
MEMORANDUM

DATE: August 9, 2006
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

Soil Amendment Subcommittee

(of the Uniform Bill's Committee)

After much debate over the past several years, it was decided that a Subcommittee should be formed to consider re-writing the current Uniform Soil Amendment Bill. The current model Bill is not considered strong enough or inclusive of many of the products now registered as soil amendments. Further, it does not contain draft rules and regulations (only the legislative language). It was decided that a new model Bill should be developed that is more helpful in the actual regulation of soil amendments, and not just in identifying unacceptable products ('snake oil'). One of the most relevant issues for compost in a rewritten Bill is that the definition of 'soil amendment' would be modified to include 'chemical, physical and biological' improvements to soil. The current Bill defines soil amendments as products that provide 'only' physical improvement to the soil, and therefore, only those related claims can be made.

During the meeting, a detailed review of the proposed language for the Bill was completed, some of which was written by the USCC representative (me). Further, the list of approved 'compost claims' (now within the Uniform Fertilizer Bill Rules and Regulations [draft]) was added to the draft Uniform Soil Amendment Bill language. Therefore, a list of uniform compost claims may end up being in the two most important AAPFCO model Bills!

The model Bill text developed during this Subcommittee meeting was then forwarded to the Uniform Bills Committee, for discussion at the following day's meeting.

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 most composters. However, two issues were relevant to composters involved in biosolids management. The first issue was a report completed by a representative of Milorganite (a dried biosolids fertilizer). They have been completing research on the extractability of phosphorous from their product (and other granulated biosolids products). This research was taken on because of the concerns regarding the over application of phosphorous (and build up in soil) over the past several decades. This has become a national environmental issue, and is now effecting the use of many products

(including biosolids, manure, compost). Milorganite's research has found that the phosphorous in their product has a more limited release than that of chemical phosphorous products. This is likely caused by the high content of Iron and Aluminum in the product.

The second issue was less positive. A chemical fertilizer manufacturer stated that there are concerns in Florida about the use of granulated biosolids as an ingredient in chemical fertilizer products. Their concerns were related to the potential content of prions (BSE) in the biosolids and the reheating of the product (and therefore fears of spontaneous combustion). We have alerted representatives of the USDA (Dr. Patricia Milner) and have suggested that they update the Environmental Affairs Subcommittee on research pertaining to prions in biosolids (and related risks).

Uniform Bills Committee

The Uniform Bills Committee met to discuss a variety of subjects, with two being relevant to the composting industry. First, another review of the 'Rules and Regulations for Bulk Compost' was completed. This was done in order to get Committee (and Control Official) support for the modifications made during the Mid-Year meeting. This was obtained and no additional changes were made to the draft document. Since no additional changes were made, the document was brought up for a vote by AAPFCO member states at the Business Meeting. At the Meeting, the Control Officials approved the document, keeping it in 'tentative' status for another year. With this achieved, in February, 2007 (at the Annual Meeting) the AAPFCO Board will be asked to place the Bill in 'official' status. If this occurs, then the Bill could become 'official' at the August, 2007 Mid-Year Meeting.

The second item related to the composting industry were the efforts to complete a draft version of the updated Uniform Soil Amendment Bill. During the meeting, the draft text was reviewed in detail, as were several feedstock definitions for compost. The definitions were deemed as necessary to develop for inclusion in AAPFCO's Official Publication because compost feedstocks will need to be named on compost product labels (and because the term 'feedstock' was named in the 'Rules and Regulations for Bulk Compost'). All of the definitions were reviewed and upgraded, and will now be forwarded to the AAPFCO Labeling and Terms Committee for intensive discussion.

The 'tentative' version of the 'Rules and Regulations for Bulk Compost' is attached.

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.