US Composting Council 2024 Public Policy Report

US Composting Council®

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Introduction and Purpose

The US Composting Council, chartered in 1990 as the organization focused on the success of producing compost derived from source-separated feedstocks, has a Public Policy program that prioritizes:

- Common-sense regulations for compost facilities and compost use
- Securing seed funding to grow infrastructure that will grow the industry by 300-500 food-waste accepting compost facilities in the next five years to recover the amount of inedible food now going to disposal
- Prioritizing wide-scale use of compost in agriculture by working through policy to increase its useage
- Professional operation of compost facilities through regulatory requirements for training and certification
- Science-based policy, especially in areas of inerts, compostable packaging, and emerging contaminants
- Investment equal to similar industries for development of compost production (equipment, land, etc.)
- Requiring use of compost as a beneficial additive in markets such as land development, road construction, and stormwater infrastructure
- Banning landfilling of organic waste as a methane contributor to climate change and prioritizing the EPA Food Waste Scale

Through its legislative arm, the Legislative and Environmental Affairs Committee of the USCC develops and supports policy actions (bills, regulation requests), and participates in coalitions with similar goals. See the committee charter here.

This Annual Report is a snapshot of legislative and regulatory activity in the previous "legislative" year, defined primarily by the prevalence of state legislature timelines (ending in June each year). There is a growing amount of federal activity, investment and discussion of organics recycling and composting, but the majority of policy initiatives are catalyzed by state level action.

2023-24 Overarching Themes

While the compost industry continued to benefit from attention at both federal and state levels, activity continues to be more robust in state legislative houses than in Congress, somewhat due to the level of partisanship experienced at the national level. Neither the Compost Act nor the earmarking of the Compost Act into the Farm Bill has succeeded to date (the Farm Bill has actually been extended so that it will not be completed until after the 2024 Election Season). On another note, the compost industry has been recognized with a Compost Caucus in the House of Representatives (formed in spring of 2024) which could expand the opportunity to educate and inform Congressional staff and Members of Congress.

- The federal level is a nexus of action for PerfluoroAlkyl Substances (PFAS/PFOAS)' impact on the industry, with continued lobbying of members of the House and Senate Committees with jurisdiction to pass a bill exempting the industry from liability under the Comprehensive Environmental Response, Compensation, and Liability Act.(CERCLA). The Senate bill has not passed to date.
- At the state and local level, compost use/procurement has been on the table for many jurisdictions, and more bills are expected this year proposing compost purchasing requirements for both public and private sector.
- At the state level, the existential threat of contamination in compost (along with markets for recycling) has driven state Extended Producer Responsibility legislation: Minnesota passed its EPR bill, which includes organics as well as conventional recycling; Illinois and Maryland have been working through Needs Assessment processes prior to passage of an EPR bill; and Hawaii, Michigan, and New York State are expected to debate bills in the coming year.
- Two organics ban expansions–New Hampshire and New York–passed in 2023-24, but New York's is still awaiting the governor's signature.
- Labeling bills have been introduced in many statehouses–most focused only on conventional recycling with requests by USCC and industry allies to expand to compostable packaging—but none passed last year, with the exception of a broad organics-focused bill in Washington State that added enforcement to its already enacted labeling bill.

For 2024-25, movement for a national bill around recyclable and compostable labeling is gaining, but the bills need more specific language around issues for compostable packaging labeling. Organics bans in Arizona and Illinois are already being discussed; rural areas of California are pressing for exception to the state's overarching organics collection requirements; and composters using biosolids for feedstocks are watching carefully as the US EPA releases its Risk Assessment for Pollutants in Biosolids, expected prior to the end of 2024.

Federal Initiatives

The Compost Act: This bill, in its third round of introduction, would bring millions in funding for compost infrastructure grants and loans and make permanent NRCS336, a conservation practice that funds use of compost by farmers for carbon sequestration purposes. The bill currently has 20 cosponsors in the House; and three cosponsors in the Senate, but has not moved forward, most likely due to the partisan cosponsor coalition built around it. We plan to work with Rep. Brownley for its re-introduction in the next Congress, and hope for adjustments that could make it more bipartisan.

