

---

---

## MEMORANDUM

---

---

**DATE:** August 07, 2009

**TO:** USCC Market Development Committee, USCC Executive Committee, and Dr. Stuart Buckner, Executive Director

**FROM:** Ron Alexander (RAA), USCC Market Development Committee & Industry Liaison to AAPFCO

**RE:** Update from the AAPFCO Annual Meeting

---

The recent AAPFCO meeting in Washington, D.C. was well attended by Fertilizer Control Officials despite poor State travel budgets. It appears that the improved attendance was related to the fact that many of the Fertilizer Control Officials were also attending the 100<sup>th</sup> Annual Feed Control Officials meeting at the same location.

### *Uniform Bills Committee*

The Uniform Bills Committee met to discuss a variety of subjects, with two being relevant to the composting industry. The first was a reminder that the General Membership would be voting at the Business Session to approve the revisions to the Uniform Soil Amendment Bill (attached). The revisions to the Bill will better delineate soil amendments into specific categories. This was deemed necessary because of new products, such as humates and microbes, being registered as soil amendments. Overall, the revisions are good for the composting industry, although they will likely limit microbial claims made on composts marketed in States possessing a State Soil Amendment Bill. *At the August 5<sup>th</sup> Business Session, the General Membership approved placing the revised Uniform Soil Amendment Bill language into tentative status.*

The second issue pertained to a draft *Statement of Uniform Interpretation and Policy* (SUIP) for Organic Fertilizers proposed by the Espoma Company. The proposed SUIP would allow organic (organic matter based) fertilizers to also make soil amending claims (like the list developed for compost). It would also disallow States from charging the organic fertilizer manufacturers dual registration fees, even if they make soil amendment claims. The USCC spoke on the issue, supporting singular registration fees for products making dual claims, but also stating that most products applied at fertilizer application rates would not be applied at efficacious rates for soil amending claims to be substantiated. Espoma suggested that the fertilizer manufacturers would still need to prove that their products are efficacious as soil amendments, if they are to make those claims. The SUIP was sent to a task force to work on.

### *Soil Amendment Subcommittee*

*(of the Uniform Bill's Committee)*

Having completed its purview during the February, 2009 meeting, the subcommittee was disbanded.

### **Labeling and Terms Committee**

Once again, the USCC was on the committee agenda and presented a draft definition for ‘anaerobic digestate products’. Various comments were provided and following the discussions, a ‘working group’ (led by the USCC) was formed to propose an updated version of the definition.

The definition for ‘compost extract’ (tea), having been approved at a previous Labeling and Terms Committee meeting, was voted on at the Business Session and was approved to placed into ‘tentative’ status. ‘*Compost Extract is the water extract of compost and may contain suspended material*’.

The USCC has supported the compost extract and digestate definitions in order to support current and future USCC members, and the organics recycling industry at large.

### **By-Products & Recycled Products Subcommittee**

*(of the Environmental Affairs Committee)*

The By-Products & Recycled Products Subcommittee met to discuss a variety of subjects, with two being relevant to the composting industry. First, in response to concerns by Control Officials about biological contaminants in compost, the USCC arranged for Dr. Patricia Millner from the US EPA to make a presentation on the subject. She discussed the transmissible spongiform encephalopathies (TSEs) related diseases in various animals (e.g., cows – BSE, sheep – scrapie, deer – chronic wasting disease) and their relationship to compost/composting and other animal based fertilizer products (e.g. bone meal, blood meal). She also answered questions related to Fecal coliform, Salmonella and E. Coli. One of the questions being asked by some Control Officials is, ‘should all of the organic matter based products (e.g., manure, compost, biosolids) be required to test for specific pathogens to prove that they are safe?’ and if so, ‘which ones?’. This issue will likely need to be addressed in the near future.

The USCC supported discussions related to the Subcommittees review and approval of a uniform list of vermicompost benefits (claims). This list of claims was presented at a previous meeting by Terracycle, Inc. and is similar to the uniform list of compost claims. Following discussions, the list was approved and sent to the Uniform Bills Committee to consider its publication. Again, the USCC has supported the development of the vermicompost benefits list in order to support current and future USCC members, and the organics recycling industry at large.

## **Revisions to AAPFCO Uniform Soil Amendment Bill And New Rules & Regulations**

### Section 3. Definitions of Terms used in this Act

- (a) “Soil Amendment” means any substance or a mixture of substances which is intended to improve the physical, chemical, biochemical, biological or other characteristics of the soil except fertilizers, agricultural liming materials, unmanipulated animal manures, unmanipulated vegetable manures, pesticides and other materials exempted by regulation.
- (b) “Soil Amending Ingredient Form” means the chemical compound such as salt, chelate, oxide, acid, etc., of an ingredient, or the physical form of an ingredient.
- (c) “Soil Amending Ingredient” means a substance which will improve the physical, chemical, biochemical, biological or other characteristics of the soil.

