

# BASICS OF COMPOST REGISTRATION AND LABELING

---

*If compost is sold in states with a fertilizer or soil amendment law, and related claims are made, then technically the product is supposed to be registered.*

Ron Alexander

---

**F**OR the past 30 years, the composting industry has grown as suppliers of horticultural and agricultural products. During this same timeframe, however, many within the industry have actively avoided the legal and required registration of their product(s) within the states where they market. In certain cases, composters simply may not be aware of the requirements. It could be argued that by embracing these regulations, more detailed product claims could be made, thus helping to differentiate products and increase their innate value. Further, proper registration can be used in marketing to add credibility to the products and company.

The Association of American Plant Food Control Officials (AAPFCO) is a national organization of State Department of Agriculture officials who regu-

late the sale of fertilizers, soil amendments, liming agents, etc. The organization works to promote uniform regulation from state to state, and creates related “model” regulations and legislation. The Uniform State Fertilizer Bill and the Uniform Soil Amendment Bill are two of AAPFCO’s model regulations that are applicable to compost products.

Forty-eight states have fertilizer laws (Arizona and Hawaii do not) and 38 states have state soil amendment laws. Therefore, compost producers typically have the option of registering compost as a soil amendment or a fertilizer. All that is necessary to be deemed a fertilizer is to make a nutrient claim (or written guarantee). If soil-amending claims are made (e.g., product helps the soil hold water), then the product is deemed a soil amendment (or soil conditioner). Some states may even require dual registration. The choice in registration will be dependent upon the product claims made.

This article reviews some of the basics of compost registration and labeling. Of course, exceptions do exist, so always refer back to regulations in a particular state.

## REGISTRATION AND LABELING

If compost is sold in states with a fertilizer or soil amendment law, and related claims are made, then technically the product is supposed to be registered. A few states exempt compost from registration, but they are few and far between. Some states also allow a product to go unregistered, if no soil amending or fertilizer claims are made on its label or in other sales tools. Composted manure is typically considered to be a fertilizer (unmanipulated manures are unregulated). Products that are given away (distributed but not sold) are not exempt from registration.

Fees associated with registering both soil amendments and fertilizers vary from state to state. There may be a registration fee per product or company and/or a tonnage fee (known as an inspection fee). Often you pay both a registration fee (ranging from \$0 to

\$250/product and a tonnage fee (ranging from \$0 to \$0.90/ton).

The Uniform State Fertilizer Bill defines the term label as “the display of all written, printed or graphic matter, upon the immediate container, or a statement accompanying a fertilizer.” The Uniform Soil Amendment Bill defines the term label as “the display of all written, printed or graphic matter upon the immediate container or statement accompanying a soil amendment.” Today, State Control Officials consider a label to be any information written (e.g., websites) or spoken about the product. Data to be provided on a label includes: the net weight or volume, product name, producers contact information, directions for usage and a derivative statement (what’s in it). If the product is registered as a fertilizer, then a guaranteed nutrient analysis is also required. For more detailed information on labeling requirements, review the state’s legislation/regulation or refer to previous *BioCycle* articles by the author (“Registration Options For Compost Products,” September 2007; “What Goes On In The Market For Compost?,” June 2006; “Making Claims With Your Compost Product - Legally!”, May 2005).

Various compost claims can be made on the product labels (see sidebar). They will be based on the states in which the compost is marketed and whether the product is registered as a soil amendment or fertilizer. Lab analysis sheets containing nutrient data are considered to be labels, and therefore, the nutrient data contained on them are typically considered to be a “nutrient guarantees.” Any reference to the term nutrients or fertilizer is not allowed unless the compost is registered as a fertilizer. Further, any written references to nutrient content could be deemed a claim or guarantee (which then would require registration as a fertilizer).

## NEW(ER) REGISTRATION/LABELING ISSUES

Although changes to fertilizer and soil amendment regulations have a long gestation period, they are indeed

being modified to the benefit — and sometime detriment — of the composting industry. The following discusses some more recent developments.

*Modification to the Uniform Fertilizer Bill Regulations:* Standardized “Rules/Regulations” language has been developed under the Uniform Fertilizer Bill which allows for compost to make both nutrient and soil amending claims, when registering it as a fertilizer, and reduces the risk to marketers of bulk compost when making nutrient claims. It allows for the following:

- Sale (and indication on label) of product by volume, and not weight, even if the compost product is registered as a fertilizer.
- Standard soil amending claims to be made, even if the compost product is registered as a fertilizer.
- Nutrient content guarantees to be made at a specific moisture content, so the possibility of failing to meet the minimum nutrient claim because of precipitation, is minimized.
- Fractional nutrient units to be claimed (e.g., 0.5-0.5-0.5) even if the compost is not sold as a specialty fertilizer.

