February 15, 2022

The Hon. John Chapman Petersen, Chair
Senate Agriculture, Conservation and Natural Resources Committee
Pocohontas Building, Room E517
900 E. Main St.
Richmond, VA 23219

Dear Honorable Members of the Senate Agriculture, Conservation and Natural Resources Committee:

The US Composting Council, a national organization representing more than 2,000 individuals and 700 companies and organizations in the compost manufacturing industry, has become aware of your bill, SB248/HB831 A BILL to amend and reenact §§ 3.2-3600 and 3.2-3611 of the Code of Virginia, relating to anaerobic digestion; digestate.

We urge you to amend the bill with the following current definitions for the terms noted in the bill from the American Association of Plant and Food Control Officials, the national organization made up of officials who regulate fertilizer and soil amendments from all 50 states. Their definitions are the ones most commonly accepted within the industry.

ONE-Digestate:
Digestate means a biologically stable material derived from the process of anaerobic digestion change to Digestate is the liquid or solid material processed through anaerobic digestion. Labelling digestate materials shall be designated by prefixing the name of the feedstock from which it is produced. (AAPFCO definition, official 2010)

TWO-Compost:
Compost means a biologically stable material derived from the composting process change to Compost: the product manufactured through the controlled aerobic, biological decomposition of biodegradable materials. The product has undergone mesophilic and thermophilic temperatures, which significantly reduces the viability of pathogens and weed seeds (in accordance with EPA 40 CFR 503 standards) and stabilizes the carbon such that it is beneficial to plant growth. Compost is typically used as a soil amendment, but may also contribute plant nutrients. (AAPFCO definition, official 2018) Finished compost is typically screened to reduce its particle size, to improve soil incorporation. (AAPFCO definition, official 2013)
TWO
USCC Amendments, SB748, HB831

THREE: Soil Amendment:
"Soil amendment" means any substance or mixture of substances intended to improve the physical, chemical, biochemical, biological, or other characteristics of the soil. The following are exempt from the definition of "soil amendment": fertilizer, unmanipulated or composted animal and vegetable manures, horticultural growing media, agricultural liming materials, unmixed mulch and unmixed peat.

Change to:
Soil amendment means any substance or a mixture of substances which is intended to improve the physical, chemical, biochemical, biological or other characteristic of the soil, except fertilizer, agricultural liming materials, unmanipulated animal manures, unmanipulated vegetables manures, pesticides and other materials exempt by regulation.

These definitions are critical because they specify the stability characteristics that differentiate compost from digestate. This is important to avoid product misuse and poor results ‘in the field’. Without the correct definitions, we cannot support either of these bills.

We would be delighted to meet with you or the committee to further explain these requested amendments.

Sincerely,

[Signature]

Frank Franciosi
Executive Director

Cc: Ryan Duckett, President
Virginia Composting Council