### Section 4. Labeling

- (a) Soil Amendment Labels – Except for materials exempted by regulation, the following information shall appear...

## **RULES AND REGULATIONS – SOIL AMENDMENTS**

### **1. Definitions**

- (a) “Compost” means a biologically stable material derived from the composting process.
- (b) “Ingredient Statement” means a collective and contiguous listing of the ingredients of which the soil amendment is composed. Such ingredients shall be listed in descending order by their predominance by volume or weight as appropriate in non-quantitative terms.
- (c) “Landscape soil” or “garden soil” means any substance or mixture of substances promoted as or intended to function as a growing medium for plants or crops not in containers.
- (d) “Microbe(s)” means any microbiological organism or mixture of microbiological organisms intended to produce any physical, chemical, biochemical, biological, or other change in the soil.
- (e) “Mulch” means any organic or inorganic soil surface cover used to help retain moisture longer in the soil by retarding evaporation, to discourage weed growth, to help maintain a constant temperature by insulating the soil, to discourage runoff and soil erosion by shielding the soil surface from water abrasion, to promote water absorption and retention or some other similar purpose.
- (f) “Peat” means partly decayed vegetable matter of natural occurrence and shall be described in accordance with ASTM standards as to whether it is sphagnum, hypnum, reed-sedge, humus, or other peat.
- (g) “Perlite” means a lightweight granular material made of a volcanic mineral expanded by heat treatment for use in growing media.

- (h) “Planting mix” means a material suitable for holding and growing plants and is usually made from natural materials.
- (i) “Potting soil” means a material suitable for holding and growing potted plants and is usually made from natural materials.
- (j) “Vermiculite” means a lightweight mica product expanded by heat treatment for use in growing media.

**2. Exemptions**

- (a) The following single ingredient soil amendments when clearly and conspicuously identified as such on the label are exempt from the guaranteed analysis as required in Section 4(a)(3) of the Act:

Peat
Perlite
Vermiculite
Gypsum
Vermicompost

- (b) In lieu of a guaranteed analysis as required in Section 4(a)(3) of the Act, the label of the following soil amendments when clearly and conspicuously identified as such on the label shall include an ingredient statement:

Compost
Garden Soil
Landscaping Soil
Mulch
Planting Mix
Potting Mix

- (c) In addition to those soil amendments listed in Rule 2(a) and (b), other products may be exempted from Section 4(a)(3) of the Act with permission from the \_\_\_\_\_.

- (D) IN LIEU OF A GUARANTEE EXPRESSED AS A PERCENTAGE AS REQUIRED IN SECTION 4(A)(3) OF THE ACT, A PRODUCT THAT CLAIMS THE PRESENCE OF A MICROBE(S) SHALL GUARANTEE THE MICROBE(S) AS FOLLOWS:

- (1.) MINIMUM NUMBER OF EACH CLAIMED VIABLE ORGANISM AT THE GENUS AND SPECIES LEVEL IN COLONY FORMING UNITS (CFU), SPORES OR PROPAGULES PER GRAM OR MILLILITER (CM<sup>3</sup>); AND
- (2.) EXPIRATION DATE; AND
- (3.) STORAGE & HANDLING INSTRUCTIONS

**3. Directions for Application**

Minimum directions for application shall include:

- (a.) Recommended application rate or rates in units of weight or volume per unit of area coverage; and
- (b.) Application timing and minimum intervals; and
- (c.) The statement “Apply Only as Directed” or a statement of similar designation.

#### **4. PRODUCT CLAIMS**

Compost shall be exempt from providing proof of claims or proof of usefulness as required in Section 4(c) of the Act if the label and labeling bear a statement that the product is intended solely to be used for one or more of the following purposes:

- (a) Improves soil structure and porosity – creating a better plant root environment;
- (b) Increases moisture infiltration and permeability, and reduces bulk density of heavy soils – improving moisture infiltration rates and reducing erosion and runoff;
- (c) Improves the moisture holding capacity of light soils – reducing water loss and nutrient leaching, and improving moisture retention;
- (d) Improves the cation exchange capacity (CEC) of soils;
- (e) Supplies organic matter;
- (f) Aids the proliferation of soil microorganisms;
- (g) Allows plants to more effectively utilize nutrients, while reducing nutrient loss by leaching;
- (h) Enables soils to retain nutrients longer;
- (i) Contains humus – assisting in soil aggregation and making nutrients more available for plant uptake;
- (j) Buffers soil pH.

*[SA Bill & Rules for 2009 Reno 02/22/09]*