House Version

Senate Version

Summary Sheet

The Recycling and Composting Accountability Act: This bill, in its second round of introduction, has passed the Senate and is awaiting consideration in the house. It would task the US EPA with collecting data from all states on recycling and composting infrastructure, programs, markets and other key information. The USCC is strongly in favor of this bill due to the need for standardized national composting data.

House Version

Senate Version

Summary Sheet

Farm Bill: The Federal Farm Bill, which funds the Natural Resources Conservation Service, food programs, agricultural subsidies, and a host of other initiatives within the US Department of Agriculture, is renewed every three years. Originally planned for renewal by 2024, the funding in the current bill has been extended and it is not expected to be taken up until 2025, post inauguration of President Trump.

USCC worked with a coalition of partners to bring the Compost Act and its funding mechanism into the bill (unsuccessful); to bring more funding for compost use (may be included as the bill develops, especially with funding for the NRCS); to request federal research funding for scientific analysis of possible Perfluoroalkyl substances (PFAS) transfer from compost into plants (included in Senate version); and increased funding for the Urban Agriculture Office and the annual Compost and Food Waste Grants program.

House Version analysis

Senate Version analysis

USCC Farm Bill Position

Compost Caucus

Rep. Tim Burchett (R-TN), who has been a cosponsor of the Recycling and Composting Accountability Act and has been working with USCC on other initiatives such as PFAs, contacted

USCC with the offer to co-sponsor a Caucus on composting. Congressional caucuses are co-formed by members of the two major parties in the House of Representatives who have common interest on policy objectives.. USCC contacted the Compost Act sponsor, Rep. Julia Brownley (D-CA) who agreed to co-sponsor the caucus which was launched in summer 2024. USCC has undertaken grassroots advocacy campaigns to ask House members to join the Caucus.

Perfluoroalkyl Substances (PFAS):

USCC has conducted a lengthy campaign to inform Congress (primarily the Environmental and Public Works Committee and House Energy and Commerce Committee) to inform legislators of the need for composters to be exempted from liability as passive receivers of PFAS under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA-aka Superfund). Briefings on a bill introduced by Senator Cynthia Lummis (R-Wyoming) have been held for staff of both committees; and a hearing was held by the Senate EPW committee to discuss liability; the bill is not expected to move this year. There is no companion House bill. With our chapter and member representatives, we met about these issues with Missouri and Tennessee Senate staff and directly with Sen. Boozman of Arkansas.

In December 2024 USCC met with the US EPA's enforcement division to request inclusion for compost manufacturers under the agency's enforcement discretion; informal indications were that the prosecution of the compost industry is not the intent of the agency's enforcement unless a specific release of PFAS is made by a manufacturer. An official discretion memo was issued in April 2024 and composting was *not* named as a specific discretion industry; wastewater (biosolid-producing) public facilities were named for discretionary authority.

USCC will continue to push for specific legislation or the inclusion of compost manufacturers as a named enforcement discretion industry. Further, we will continue to push for what we deem as the most effective solution: total ban on PFAS chemicals in consumer products that end up polluting the wastewater stream and feedstocks collected for

composting.

Lummis Bill

USCC PFAS in Compost Factsheet

USCC Website

No Time to Waste Act (S2889)

USCC worked throughout the year with staff of Sen. Chris Coons (D-DE) to provide comments on and support this bill, aimed at reduction of food waste to increase food security, foster productivity, promote resource and energy conservation, and address climate change, and includes composting in grants and consumer education.

S2889

Reduce Food Loss and Waste Act (S3146):

This bill, S3146, was introduced by Sen. Charles Grassley (R-IA) and Sen. Dick Durbin (D-IL) and is a voluntary food waste certification bill, that includes composting as one of the preferred paths for inedible food waste. USCC is supporting.

S3146

Federal Regulatory Strategies

Food Loss and Waste Strategy

USCC commented on EPA's draft National Food Loss and Waste Strategy, emphasizing the need for compost markets; inclusion of compost in Climate Smart USDA agriculture strategies; the need for federal funding for infrastructure and for research gaps in carbon sequestration of compost; and the need for FTC's next Green Guides revision to address misuse of the definition of compost in some products.

