
MEMORANDUM

DATE: March 1, 2010

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

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

RE: Update from the AAPFCO Mid-Year Meeting

The recent AAPFCO Mid-Year meeting was held in Charleston, SC from February 18th to the 25th. There was moderate attendance at the meeting which was likely related to the continued travel restrictions of many Fertilizer Control Officials. As such, several key Control Officials were not in attendance.

Soil Amendment Subcommittee

(of the Uniform Bill's Committee)

The Soil Amendment Subcommittee was re-established and was assigned new tasks, with the first being to consider any modifications necessary to the upgraded Uniform Soil Amendment Bill language (*already in tentative status*). During the discussions, the Mulch & Soil Council proposed changes to definitions within the language, but after much discussion, these changes were voted down. Instead, a Working Group was formed to evaluate the proposed definition changes. Following these discussions, a motion was made to propose to the Uniform Bills Committee that the proposed language be sent to the Board. This motion was approved.

Uniform Bills Committee

The Uniform Bills Committee met to discuss a variety of subjects, with one being of major relevance to the composting industry, the suggested upgrades to the Uniform Soil Amendment Bill (and its Rules and Regulations). Based on recommendations from the Soil Amendment Subcommittee, and with minimal discussion, the question was called to recommend that the new language be placed into 'official' status by the AAPFCO Board. The motion was passed by the Committee, and was approved later in the week by the AAPFCO Board. The approved Bill is attached.

The other relevant issue to composters on the agenda pertained to a draft SUIP for Organic Fertilizers. The proposed SUIP would allow organic (organic matter based) fertilizers to also make soil amending claims (like the list developed for compost). Discussions regarding this SUIP were tabled because the Espoma representative sponsoring the SUIP was unable to attend the meeting.

Labeling and Terms Committee

Working between the last two AAPFCO meetings, the USCC Chaired a subcommittee assigned to develop and present a final definition for 'anaerobic digestate products'. The Subcommittee presented the following definition, *'Digestate is the liquid or solid material processed through anaerobic digestion. Labeling digestate materials shall be designated by prefixing the name of the feedstock from which it is produced, i.e., cow manure digestate, biosolids digestate, etc.'* Few negative comments were made regarding the definition and the question was called to recommend that the definition be placed into 'tentative' status by the AAPFCO Board. The motion was passed by the Committee, and was approved later in the week by the AAPFCO Board.

The definition for 'compost extract' (tea), having been previously placed into tentative status, was approved by the AAPFCO Board to be placed into 'approved' 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 one being the most relevant to the composting industry, the required use of a cautionary statement for fertilizers and soil amendments containing beneficial bacteria that are also known to be human pathogens. This issue was raised because many new concentrated microbial products have come onto the market, some of which are known to also be or contain human pathogens. This issue may become significant to the composting industry as comparisons of these microbial products are being made to compost and other organic matter based products...because both types of products contain both beneficial microbes and human pathogens. With that said, the point was also made that compost products are screened for potentially pathogenic microbes through testing for indicator organisms. After much discussion, a Subcommittee was created to review the question and discuss alternatives.

The Subcommittee also officially suggested that the Uniform Bill Committee consider placing language from SUIP #25 in the Rules and Regulations of the Uniform State Fertilizer Bill. This is the SUIP that created limits for the content of heavy metals in fertilizer (and therefore, could affect compost registered as fertilizer).

The AAPFCO Annual meeting is scheduled for August in Portland, Oregon.

It should also be noted that at the AAPFCO meeting, a meeting was held with a representative from the NC Department of Agriculture. It appears that they will be moving forward to install the USCC sponsored Bulk Compost Law in the state. We hope to be receiving a draft version for review in the near future.

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 guaranteed expressed as a percentage as required in section 4(a)(3) of teh act, a product that claims the presence of a microbe(s) shall guarantee teh 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 (CM³); 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]