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## MEMORANDUM

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**DATE:** February 22, 2012

**TO:** USCC Market Development Committee, USCC Executive Committee, and Michael Virga, Executive Director

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

**RE:** Update from the 2012 AAPFCO Midyear Meeting

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The recent Midyear AAPFCO meeting was held in San Antonio, Texas from February 20<sup>th</sup> to 22<sup>nd</sup>. There appeared to be excellent attendance of Control Officials at the meeting, as well as Industry Liaisons.

### *Labeling and Terms Committee*

The definition for anaerobic 'digestate' products, sponsored by the USCC, was brought to the AAPFCO Board. It was voted on and approved, and therefore will be voted on at the August Business Session. If approved at the Business Session, the term will then become 'official', allowing it to be used on fertilizer and soil amendment labels.

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.* Other definitions that are in the development 'process', and which may be of interest to composters, include: humic acids, humates, and biostimulants.

### *By-Products & Recycled Products Subcommittee*

*(of the Environmental Affairs Committee)*

The By-Products & Recycled Products Subcommittee met to discuss several subjects, with three being potentially relevant to the composting industry. Queries came from State Control Officials before the meeting regarding the increased recycling of both biosolids and food residuals, for use as fertilizer and fertilizer components. Interest was generated because specific states have started to apply fertilizer fees to these products. As such, presentations were made by the US Composting Council and the USEPA (by request of the USCC) on the recycling of these materials as fertilizers and soil amendments.

There appeared to be great interest in the food residuals recycling subject, probably because of its known growth throughout the US and the fact that related products are being registered in certain states. Also, the committee members have had more experience dealing with biosolids issues, as discussions within this committee have taken place on this subject on several occasions in the past. It should be noted that the

subject has profound relevance to composters, anaerobic digestion firms and biosolids generators/recyclers. Further, it should be noted that this subject will be important going into the future, as states may be looking to apply additional fees to related products in order to generate additional income. Finally, anaerobic digestion firms may be at greater financial risk as liquid digestate will likely be deemed as a fertilizer, and fees will be applied to these low nutrient analysis liquid products on a 'weight basis' (by the ton).

The development and implementation of a cautionary statement for fertilizers and soil amendments containing and claiming beneficial microbes, which may also be potential human pathogens, continues. 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. The cautionary statement would be required on certain products making claims on their labels that they contain microbes; based on the known risk level of the microbe (pathogen). Two of the many debates are:

- 1) When is the cautionary statement required to be placed on the label, and
- 2) Which database of microbes/pathogens AAPFCO should use when rating their risk.

The concern for the composting industry is that these same cautionary statements will be applied to organic matter-based products that are known to contain microbes/pathogens, but do not claim them on their related labels. The Working Group within the Subcommittee presented the suggested precautionary statement and suggestions regarding the use of the proposed statements. Upon discussion, they were sent back to the Working Group for additional revisions and discussion.

Finally, it should be noted that the Nutrient Management Subcommittee of the Environmental Affairs Committee discussed the many bans on phosphorous fertilizers being implemented in several US states. This trend in gaining momentum, and the US composting industry must beware that it could potentially affect the use of compost. Additional research by the USCC should be completed to determine if any of these bans include/exclude compost.

### **Uniform Bills Committee**

The Uniform Bills Committee met to discuss a variety of subjects, with two being of relevance to the composting industry. First, a standard list of *Vermicompost Label Claims* was approved by the Committee and sent to the AAPFCO Board. At the 2/22 Board meeting, the list was voted on and approved, and therefore will be voted on at the August Business Session. If approved at the Business Session, the list of claims will become 'official', allowing them to be used on fertilizer and soil amendment labels. 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.

Secondly, it was suggested at a previous meeting that the SUIP 25 – *Metals in Fertilizers*, in which the USCC was involved in developing, be used to regulate all fertilizer products. The SUIP (*Statement of Uniform Interpretation and Policy*) currently creates heavy metal limits for Phosphate and micro-nutrient fertilizers (although some states do in fact use it to regulate all fertilizer products). It was suggested that the SUIP language be placed in the Rules & Regulations Section of the Uniform State Fertilizer Bill, having it pertain to all fertilizer products. The Committee agreed with this suggestion, and a Working

Group was put together to modify the SUIP language to made it suitable to fit in the Uniform Bill. Unfortunately, the Working Group was not active between the last two meetings but will present at the August meeting.

A USCC representative is 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 exemption has been retained thus far in the draft Bill language.

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The AAPFCO 2012 Annual meeting is scheduled for August in Indianapolis, Indiana.