Draft National Strategy

USCC Comments

Final Strategy

Plastic Pollution Prevention Strategy

USCC comments on EPA's draft strategy to reduce pollution and single-use plastic included noting that federal investment in infrastructure development requires national collection of data on composting practices around the country (achieved by the Recycling and Composting Accountability Act, see above); and pointing out that the strategy should clarify that composting is the production of compost and not the action of placing organic materials for collection, among other comments.

Draft National Strategy

USCC Comments

UPDATE of EPA's Waste Reduction (WARM) Model

WARM (Waste Reduction Model) is a tool developed by the US Environmental Protection Agency in 1998 that estimates potential greenhouse gas emissions, energy savings, and economic impacts of waste management methods. In 2022 and 2023, EPA conducted an external peer review and a data quality assessment as part of efforts to maintain WARM's scientific integrity.

During the December holidays in 2023, EPA announced that it was taking comments on potential changes to the WARM model v.16 as a result of the peer review/assessment process. Many organizations and partners came to USCC with concerns about the short turnaround time (originally due in January). USCC appealed to the US EPA to extend the comments by an extra month, which EPA granted.

USCC's comments requested deeper reconsideration of the changes in the compost industry regarding: scale and size; new technologies; changes in energy usage of composting

equipment; updating data on fugitive emissions and carbon storage for compost, among other recommendations.

USCC's WARM COMMENTS

Other:

UPDATE:

As of October 2024, EPA is still processing 900 comments received. While the completion date is not yet known, they will be integrated into the next WARM version.

Grants

Urban Ag/CFWG: The Office of Urban Agriculture and Innovative Practices has invested more than $15 million in grants directly creating compost programs. The Composting and Food Waste Reduction Grants, created in the 2018 Farm Bill, was on the precipice of being cut when USCC and partners pressed for restoration of funding, successfully.

SWIFR/REO: The US Bipartisan Infrastructure Law (BIL) was the source of nearly $150M in funding through two programs whose recipients were announced in fall 2023. The SWIFR (Solid Waste Infrastructure for Recycling grants) grantees are here, and Recycling Outreach and Education grantees are here.

Climate Pollution Grants:

The EPA's Climate Pollution Reduction Grants (CPRG) program provided nearly $5 billion in grants to states, local governments, tribes, and territories to develop and implement ambitious plans for reducing greenhouse gas emissions and other harmful air pollution. USCC and partners spent time alerting our communities of this program to ensure that state planners who had to apply first were aware that soil health and composting projects are part of climate pollution reduction (usually the grant notifications were assigned to state Climate offices housed in transportation and energy departments). Authorized under Section 60114 of the Inflation Reduction Act, this two-phase program provided $250 million for noncompetitive planning grants, and approximately $4.6 billion for competitive implementation grants.

In September, EPA announced the state and tribal governments awarded, and only a handful included composting and food waste reduction.

Composting and Food Waste Grant Program Grassroots Lobbying

USCC and its partners Kiss the Ground, National Sustainable Ag Coalition and Zero Food Waste Coalition tackled the risk of being unfunded in this year's federal appropriations bill—putting in jeopardy program such as the Composting and Food Waste Reduction Grants ($15 million invested in composting projects since 2020) and Urban Agriculture Innovation Grants.

We conducted a Compost Action Center Campaign in fall 2024 for restoration of funding for the Office of Urban Agriculture (where the Composting and Food Waste Reduction Grants were funded) that generated 300 advocate emails to Congressional representatives; it was successful and funding was restored.

Urban Ag Program Callout:
https://conta.cc/47OyjBz

STATE INITIATIVES

COLORADO:

Organics Management regulations: USCC's Colorado Chapter, the Colorado Composting Council, a committee of Recycle Colorado, has participated in action steps following passage of SB 23-191, the state's Organics Management Plan, to assist in the development and release of the mandated diversion study and associated toolkit.

The COCC also worked with the state in its implementation of SB23-253, which created standards for compostable products, often referred to as Truth in Labeling legislation. The bill, which went into effect on July 1, 2024 creates standards for products represented as compostable, commonly referred to as "truth in labeling" legislation. It is intended to reduce consumer confusion about the compostability of products in the effort to significantly reduce contamination in finished compost. It creates a clear certification and labeling standard and prohibits producers of non-compostable products from using misleading advertising and marketing tactics that lead consumers to believe their products are compostable.

