
MEMORANDUM

DATE: August 1, 2007
TO: USCC Market Development Committee, USCC Executive Committee, and Dr. Stuart Buckner, Executive Director
FROM: Ron Alexander, USCC Market Development Committee & Industry Liaison to AAPFCO
RE: Update from the AAPFCO 61st Annual Meeting

Uniform Bills Committee

The Uniform Bills Committee met to discuss a variety of subjects, with the only relevant one to the composting industry being the 'Rules and Regulations for Bulk Compost'. Discussions took place because of objections made over the 'Rules' by the Mulch & Soil Council (MSC). This was an atypical occurrence, since the 'Rules' were already approved by the Uniform Bills Committee, as well as the AAPFCO Board. The MSC sought to derail the Rules at this meeting to affect the memberships vote later in the day. The USCC had similar discussions with the MSC a week before the AAPFCO meeting, but could come to no resolution. This is likely because one of the MSC's more powerful members felt the Rules would create more confusion, not clarity, and stated that they were not needed. The MSC's representative at the AAPFCO meeting didn't state that fact at the Uniform Bills Committee meeting, but that there were a number of technical problems with the 'Rules'. The Control Officials did not agree.

Later that afternoon, the Control Officials voted to approve the Rules as 'Official'. The 'Official' version of the 'Rules and Regulations for Bulk Compost' are attached below. The USCC Board must now decide how it will promote this new regulatory option for compost distribution.

Soil Amendment Subcommittee

(of the Uniform Bill's Committee)

During the meeting, we continued our detailed review of the proposed language for the upgraded Soil Amendment Bill. There is a desire by the Chair to hold a longer Committee meeting at the next Mid-Year meeting to finalize the proposed language. Issues related to composters in the proposed Bill are the ability to 1) make more thorough product claims, 2) differentiate compost from other products trying to make soil improvement claims, and 3) exempt compost from providing a detailed guaranteed ingredient breakdown (just an ingredient statement) on its label.

Again, the list of approved 'compost claims', now within the Uniform Fertilizer Bill Rules and Regulations, is included within its language.

Labeling and Terms Committee

As suggested by the Uniform Bills Committee, the USCC representative submitted a list of definitions for materials that are considered to be common composting feedstocks at the Mid-Year meeting. It was decided that since the term 'feedstock' was defined in the 'Rules and Regulations for Bulk Compost' and since the Rule would require registered composts to define their contents, that definitions should be developed. However, a debate ensued over where the definitions should be placed, within the draft 'Rules' or the AAPFCO definitions list, or if they were truly needed at all.

This issue was discussed again, and a proposed definition for compost tea was also presented. In both cases, the Control Officials chose not to take action on the definitions. This presumably means that Control Officials do not expect that the terms for compost feedstocks that would be listed on a label would be something they would likely argue over.

Environmental Affairs Subcommittee

(of the Environmental Affairs Committee)

The USCC representative was asked to report on the USCC's press release regarding E. Coli H.0157 in compost. The overall issue was briefly discussed and the press release reviewed. We further reported on conversations that took place on this issue with Frank Shields, Soil Control Labs, and Pat Millner, USDA. We reported that SCL had not found E.Coli H 0157 in any compost samples to date, and that they receive samples from the affected region of California. We further reported that the USDA does not believe that the H 0157 strain of E. Coli is any more heat tolerant than other strains of E. Coli. Therefore, composting (PFRP) temperatures should destroy it. They also stated that it is very rare in the environment, and it is likely to travel via dust. Further, the USEPA has a validated test method for E. Coli H 0157 for sludge (and probably sludge compost), but not for soil or manure yet.

Milorganite, a heat dried sludge fertilizer, also reported on their phosphorus mobility research and the Committee approved tentative changes in the heavy metal limits for chemical fertilizers.

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.