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December 5, 2014

Mr. Ken Decio

Senior Integrated Waste Management Specialist
Department of Resources Recycling and Recovery
PO Box 4025
Sacramento, CA 95812-4025

Re. CalRecycle Regulatory Revisions to Title 14 and 27 Regarding Compostable
Materials Handling and Transfer/Processing

Dear Mr. Decio:

The US Composting Council (USCC), a 501(c)6 Trade and Professional Association, is the only national organization in the United States dedicated to the development, expansion and promotion of the composting industry. The USCC has over 800 member companies, including private and municipal compost producers, equipment manufacturers, product suppliers, academic institutions, public agencies, nonprofit groups and consulting/engineering firms. Our Legislative and Environmental Affairs Committee has reviewed the draft changes to Title 14 Compost regulations and offers the following comments:

We applaud CalRecycle for its deliberative approach to updating the rules for handling compostable materials in California. Much has been achieved over the multi-year process of stakeholder engagement. While there are still a number of issues to be resolved, as the national organization representing a wide range of composters we will focus our comments on a few areas that have a potential for setting precedents that may be copied by other states.

Physical Contamination Limits in Compost

First and foremost is the issue of having the state set physical contaminant limits for finished compost. Currently the state sets limits on pathogens and heavy metals. This is appropriate since exceeding these limits have clear, documented increased risks to human health and/or the environment. However, we believe that no such documentation exists for physical contaminants, other than the obvious threats from glass shards and metal needles. One of the guiding principles of the USCC is that product quality can only be defined in relation to its intended use. So it should be the purchasers and users of the products—the marketplace—that should set the product quality standards, whether for physical contaminants, product maturity, or any other measure beyond minimum health and safety standards. For example, CalTrans, as a purchaser and user, has set a .5% dry weight maximum for the compost they purchase. Homeowners, and other purchasers of bagged compost, have zero tolerance for sharps and probably lower than .1% for total physical contaminants. Composts used for mine-land reclamation or some agricultural applications could have higher than 1% contamination with no problem. We do not



believe you have made an adequate case for setting this limit at all, nor did your economic analysis adequately analyze the market disturbance that setting a costly and difficult-to-achieve limit would produce. Rather than pulling a number "out of thin air", whether it be 0.1%, 1% or anything else, we encourage you to form a multi-stakeholder working group that can study this issue, propose and direct appropriate research, and come to an informed recommendation on physical contamination limits.

Food Scraps to Dairy Loophole

We are opposed to allowing dairies to take off-farm food scraps for digestion under a simple "notification" tier. We agree that farmers warrant special treatment and need to be incentivized to recycle organics, both on-farm and off. Indeed, there is well-established precedent throughout the country to allow farms to process farm-based organic residuals (even from other farms) with limited oversight. However, allowing them to process off-farm food residuals without adequate controls and requirements could lead to potential odor, nutrient run-off, dumping and other problems. We are also concerned that dairies will be given an unfair competitive advantage as compared to other commercial entities that have to meet more stringent requirements. As the infrastructure for processing organic residuals grows in California, especially in response to the legislation passed this year mandating collection of commercial organics and eliminating incentives for green waste to be used as ADC, the competition for organic feedstocks could well increase. Enacting unequal permitting requirements among potential free market competitors would be wrong and is tantamount to legislative prejudice.

Regulating Direct Land Application

Finally we, as the professional organization of composters in the US, support your efforts to regulate the heretofore-unregulated land application of uncomposted materials. While we object to having blanket limits on physical contaminants for a manufactured product like compost, a product that is being monitored, tested and sold into the marketplace, we encourage such limits on chipped or ground greenwaste that is destined for direct land application, where the landowners are PAID to take uncomposted, raw organics. We feel that increased regulation of this practice is vital to protecting not only markets for compost but even more so for reducing the threat of spreading imported pests.

The USCC appreciates the opportunity to provide these comments and looks forward to working with you as this process moves forward.

Regards,

A handwritten signature in black ink, appearing to read "Al Rattie".

Al Rattie,
Interim Executive Director