Solid Waste Regs: During 2023, the COCC advocated for changes to the Colorado solid waste regulations to be less burdensome and expensive, including quadrupling the volume of "Type 2" materials (food scraps) that Conditionally Exempt Small Quantity Composting Operations can manage and increasing opportunities for composting SSO and food residuals under the Class I designation. (USCC's comments are here.) The regulation revisions were adopted by the Solid and Hazardous Waste Commission in February 2024.

MARYLAND

SB56: A bill supported by USCC's MD-DC chapter and USCC to grow infrastructure in MD was filed for the second year and failed, though it was supported by the state's Department of Environment. It would have instituted a $2 surcharge to fund an On-Farm Organics Diversion and Composting Grant Program, a School Waste Reduction and Composting Program, and a Circular Economy Incentive Program of grants or other incentives to develop methods for upcycling and remanufacturing materials.

HB173 A bill requiring state facilities to compost green waste, also supported by USCC and the chapter, failed.

NEW HAMPSHIRE

HB1649: banning PFAS, supported by USCC, passed; it prohibited food packaging, cosmetics, juvenile products, and certain textile-related items with intentionally added PFAS.

HB1681: USCC supported this labeling bill with amendments recommending removal of the term biodegradable, use of ASTM standards for compostability, and required labeling including green coloring for products. The bill died in committee.

MINNESOTA

HB 4567: providing protection from enforcement of liability for involuntary conveyors of PFAS protected from liability under Minnesota Environmental Response and Liability Act, supported by USCC, died.

EPR: See EPR section below.

MISSOURI

USCC provided a letter of support for the Legislature to recognize International Compost Awareness Week in a resolution for 2024. Bill here, sec. 9.397

NEW YORK

S5331**A:** USCC supported this bill to further expand New York State's food donation and food scraps recycling program. Banning the disposal of waste by scaling down the annual average tonnage requirement every two years will help build infrastructure and prepare the market for increased local management of inedible organic residuals for composting (as well as edible food for humans/animal feed). The bill is still awaiting the governor's signature.

WASHINGTON

HB2301: This bill was a win for composting in many ways, but will need rigorous followup with regulation to ensure an even playing field for industries working in food waste to ensure Washington's philosophy of source-separated food scrap collection is maintained. Washington State advocates worked hard for this bill, which provides many tools and policies for successful wasted food scrap reduction and management. Organics collection will be required for single-family residents in urbanized areas of the state. The bill establishes multiple initiatives for promoting the reduction and collection of organic waste, including: a new grant program to help city and county staff and others to do technical assistance, education, enforcement and upgrade infrastructure; enforcement of the labeling requirements for compostable products passed in 2019 by setting up a complaint system for non-compliant materials to be investigated and stopped; and establishing a food rescue system for the State of Washington.

USCC's concern, which we expressed in letters during the bill's negotiation, is that its provisions could result in skirting of source separation of organics during collection, a key requirement for maximum diversion and quality compost product. Compost facilities in Washington State have a

default 5% contamination threshold due to the recognition and hands-on experience by compost producers that contamination compromises compost product quality. The bill passed with no numerical limits on contamination for pre-processing or depackaging, which could allow mixed waste collection and result in material being sent to disposal. This has been experienced in the Northeast with the introduction of depackaging when anaerobic digestion facilities began allowing generators who previously source separated for food rescue and composting to discard mixed containers of compostable and rescue-worthy food scrap, along with packaging, for depackaging and eventual landfill disposal. Washington Department of Ecology must make regulations that set contamination limits on all methods of handling food waste.

UPDATE: The Washington Department of Ecology is planning a rulemaking to address contamination limits that will begin in December 2024.

Extended Producer Responsibility

New York State

AB 5322/Senate Bill 4246: USCC opposed and proposed amendments to:

1. Include organics and composting practices in any Needs Assessment that is part of the process
2. Include composting as a recipient of an equitable percentage of funding dispensed through the PRO (other bills have targeted this towards equipment/practices reducing contamination at compost facilities)
3. Provide the composting industry a seat on the PRO Advisory Panel or the PRO itself.