*Bulk Compost Rules:* The “Rules and Regulations - Bulk Compost” essentially incorporates all the suggestions made above into the Uniform State Fertilizer Bill regulations. The complete text of the new Bulk Compost regulations can be found via a “web exclusive” link on *BioCycle’s* home page ([www.biocycle.net](http://www.biocycle.net)). This new regulatory language allows composters to more easily make nutrient claims for their bulk compost, while still making a series of soil amending claims. One of the key benefits, however, is the language will allow for more accurate nutrient disclosure to be made, which is important for the environment, plant efficacy and regulatory adherence (forthcoming nutrient management laws). The language also provides for exciting options as far as product labeling language, as composters will be allowed to illustrate many more (and more accurate) product benefits. To be used, the language in the “Rules and Regulations - Bulk Compost” has to be adopted by individual state Department of Agriculture offices. (North Carolina appears to be the first state that will adopt these regulations.)

*Modification to the Uniform Soil Amendment Bill:* A rewrite of the bill has been completed, and is ready for adoption by specific states. The overhauled bill is much more detailed than the one it replaces, and defines wetting agents and microbes “as soil amendments”...as well as compost (of course). The new language will impact compost, as it contains the list of approved “compost claims” (from the Uniform Com-

post Bill). The only negative in the bill for composters is the elimination of the ability to make a generic microbial claims (e.g., “compost supplies beneficial microorganisms to soils and growing media”). This change coincides with the requirement within the bill to make very specific microbial claims, which requires a producer to guarantee a minimum content (expressed in viable CFU (colony forming units) content per gram) and name the microbe by genus and species.

*Incorporation of SUIP 25 – Metals in Fertilizers into the Uniform State Fertilizer Bill:* The SUIP (Statement of Uniform Interpretation and Policy) creates heavy metal limits for phosphate and micronutrient containing fertilizers, and in some states it is used to regulate all fertilizer products. Having existed as a SUIP for several years, it has been suggested that the SUIP be placed in the Uniform State Fertilizer Bill Rules and Regulations, and pertain to all fertilizer products. An AAPFCO Working Group has been put together to modify the SUIP language to make it suitable to fit in the Uniform Bill. A U.S. Composting Council representative will be involved in this Working Group. Keep in mind that compost, manure and biosolids products are currently exempted from the SUIP, even if the products are labeled as fertilizers, because of risk assessment research completed during the development of the U.S. Environmental Protection Agency’s Part 503 regulations for biosolids (thus, at this time, supercedes the SUIP 25).

*Definitions:* Several new definitions (e.g., compost extract/tea, vermicompost, digestate) have been developed by AAPFCO to allow for more specific labeling for organic matter-based products.

*Cautionary Statement on Beneficial Microbes:* AAPFCO’s By-Products & Recycled Products Subcommittee is developing a “cautionary statement” for fertilizers and soil amendments containing beneficial microbes, as well as potential human pathogens. This issue has been raised because many microbial products have entered the marketplace, some of which are also known to be, or contain, human pathogens. This issue is significant to the composting industry because comparisons of these microbial products are being made to compost and other organic matter-based products. This is because both compost and these microbial products can contain human pathogens, along with beneficial microbes. A Working Group within the Subcommittee is developing a proposed cautionary statement, and is trying to determine when the actual statement will be required

for use on a label.

To avoid any conflict or fines from State Control Officials, composters need to become familiar with the fertilizer and soil amendment registration regulations in the states in which they operate and sell their compost products. Furthermore, if the products are registered, or if there are plans to register them, use this fact as a marketing benefit. This is one way to recoup the costs associated with the regulation fees. ■

---

*Ron Alexander ([alexassoc@earthlink.net](mailto:alexassoc@earthlink.net); 919-367-8350) is President of R. Alexander Associates, Inc., which specializes in product and market research, and development of organic recycled products. He has served as an Industry Liaison to AAPFCO, representing the U.S. Composting Council, through this process. For more information, visit: [www.alexassoc.net](http://www.alexassoc.net) and click on “Library of Publications.”*