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Changing state regulations — including those regarding fertilizers — could affect compost products.

by Ron Alexander

COMPOST

From bill of law to bill of sale



Progress is being made on many fronts to move commercial compost into the arena of traditional lawn-and-garden and agricultural products. Much of the regulatory debate focuses on the nutritive value of compost products. Currently, most composts are not sold or labeled as fertilizers. However, marketing compost as a fertilizer has been the choice of some companies only because the regulatory framework hasn't allowed any other option, especially if they are trying to market in multiple states.

In 1997, issues surrounding the lack of pollutant (e.g., heavy metal) standards for fertilizer products became headline news when a *Seattle Times* article reported that a fertilizer was being sold within the agricultural community that contained high levels of contaminants. Public concern in the state of Washington culminated in the state's adopting conservative standards (similar to those in Canada) for pollutants in fertilizer products. The situation in Washington then grew into a national issue, forcing a national organization that represents state departments of agriculture, the Association of American Plant Food Control Officials, to address it.

New pollutant standards for fertilizer products, however, also would affect the distribution of many compost products, such as those labeled as fertilizers and those containing manure. The significance of new contaminants standards to compost products is that they could become a second or third tier of regulation for certain compost products. Also,

the U.S. Composting Council (Hauppauge, New York) believes that contaminant limits must be based on risk assessment science, rather than other more arbitrary measures.

To that end, USCC has been working with AAPFCO toward more uniform and appropriate fertilizer standards, while also addressing issues critical to the uniform labeling of compost products from state to state. (For a look at similar questions examined in a new study of international compost standards, see "Comparing Compost Standards" elsewhere in this issue.)

Revisiting fertilizer rules

Dating back to February 2000, a heavy metals working group within AAPFCO was established to begin work on a statement of uniform interpretation and policy (SUIP) that would address contaminants in fertilizers, using risk assessment-based science. Soon after, drafts of both The Fertilizer Institute's (Washington) risk assessment (completed through the Weinburg Group of Washington) and California's new pending fertilizer regulations were reviewed. Using these studies, which evaluated risk to "the most exposed individual," a set of risk-based contaminant standards was developed. These draft standards then were reviewed by experts involved in the risk assessment research, and a tentative SUIP was developed (which currently is

in a final review stage) and is set for adoption in August 2003.

The current version of the Uniform Fertilizer Bill does not contain any specific language or standards pertaining to contaminants in fertilizers except for a provision that allows departments of agriculture (DOA) to restrict the sale of "adulterated" products. Therefore, the SUIP will be used to assist state DOAs to further define adulteration (if a product doesn't meet the new contaminant standards, then the material is considered adulterated and its sale is halted). Higher contaminant levels are known to be found in specific phosphate and micro-nutrient fertilizer products (not compost). But, under the current Uniform Fertilizer Bill, "manipulated" manure-based products are considered to be fertilizers, and some composters have chosen simply to register their compost products as fertilizers (allowing them to make fertilizer claims). As such, these products would be governed by the new SUIP, even though science has shown that heavy metals found in organically based products are not as readily available (bioavailable) to the environment as are those in chemical fertilizers. For that reason, USCC has worked with AAPFCO to exempt compost (and other manure and biosolids-based products) from the standards within the SUIP. Instead, these products would be required to meet the 503 standards

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for heavy metals issued by the U.S. Environmental Protection Agency (Washington).

The Uniform Soil Amendment Bill

Another approach toward product standards in the U.S. is the Uniform Compost Bill. This document would assist in creating uniform regulations for the sale of compost from state to state. It also would help to distinguish compost as different from fertilizer and most other soil amendments within the regulatory framework. Finally, the Uniform Compost Bill would allow composters to make both soil amendment claims and to disclose nutrient content without falling under current fertilizer laws.

In 1999, USCC began working with a subcommittee within AAPFCO's Uniform Bills Committee to develop a draft Uniform Compost Bill. However, instead of continuing its efforts on developing a new bill, in February 2002, USCC and the Mulch and Soil Council (Manassas, Virginia) developed and presented a new joint proposal to the Uniform Bills Committee to rewrite the Uniform Soil Amendment Bill, an existing regulation adopted in some form or another in more than 30 states and deemed by many to need upgrading. The difficulty of regulating compost under the current Uniform Soil

Amendment Bill is simply that it was not developed with the concept that soil amendments might innately contain significant amounts of nutrients.

The new version of the Uniform Soil Amendment Bill specifically would allow composters to make soil amendment claims, without requiring them to complete onerous research to prove "known" benefits associat-

Compost market development can be affected by fertilizer and soil amendment regulations.

ed with compost products. The Bill would develop a mechanism to allow composters to inform end users that specific quantities of nutrients also are contained in the product. This should both improve the value of compost, and allow for its use in a more efficacious and environmentally sound manner. The upgraded Bill also would outline labeling and registration fees as well as other issues,

and hopefully improve interstate commerce of compost products (states currently have varying regulations regarding soil amendments). At the August 2002 AAPFCO meeting, a task force was developed to continue work on upgrading the Bill.

Digging out from under all the bills

Throughout these deliberations, USCC's goal, as well as that of many composters involved in this process, is to develop a regulatory framework that allows for the uniform sale and distribution of compost products throughout the country, for composts benefits to be touted, and for proper labeling that allows for the successful use of compost by homeowners and professionals alike. **RR**

The U.S. Composting Council also has underway several national composting marketing initiatives. The Seal of Testing Assurance program provides guidance for sampling, testing and labeling. *Test Methods for the Evaluation of Composting and Compost* is a manual specifying test methods. The Department of Transportation Compost Initiative is a report sponsored by the U.S. Environmental Protection Agency (Washington) that provides information on model state department of transportation compost specifications. For more information, visit USCC's Web site at www.compostingcouncil.org.



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