
MEMORANDUM

DATE: August 3, 2005
TO: USCC Board of Directors Executive Committee and Dr. Stuart Buckner, Executive Director
FROM: Ron Alexander, USCC Market Development Committee & Industry Liaison to AAPFCO
RE: Update from the AAPFCO Annual Meeting

Environmental Affairs Committee

The Environmental Affairs Committee's By-Products and Recycled Materials Subcommittee once again met to discuss several issues, with the list of verifiable compost claims being the most relative to the USCC. The Subcommittee Chair, David Howle (SC) reviewed the modifications made to the original list of claims, which was first presented by the USCC last summer. All seemed pleased with the modifications, and the reasoning behind the modifications was provided to me. At the meeting, the Chair sought additional input on the list, but none was given. He reiterated that the list was provided to the Uniform Bills Committee for inclusion in the Bulk Compost Rules.

Uniform Bills Committee

The Uniform Bills Committee met to continue its discussions on the Bulk Compost Rules, which was developed for inclusion into the Uniform State Fertilizer Bill's Rule and Regulations section. A review of the modifications suggested the By-Products and Recycled Materials Subcommittee ensued (addition of full list of compost claims), as did discussions relative to additional potential modifications needed to the text. Overall support for the Bulk Compost Rules was obvious, but additional modifications are likely while the Rule is in tentative status. This, by nature of the AAPFCO procedures, will likely keep the entire Rules from going 'official' for at least another year and a half. It may be possible to push the Rules to official status, with certain sections staying in tentative status, but that is the 'call' of the more influential Control Officials. The Rule text that was presented to the full membership of AAPFCO at the business session is attached below (p.3-4). This version was approved by the membership, therefore the Rule was placed in tentative status and will be published in the AAPFCO's Official Publication 59. The Committee also approved the inclusion of the extended list of compost claims into the next version of the document (attached below, p.5). Discussions also suggested potential modifications regarding the addition and improvement to certain definitions within the Rule (e.g., composting, feedstocks), as well as modifications to Section 3 for States that do not currently have a Soil Amendment Law. I will be forwarding suggested definitions to the Labeling / Terms Committee.

Of further interest to the USCC, the Uniform Bills Committee has created a new Soil Amendment Subcommittee. It will explore the possible modification of the Uniform Soil Amendment Bill in order to better regulate the increasing list of products being registered as soil amendments. A questionnaire was created at the meeting which will be distributed to State Control Officials. This will allow the

organization to update its records on what different states are doing to regulate soil amendments, as well as provide input relative to modifying the current Uniform Bill. This will also be helpful information to USCC members (and I may be able to present the initial findings at the Annual Conference). It appears that the Subcommittee will try to develop new Rules and Regulations under the Bill which would allow better regulation (and not interfere with current Law). Composts, peat and other organic matter based products, as well as wetting agents and humates are being regulated under this Bill. I will stay active in this subcommittee

Other Committees

It should be noted that I was approached by a member of the Lab Services Committee regarding the TMECC. He told me that they have copies of the document for review, but seem a little unsure as the USCC's end game with putting the manual in their hands. Someone within the USCC must be assigned to work with this group, and call Jim Balthrop (TX / 979-8454-1121) who is the Committee Chair. I'm not sure if I have the time or skill base to deal with it.

PLACED INTO ‘TENTATIVE’ STATUS

RULES AND REGULATIONS – BULK COMPOST

These Rules and Regulations for Bulk Compost are approved by the AAPFCO under the Uniform State Fertilizer Bill and in conjunction with the Rules and Regulations for Fertilizer. States proposing to adopt these Rules and Regulations for Bulk Compost under their own state fertilizer law are encouraged to adopt AAPFCO’s Rules and Regulations for Fertilizer, which also apply to compost, unless otherwise noted within these regulations.

Under the Uniform State Fertilizer Bill by the _____ of the State of _____ pursuant to due publication and notice of opportunity for a public hearing, the _____ has adopted the following regulations.

