Purpose and Background
Wisconsin law [s. 287.08, Wis. Stats.] prohibits putting bagged yard waste in a solid waste treatment or storage facility “unless the bag is constructed of a material that decomposes within a reasonable time after exposure to weather elements and is labeled as being so constructed”. We are aware that a number of plastic bags are available commercially that are labeled as biodegradable or compostable. This guidance assists local governments in determining which bags may meet the requirements of this law.

One way of meeting this requirement is for local governments to require use of bags which meet the ASTM D6400 Standard Specification for Compostable Plastics or D6868 Standard Specification for Biodegradable Plastics Used as Coatings on Paper and Other Compostable Substrates, as appropriate. The first two sections of these specifications are available for free at www.astm.org by clicking the Standards Search link and entering D6400 or D6868 in the Enter Designation or Keyword box and clicking the Search button. The specifications are intended to establish the requirements for labeling of products as “compostable in municipal and industrial composting facilities”.

Recommendations
Local governments should also consider requiring the use of bags that have been certified by an independent organization as meeting ASTM D6400 or D6868, as appropriate. This is because: 1) meeting either specification involves demonstrating multiple characteristics and not all bags meet all of the required characteristics; and, 2) independent organization certifications better ensure that bags actually and completely meet a specification.

We recommend requiring use of bags that have been certified as meeting ASTM D6400 or D6868, as appropriate, by either of the following organizations:

a) The Biodegradable Products Institute (http://www.bpiworld.org) awards the use of the “Compostable Logo” to any products meeting ASTM D6400 or D6868, based on testing in approved independent laboratories. BPI has a list of approved compostable bags on its website.

b) DIN CERTCO operates a certification scheme for compostable products made of biodegradable materials and licenses the use of the corresponding Mark developed by the Interest Group for Biodegradable Materials (IBAW). With the new version of their certification scheme a certification can be conducted according to ASTM D6400. More information about DIN CERTCO is available at http://www.dincertco.de/en/index.html.

This document is intended solely as guidance and does not include any mandatory requirements except where requirements found in statute or administrative rule are referenced. This guidance does not establish or affect legal rights or obligations and is not finally determinative of any of the issues addressed. This guidance does not create any rights enforceable by any party in litigation with the State of Wisconsin or the Department of Natural Resources. Any regulatory decisions made by the Department of Natural Resources in any manner addressed by this guidance will be made by applying the governing statutes and administrative rules to the relevant facts. This publication is available in alternative format upon request. Please call (608) 266-2111 for more information.

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