
MEMORANDUM

DATE: August 6, 2004
TO: USCC Board of Directors Executive Committee and Dr. Stuart Buckner, Executive Director
FROM: Ron Alexander, USCC Market Development Committee & Industry Liaison to AAPFCO
RE: Update from the AAPFCO Annual Meeting

Uniform Bills Committee

The Uniform Bills Committee met to continue its discussions regarding the uniform regulation of compost products, among other subjects. Based on the results of the prior Committee meeting and subsequent breakfast meeting with specific Control Officials, and with assistance from Teresa Crenshaw (Committee Chair), I developed language (see attached) for placing the regulation of compost under the Uniform Fertilizer Bill. Upon reviewing the text with Committee members, several questions and comments regarding the specifics of the language were noted, but overall the concept and draft language was received positively. The Committee Chair asked for written comments from Committee members by October 1st. Roger Hostenbach (Texas, AAPFCO Board Member) offered to work on the “language” at the upcoming Fertilizer Administrators Seminar in Oklahoma City on November 5-6th. He asked me to commit to attending the seminar to assist the Control Officials.

For me to attend the seminar, I need permission (and economic considerations) to be confirmed by the USCC. Roger has asked for confirmation as soon as possible.

Environmental Affairs Committee

The Environmental Affairs Committee’s By-Products and Recycled Materials Subcommittee once again met to discuss several issues, with microbial screening of biohazards and verification of claims for composts (and related products) being the most relative to the USCC. The Subcommittee Chair, David Howle (SC) presented a list of uniform compost claims (benefits) to discuss. In past meetings, both the USCC and National Bark & Soil Council have mentioned that well documented and acknowledged benefits of soil amendments (composts) should be automatically accepted by State DOAs, and not require further research by product manufacturers. This would not only streamline product registration, but also reduce cost to composters and hassles to State DOA Control Officials. The list that he presented was developed by my company after being successfully negotiated and approved by the Minnesota Department of Agriculture. The primary source of the list was the *Field Guide to Compost Use* (see attached). There was good discussion regarding the issue, and it was agreed that developing a standard list of claims would be helpful to Control Officials. I was asked to lead a small group to complete this task by November 1st. If completed by this date, the list would also be reviewed at the Fertilizer Administrators Seminar. However, this list must include technical references (which greatly increases the amount of time it will take to prepare).

Only a brief discussion ensued regarding the biohazards issue. It was agreed that no further action by AAPFCO was needed aside from monitoring research and any new regulation related to the subject by the USDA or USEPA.

DRAFT

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. "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 producing a quantity of 1 – 6,250 tons of compost produced;
 - B. Once per two (2) months for 6,251 – 17,500 tons of compost produced; or
 - C. Once per month for 17,501 tons and above.
- b. "Bulk" means in non-packaged form.
- c. "Compost" means a biologically stable material derived from the composting process.
- d. "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.
- e. The term "Quantity Statement" means net weight or net volume.
- f. "Lot" means an identifiable quantity of compost that can be sampled officially according to *Test Methods for the Examination of Composting and Compost* procedures, 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.
- g. "*Test Methods for the Examination of Composting and Compost*" (TMECC) means a compilation of test method protocols appropriate for use in analyzing compost.

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 the soil structure;
- b. Improves water holding capacity;
- c. Modifies the bulk density of the soil;
- d. Supplies organic matter;
- e. Improves cation exchange capacity (CEC) of soils and growing media;
- f. Improves drainage.

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 (or be guaranteed?) on the label. Provided that the _____ determines the moisture level to be in excess of the stated (or guaranteed?) 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 lieu of Available Phosphate (P_2O_5) and Total Potash (K_2O) may be guaranteed in lieu of 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) or Total Phosphate (P_2O_5), and Soluble Potash (K_2O) or Total Potash (K_2O) may be guaranteed in fractional units of less than one percent, regardless if whether the compost is sold as a specialty or agricultural fertilizer.

5. Analytical Methods for Compost

The methods of sampling and analysis shall be those provided in the *Test Methods for the Examination of Composting and Compost*, or in cases where other test methods are available in which improved applicability has been demonstrated, the _____ may adopt such appropriate methods from other sources.

***AAPFCO SOIL AMENDMENT / COMPOST
UNIFORM PRODUCT CLAIMS***

- Improves the soil structure, porosity, and bulk density – creating a better plant root environment
- Increases moisture infiltration and permeability (heavy soils) – improving drainage, moisture infiltration rates and reducing erosion and runoff
- Improves moisture holding capacity (light soils) – reducing water loss and nutrient leaching
- Improves cation exchange capacity (CEC) of soils – improving their ability to retain nutrients for plant use
- Supplies organic matter
- Aids the proliferation of beneficial microbes
- Supplies beneficial microorganisms to soils and growing media
- Encourages vigorous root growth
- Improves soils ability to retain water
- Allows plants to more effectively utilize nutrients, while reducing nutrient loss by leaching
- Enables soils to retain nutrients longer
- Encourages vigorous root growth
- Improves soils ability to retain water
- Helps make nutrients more available for plant uptake
- Buffers soil pH
- Binds and degrade specific pollutants

Developed by:

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