

Close, but no cigar – A Spring AAPFCO Update

Many Biocycle readers have already been introduced to AAPFCO by past articles such as this one. However, for the benefit of those who are not familiar The American Association of Plant Food Control Officials (AAPFCO) is a volunteer organization of state Department of Agriculture (DOA) officials. More specifically, the organization represents the state *Control Officials* that regulate the distribution and sale of fertilizer, soil amendments and liming agents in each U.S. state, its territories, as well as Canada. The organization creates model laws and regulation in order to assist interstate commerce and consumer protection, by requiring ‘truth in labeling’, and promoting uniform regulation from state to state. It should be noted, however, that their model laws, regulations and Statements of Uniform Interpretation and Policy (SUIP) are created to provide guidance to states - *they are not forced upon them*. Composters should understand that state DOAs (AAPFCO members) can greatly impact the way they do business – from requiring them to pay tonnage and other registration fees, to creating minimum product standards, to changing the way we label our products.

Over the past 10 years, working through the Market Development Committee of the US Compost Council (USCC) and my own company, great headway has been made in certain compost related initiatives. With this said, the following is an update of AAPFCO committee activities, following the winter 2005-06 meeting.

Uniform Bills Committee

The Uniform Bills Committee met to discuss a variety of subjects, with the most relevant to composters being the ‘Rules and Regulations for Bulk Compost’. First, it should be noted that a tentative version of this document text has been published in the AAPFCO Publication 59 (which is available for purchase through AAPFCO – www.aapfco.org). The ‘Rules and Regulations for Bulk Compost’ will be model regulation, under the Uniform State Fertilizer Bill, which will allow for the more accurate regulation of compost when nutrient claims are made. *The ‘tentative’ version of the ‘Rules and Regulations for Bulk Compost’ is attached.*

The goal of our efforts during the Committee meeting was to make final modifications to the document so that it could be forwarded to the AAPFCO Board for review and approval (so that the updated version could be placed into ‘tentative status’ again). Certain modifications to the document were required for clarity and overall improvement, while another was necessary in order to add the final list of Compost Claims to the document. After adding a definition for the term ‘feedstocks’ to the document, the USCC was asked to develop a list of common compost feedstocks and related definitions. By completing the document at this meeting, and gaining Committee and Board approval, the document could be voted on by the AAPFCO member states at the August (2006) meeting in Oklahoma City (OK). This, in turn, if no additional changes to the document are made, will allow the document to go into official status in 2007. On Tuesday, February 21st the AAPFCO Board approved the document as ‘tentative’. We will now wait for member approval in August.

Soil Amendment Subcommittee

(of the Uniform Bill's Committee)

It was decided over a year ago that a Subcommittee should be formed consider a rewrite of the current Uniform Soil Amendment Bill. The model Bill is not considered strong enough or inclusive of many of the products now registered as soil amendments. Furthermore, it does not contain any draft rules and regulations (only the legislative language). It was decided that within a new model Bill, soil amendments should be categorized by their intended benefits (intended use) to the soil: 1. microbial (e.g., microbes), 2. chemical (e.g., wetting agents, moisture gels) or 3. physical (e.g., compost, peat) and maybe, 4. other.

Further, it was proposed that the definition of 'soil amendments' be modified to include the 'chemical, physical and biological improvement of the soil'. The model Bill currently states that soil amendment are 'products that provide (only) physical improvement to the soil'. The USCC (represented by my firm) was asked to continue assisting in the process of rewriting the Bill, and in developing some addition definitions for use within it. This overall process is very good for the long-term regulation and marketing of compost. We will work to have the list of Compost Claims (now within the draft Uniform Fertilizer Bill Rules and Regulations language [see below]) added to the updated Uniform Soil Amendment Bill.

Environmental Affairs Subcommittee

(of the Environmental Affairs Committee)

The By-Products and Recycled Materials Subcommittee once again met to discuss several issues, most of which were not relevant to composters. However, it was noted at the meeting that the full list of Compost Claims (developed by the USCC, through this Subcommittee) was provided to the AAPFCO Board to add to the 'Rules and Regulations for Bulk Compost'. Although this action has actually delayed the approval process of that document, it has allowed for a better overall document to be developed.

Although many state regulations for the distribution and sale of compost are firmly in place, composters must be aware that other government bodies are involved in this process, and that the issue is constantly '*in play*'. Now, in the composting industry for over 22 years, many of us who have been around for a while are afraid that the industry has become complacent – thinking that all of the regulatory and related battles have been fought. This is untrue. The composting industry must understand that there are still situations occurring which can/will negatively impact the production and sale of compost, as well as our competitiveness as a waste management option. As our industry continues to grow, we must stay vigilant – staying involved and engaged, and supporting such efforts.

It should also be noted that aside from my voluntary efforts on behalf of the composting industry, the US Composting Council partially funds my efforts. Further, certain composters (most recently, Kellogg Garden Products, Carson CA) have sent representatives to AAPFCO meetings to assist in our on-going efforts. To provide a more in-depth history of the composting industries involvement with AAPFCO, as well as to provide existing AAPFCO model laws, etc., additional information can be found on my website at www.alexassoc.net.

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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. "Feedstock" means source material used for the production of compost.
- 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.
- h. "Quantity Statement" means net weight or net volume.

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 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. Supplies beneficial microorganisms to soils and growing media;
- h. Encourages vigorous root growth;
- i. Allows plants to more effectively utilize nutrients, while reducing nutrient loss by leaching;
- j. Enables soils to retain nutrients longer;
- k. Contains humus – assisting in soil aggregation and making nutrients more available for plant uptake;
- l. Buffers soil pH.

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 of whether the compost is sold as a specialty or agricultural fertilizer.

5. Feedstock 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.