

August 13, 2025

The Honorable Brooke Rollins, Secretary  
U.S. Department of Agriculture  
1400 Independence Avenue, S.W.  
Washington, D.C. 20250

Dear Secretary Rollins,

On behalf of the Flexible Packaging Association (FPA), I am writing to express the urgent need to address the August 2023 Petition for Rulemaking the Biodegradable Products Institute (BPI) submitted to request a deregulatory streamlining of the federal organic farming regulations.

FPA represents flexible packaging manufacturers and suppliers to the industry in the United States. Flexible packaging represents \$42.9 billion in annual sales and employs approximately 83,000 workers in the United States. Flexible packaging is produced from compostable or non-compostable paper, plastic, film, aluminum foil, or any combination of these materials, and includes bags, pouches, labels, liners, wraps, roll stock, and other flexible products.

In October 2021, California passed legislation in AB 1201 which stipulates that on January 1, 2026, a compostable plastic product meeting ASTM Standard D6400 may not continue to be sold in California as ‘compostable’ unless it is (or is solely comprised of) “an allowable agricultural organic input under the requirements of the USDA National Organic Program (NOP)”.<sup>1</sup> This means that properly labelled and certified compostables products and food packaging will become unlawful in California and commercial organic compost may disappear. This has the potential to cause significant disruption to U.S. producers and the supply chain growing and selling food.

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<sup>1</sup> See Section 42357(g)(1)(b). the deadline may be extended if California determines NOP action to designate a new allowed ‘allowable organic input for compost is imminent’ which is the goal of BPI’s petition.

While California may be the cause of the urgency behind this request, we respectfully note that changes to the NOP will have beneficial impacts for U.S. companies across the globe.

Compostable polymers are a rapidly growing material; with an average 6-8% CAGR, compostable packaging is growing at almost double the rate of the cumulative packaging sector.<sup>2</sup> Voluntary agreements such as the Ellen MacArthur Foundation Global Commitment are driving brands, packaging companies and U.S. states to focus on packaging that is only compostable, recyclable or reusable.<sup>3</sup> International law further cements this growth with regulations in Canada and Europe promoting alternatives to single use plastics through compostable packaging strategies. To remain globally competitive, U.S. companies exporting fresh food will be required to transition to compostable packaging formats. The USDA's Foreign Agricultural Service recognized this risk in 2024 and created a \$5 million Sustainable Packaging Innovation Lab, launched through the Assisting Specialty Crop Exports (ASCE) initiative to ensure U.S. companies would remain competitive.<sup>4</sup> As more pressure mounts to produce compostable packaging, restricting compostable polymers as a feedstock for organic compost will restrict growth and create burdensome and unnecessary costs on the emerging compost and compostable products sectors.

While other states have avoided linking definitions of compostable packaging to NOP compost, the sale of NOP compost at a national level requires composters to source separate organic material to isolate compostable packaging from other inputs. This is a costly and inefficient venture, as in many situations, compostable packaging is a highly effective vehicle to ensure collection and direction of wasted food towards composting. Source separation requirements further restrict the availability of valuable compost on the market.

FPA member's support efforts to clarify and provide guidance to composters to support the collection and identification of biodegradable products. We want to see these products recovered and returned to valuable use in soil, or otherwise, but without the support of NOP and changes to the definitions, we recognize the risk this well-intentioned law could have on a rapidly growing industry. Without clarity from the NOP and facing regulatory restrictions in California, many

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<sup>2</sup> Smithers (2024) [The Future of Biodegradable and Compostable Packaging](#) and Grandview Research (2023) [Compostable Packaging Market Summary](#)

<sup>3</sup> Ellen MacArthur Foundation (2023) [The Global Commitment: A Common Vision for A Circular Economy for Plastics](#)

<sup>4</sup> USDA Foreign Agricultural Services [Sustainable Packaging Innovation Lab](#)

domestic manufactures of these compostable products will slow down expansion or sales as the regulatory environment is too chaotic to provide assurance. We urge you to not to let this happen.

FPA believes the BPI petition, to amend the definition with some updated explanations, fully aligns with this administration's deregulatory goals and will support the growth of American businesses. For these reasons, we respectfully request the Agricultural Marketing Service (AMS) expand the acceptable materials for making organic compost by defining compostable materials as meeting the designated ASTM specifications, while retaining the pre-existing allowance for plant and animal material feedstocks – and to act quickly so that US farmers and food producers can continue to make use of compostable flexible packaging.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kyla Fisher', written in a cursive style.

Kyla Fisher  
Director, Regulatory Affairs and Sustainability  
Flexible Packaging Association

cc: Jeremy Witte, Deputy Under Secretary of Marketing & Regulatory Programs, USDA  
Jennifer Tucker, Deputy Administrator, USDA National Organic Program (NOP)