by independent laboratories.

2.17 Subd. 2. **Compostable label.** A person may not offer for sale in this state a
2.18 plastic bag labeled "compostable" unless, at the time of sale, the bag is certified by an
2.19 independent and knowledgeable third party, such as the Biodegradable Products Institute,
2.20 as meeting the ASTM Standard Specification for Compostable Plastics (D6400) based
2.21 on standardized test procedures conducted by independent laboratories. Each bag must
2.22 be labeled to reflect the certification. For purposes of this subdivision, "ASTM" has the
2.23 meaning given in section 296A.01, subdivision 6.

2.24 Subd. 3. **Enforcement; civil penalty; injunctive relief.** (a) A person who violates
2.25 subdivision 1 is subject to a civil penalty of \$100 for each violation up to a maximum of
2.26 \$5,000 and may be enjoined from such violations.

2.27 (b) The attorney general may bring an action in the name of the state in a court of
2.28 competent jurisdiction for recovery of civil penalties or for injunctive relief as provided in
2.29 this subdivision. The attorney general may accept an assurance of discontinuance of acts
2.30 in violation of subdivision 1 in the manner provided in section 8.31, subdivision 2b.

2.31 **Sec. 3. EFFECTIVE DATE.**

2.32 Sections 1 and 2 are effective January 1, 2010.