1. Definitions of Words and Terms

When used in these Rules and Regulations:

- a. “Annual Production” means the quantity of compost produced by a composting facility.
- b. “Batch” means a specified volume or quantity of compost. A batch may represent:
 - (1.) The volumetric capacity of a windrow or stockpile; or
 - (2.) A testing frequency of no less than:
 - (A) Once per quarter for a facility with an annual production of 1 – 6,250 tons of compost; or
 - (B) Once per two (2) months for a facility with an annual production of 6,251 – 17,500 tons of compost; or
 - (C) Once per month for a facility with an annual production of 17,501 tons of compost and above.
- c. “Bulk” means in non-packaged form.
- d. “Compost” means a biologically stable material derived from the composting process.
- e. “Composting” means the biological decomposition of organic matter. It is accomplished by mixing and piling in such a way to promote aerobic and/or anaerobic decay. The process inhibits pathogens, viable weed seeds, and odors.
- f. The term “Quantity Statement” means net weight or net volume.
- g. “Lot” means an identifiable quantity of compost that can be sampled officially up to and including a freight car load or 50 tons maximum, or that amount contained in a single vehicle, or that amount delivered under a single invoice.

2. Net Weight

The label of a bulk compost must include a statement of the net weight; however, if the quantity statement is provided on a volume basis:

- a. A weight conversion shall be provided elsewhere on the product label (e.g., 2 cubic yards = 1 ton); or
- b. A weigh scale ticket shall accompany delivery and be supplied to the purchaser at time of delivery.

3. Product Claims

Compost shall be exempt from (cite State's Soil Amendment Law), "the State Soil Amendment Law" provided that the compost is registered as a fertilizer and also provided that the label and labeling may bear a statement that the product is intended solely to be used for one or more of the following purposes:

- (a) Improves the soil structure;
- (b) Improves water holding capacity;
- (c) Modifies the bulk density of the soil;
- (d) Supplies organic matter;
- (e) Improves cation exchange capacity (CEC) of soils and growing media;
- (f) Improves drainage.

4. Expression of Guarantees

- (a) Guarantees shall be stated on a wet basis ("as is"). However, for compost stored in environmental conditions that may result in a variable moisture content in the compost, guarantees may be determined and guaranteed at a specific moisture level, provided that the moisture value shall be stated on the label. Provided that the _____ determines the moisture level to be in excess of the stated value, the nutrient guarantees shall be adjusted accordingly.
- (b) Each batch of bulk compost may be tested for nutrient content, and such test results may constitute a guarantee:
 - (1.) Except that Total Phosphate (P_2O_5) may be guaranteed in addition to Available Phosphate (P_2O_5) and Total Potash (K_2O) may be guaranteed in addition to Soluble Potash (K_2O);
 - (2.) And such test results shall accompany each batch of bulk compost.
- (c) Guarantees for Total Nitrogen (N), Available Phosphate (P_2O_5), Total Phosphate (P_2O_5), Soluble Potash (K_2O) and Total Potash (K_2O) may be guaranteed in fractional units of less than one percent, regardless if whether the compost is sold as a specialty or agricultural fertilizer.

5. Feedstock Ingredient Statement

The label must contain a list of feedstocks from which the compost was derived.

6. Sources of Nutrients

When shown on the label, the sources of nutrients shall be listed below the completed guaranteed analysis statement. The statement shall include any additional sources of nutrients that have been added to the compost.

SUGGESTED MODIFICATIONS

3. Product Claims

Compost shall be exempt from (cite State's Soil Amendment Law), "the State Soil Amendment Law" provided that the compost is registered as a fertilizer and also provided that the label and labeling may bear a statement that the product is intended solely to be used for one or more of the following purposes:

1. Improves soil structure and porosity – creating a better plant root environment
2. Increases moisture infiltration and permeability, and reduces bulk density of heavy soils – improving moisture infiltration rates and reducing erosion and runoff
3. Improves the moisture holding capacity of light soils – reducing water loss and nutrient leaching, and improving moisture retention
4. Improves the cation exchange capacity (CEC) of soils
5. Supplies organic matter
6. Aids the proliferation of soil microbes
7. Supplies beneficial microorganisms to soils and growing media
8. Encourages vigorous root growth
9. Allows plants to more effectively utilize nutrients, while reducing nutrient loss by leaching
10. Enables soils to retain nutrients longer
11. Contains humus – assisting in soil aggregation and making nutrients more available for plant uptake
12. Buffers soil pH