
MEMORANDUM

DATE: February 25, 2011

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 2010 AAPFCO Annual Meeting

The recent Annual AAPFCO meeting was held in Savannah, Georgia from February 20th to the 23rd. There was good attendance again at the meeting considering that many states continue to have travel restrictions. With that said, some influential Control Officials, and some from key agricultural states, were again not in attendance.

Labeling and Terms Committee

The definition for anaerobic 'digestate' products, sponsored by the USCC, was brought up at the meeting, and along with some other definitions, was recommended by the Committee to be placed into 'official' status by the AAPFCO Board.

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.'*

The AAPFCO Board approved the definition and it was placed into 'official' status, awaiting membership (final) approval at the August meeting. The USCC has supported the creation of the definition for 'digestate' 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. It relates to the required use of a 'cautionary statement' for fertilizers and soil amendments containing beneficial microbes, as well as potential human pathogens. This issue was raised because many microbially-based products have come into the marketplace, some of which are also known to be, or contain, human pathogens.

This issue is significant to the composting industry since 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. The Working Group within the Subcommittee presented a series of proposed *cautionary statements*, which were discussed, and sent back to the Working Group for additional work. It is assumed that one recommended *cautionary statement* will be brought to the Committee for review at the August meeting. Another important debate, yet to be had, is when the actual *cautionary statement* will be triggered and be required for use on a label.

Uniform Bills Committee

The Soil Amendment Subcommittee of the Uniform Bills Committee was reabsorbed back into the Committee and its outstanding issues were discussed within the larger Committee meeting. The Uniform Bills Committee met to discuss a variety of subjects, with four (4) being of relevance to the composting industry.

First, the Committee discussed potential modifications to the updated Uniform Soil Amendment Bill language (*already pending 'official' status*). During the meeting, a Working Group (in which the USCC was involved) presented its suggested modifications to the 'notes' within the Bill. This language is relevant because it better defines when 'mulch' and 'potting mix' products are exempted from requirements of the model regulation. The following language was slightly modified at the meeting, and *approved* as an editorial change to the Uniform Bill.

Note 5: Mulch is a soil amendment when the product labeling claims to be only a soil amendment or provides direction for incorporation into soil.

Note 6: Potting Mix is a soil amendment when the product labeling claims to be only a soil amendment or provides direction for incorporation into soil.

This new Bill language was then approved by the AAPFCO Board at the Business Session, placing it in 'official' status.

Secondly, a standard list of *Vermicompost Label Claims*, which required editorial changes, was approved by the Committee. It was also approved by the AAPFCO Board, placing it in 'official' status. Future discussion will determine where this list, as well as other standardized lists of soil amendment labeling claims will be housed. The concept of developing these standardized lists came from a USCC effort to make it easier for Control Officials to review claims made by individual composters, and allow for more standardized claims to be made from state to state.

Third, an SUIP (Statement of Uniform Interpretation and Policy) was proposed in order to allow organic matter-based fertilizers to make nutrient claims, while allowing for some soil amending claims. This is already allowable, as long as the claims can be substantiated, but some states require that the fertilizer be registered as both a fertilizer and soil amendment. The proposed SUIP would recommend that States not require dual registration. The proposed SUIP was approved by the Committee and was later approved by the AAPFCO Board, placing it in 'official' status.

SUIP #29 - Organic fertilizers whose label or labeling includes statements regarding the presence of organic matter and claims consistent with established agronomic benefits that organic

matter imparts on soils need not be dual-registered as a soil conditioner provided that the product is registered as a fertilizer.

The term 'organic' in the SUIP above refers to 'organic matter', not a product that is certified for organic farm applications.

The other relevant issue to composters on the agenda pertained to SUIP 25 – *Metals in Fertilizers*, which the USCC was involved in developing. The SUIP (*Statement of Uniform Interpretation and Policy*) creates heavy metal limits for Phosphate and micro-nutrient containing fertilizers, and in some states it is used to regulate all fertilizer products. Having been a SUIP for several years, it was suggested that it should be placed in the Uniform State Fertilizer Bill Rules and Regulations, and pertain to all fertilizer products. After much discussion, the Committee agreed with this suggestion. As such, this recommendation was put before the AAPFCO Board for consideration. Also, a Working Group was put together to modify the SUIP language to made it suitable to fit in the Uniform Bill. A USCC representative will be involved in this Working Group. Keep in mind that compost, manure and biosolids products are exempt from the SUIP, even if the products are labeled as fertilizers. *This Working Group was inactive in between the last two AAPFCO meetings.*

The AAPFCO 2011 Annual meeting is scheduled for August in Austin, Texas.