
MEMORANDUM

DATE: February 21, 2003
TO: USCC Board of Directors
FROM: Ron Alexander, USCC Market Development Committee & Industry Liaison to AAPFCO
RE: Update from the AAPFCO Mid Year meeting

Uniform Bills Committee

On Monday, February 17, AAPFCO's Uniform Bills Committee met to continue its discussion of the uniform regulation of compost products. Approximately one month ago, the Committee's Chair (Teresa Crenshaw) suggested that the efforts to modify the Uniform Soil Amendment Bill are unlikely to succeed because several 'state control officials' stated their lack of willingness to support a re-write of the Uniform Soil Amendment Bill which included an allowance for compost to make even minimal nutrient claims. It was suggested instead that we work to incorporate compost into the Uniform Fertilizer Bill. She suggested that we work with AAPFCO to address issues that may be problematic to the regulation of compost in the current Uniform Fertilizer Bill. A list of issues were developed prior to the meeting and were presented to the Uniform Bills Committee (see below). All of the issues outlined in the 'comments' section of the attached issues paper were discussed. Most of the issues appear to be workable, however, two significant issues do exist which will take additional evaluation and discussion. The first is that the Uniform Fertilizer Bill requires the sale of product 'by weight' (*yet it does not restrict both volume and weight from being used, or the use of a conversion factor*). Second, the issue of moisture content and other potential variations in compost may render AAPFCO's investigation allowances (nutrient variance allowed on fertilizer products) ineffective and inappropriate for compost. AAPFCO suggested that we may want to modify the current table of factors, or evaluate if the table used for allowable variation in the regulation of 'feed' products may be more appropriate. We have hypothesized that a USCC sponsored table that could take into account feedstock, sampling and moisture deviation may allow enough leeway for the effective regulation of compost as a fertilizer. The biggest issue being variations in guaranteed nutrient claims. We would suggest completing a brief study to determine the typical moisture and nutrient variation in a compost windrow. Soil Control Labs has offered to assist the USCC with this study, for the cost of analysis. We believe that we could get compost samples from a variety of STA Program participants to complete this analysis. Further, Wayne Thompson believes that data collected during the 2000 STA Program may also be usable. We will consider these options and make a proposal to the USCC Board.

Laboratory Services Committee

As per the suggestion of the Uniform Bills Committee, the USCC presented information regarding the development and efficacy of the TMECC. A *Powerpoint* was provided by Wayne Thompson and was presented by me. Matt Cotton also attended the meeting, representing the USCC, and Frank Shields and

Ken Galloway, from Soil Control Labs, also attended in order to answer technical questions regarding the TMECC. Specific technical questions were posed by the Committee members, with the most pertinent being related to the validation methods used in the development of the TMECC test methods and the differences between TMECC and AOAC test methods. AAPFCO has been suggesting the use of AOAC test methods for many years, but also allows states to use other verified test methods. It was suggested that TMECC test methods could be adopted by state departments of agriculture, if they were found to be superior to existing methods, or less expensive to run. The USCC was asked to provide additional information related to the validation methods used by the USCC in the development of the TMECC, as well as the specific differences between the TMECC and AOAC test methods. They also want to know what makes TMECC test method superior to AOAC test methods in the testing of organically-based feedstocks (compost). Additional data will be requested from the TMECC editor for presentation at the August AAPFCO meeting.

Environmental Affairs Committee

On Tuesday, February 18, the Environmental Affairs Committee's By-Products and Recycled Materials Subcommittee met to discuss several issues, with SUIP #25 (Heavy Metals in Fertilizers) and composts placement within AAPFCO committees being the most relative to the USCC. During discussions of SUIP #25, several 'editorial' changes were suggested, with several being approved. Since these modifications were considered to be only editorial in nature, a vote was taken by the Subcommittee to move the SUIP from 'tentative' to 'official' status. The motion was carried unanimously and on Wednesday, the AAPFCO Board approved moving the SUIP to 'official' status. Based on AAPFCO by-laws, the SUIP will now be voted on by the full organizations membership at the August 2003 meeting. If approved by the Board in August (as expected), the SUIP will be deemed as official and suggested for adoption by member states. It is important to understand that some states (including Florida) have already integrated the SUIP #25 heavy metal requirements into their state fertilizer regulations.

At the Subcommittee meeting, a Uniform Bills Committee representative posed the question as to whether compost related issues should be more appropriately discussed within the By-Products and Recycled Materials Subcommittee. The subcommittee felt that the regulatory aspects of dealing with compost should remain in the Uniform Bills Committee. However, the Subcommittee may request that the USCC present information regarding potential contaminant issues related to compost production and use. We stated that, if requested, the USCC would be happy to develop an information package for the subcommittee's review and make any necessary presentations. Potential contaminants such as dioxins, pathogens and chloryralid were discussed.

COMPOST'S POSITIONING WITHIN AAPFCO REGULATIONS

Prepared by the US Composting Council

CURRENT OPTIONS

Attempt:

- Minor modifications to the Uniform Soil Amendment Bill
- Total re-write of the Uniform Soil Amendment Bill
- Modify Uniform Fertilizer Bill (regulations)

The Uniform Bills Committee has asked the USCC to review the current Uniform Fertilizer Bill, and outline the issues that would need to be addressed to allow compost to be regulated within this Bill.

Comments on the Uniform Fertilizer Bill

- Requires sale (and indication on label) of product by weight – compost is typically sold using volume based units, especially in bulk
 - Change this aspect of the Bill/Regulations, or allow for standard conversions from volume to weight
- Must allow for standard soil amending claims to be made
 - Improves the soil structure; improves water holding capacity; modifies the bulk density of the soil; supplies organic matter, improves cation exchange capacity (CEC) of soils and growing media; improves drainage.
- Require/allow TMECC test methods for sampling and analyzing (not AOAC)
- Guaranteed analysis – how can we guarantee an analysis knowing that feedstocks may vary, and with a moisture content that will vary (and may change while in storage)
 - Guarantee lowest analysis (minimum), range/average, reporting dry/wet (both) weight?
 - Allow for wider investigational allowances if nutrient level is deficient? (H₂O variances)
 - Allow for lower guarantees for other macro (non-N-P-K) and micronutrients
- Reduce inspection (tonnage) fees – compost has a lower per ton value compared to dry fertilizer
- Adulteration language must be ‘softened’ to deal with compost containing ‘unwanted crop seed or weed seed’ – compost is often stored outdoors
- Refer to compost as a specialty fertilizer so fractional nutrient claims can be made
- Define the term ‘lot’ as it refers to compost

MORE INFORMATION NEEDED

- Are there other requirements (tests to be completed) by the DOA inspector to evaluate if the product being sampled/analyzed is actually a ‘proper’ compost product (aside from the typical testing for deficient nutrient content)
- Biological claims