Hawaii

HB1688: USCC was in conversation to support this bill with Rep. Nicole Lowen, but it failed before that letter could be filed.

Minnesota

Omnibus Bill- Article 5: passed as part of an omnibus environmental bill; composting is part of a study due Jan. 2026 by the Minnesota Pollution Control Agency focused on infrastructure and policy and funding needed to grow capacity of recycling and composting; a seat on the advisory committee; and funding can also be used for labeling and education purposes. USCC supported the bill.

UPDATE: Minnesota regulators are currently reviewing applications for members of the Critical Materials Recovery Advisory Task Force called for in the legislation.

Outlook for 2024-25

New Jersey

HR3398: Packaging Product Stewardship Act: USCC opposed with amendments asking for evaluation of infrastructure needs of composting as well as recycling in the Needs Assessment; designation of composting as a recipient of an equitable percentage of funding dispensed through the PRO; provision of a set for the composting industry a seat on the PRO Advisory

Panel or the PRO itself; inclusion of the USCC definition of Compost and Composting. The NJ Assembly is still in session so USCC will continue to work to adjust the provisions of this bill before supporting.

USCC supported a regulations request by USCC member Vivaria Ecologics for the state to modify its composting rule to allow non-covered facilities to be built. Although the immediate request was turned down, in Q3 2024 the NJ Department of Environmental Protection held a hearing of stakeholders about this potential change in regulation. The outcome is still in discussion.

Washington State
An EPR effort is expected in 2025.

Washington SB5154: Did not pass. We asked for amendments, including specific callouts for a composter on the PRO advisory committee; for compost infrastructure to be included in the needs assessment; for the definition of compost to be USCC's definition; and for funds to go not only to education for composting but for infrastructure as well.

NEW YORK CITY:

Community Composting: USCC testified and submitted two letters in winter and spring urging the city to restore funding ($3M) for community composting programs for the remainder of 2024; and for a $2.1 million allocation for the Lower East Side Ecology Center to relocate its compost site, which was moved due to the East Side Coastal Resiliency Project.

National Biobased Products Day:

USCC participated in a campaign that has continued each year to raise awareness of bioproducts, of which compost is a part. We have been lobbying to have a category for "bio products" to be listed in NAICS, and for compost to be moved from Chemicals to that Bioproduct category. Participating in campaigns for biobased products helps to support our case.

USCC TOOLS

Lobbying

November 7, 8, and 9 2023: USCC visited with several staff members of Senate Energy, Environment and Public Works committee members to further educate about the need for a bill with an exemption for composters from liability under CERCLA. USCC members from Delaware (Tom Carper), California (Alex Padilla), Arizona (Mark Kelly) and Wyoming (Cynthia Lummis) met in person and virtually as well as an in-person in-district meeting with Energy and Commerce Chair Rep. Cathy McMorris Rodgers (Washington).

The Senate EPW Committee at that time held a hearing with passive receivers and environmental groups and learned much about the impact of CERCLA liability on citizen ratepayers and businesses.

Spring/Summer 2024: USCC participated with Kiss the Ground and Zero Food Waste Coalition in meetings with Congressional representatives regarding Farm Bill priorities that aligned with USCC's Farm Bill priorities

(See full list here).

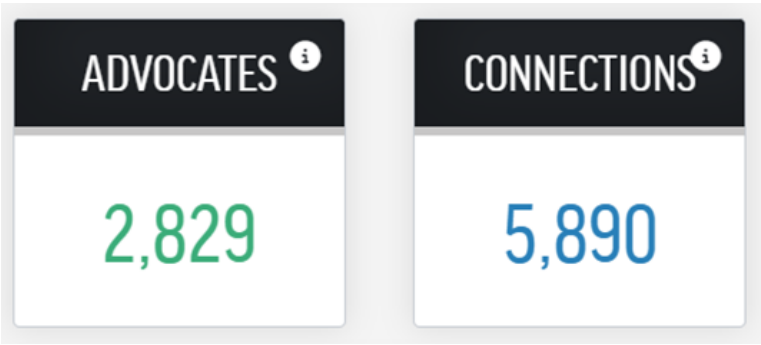
Policy Tours

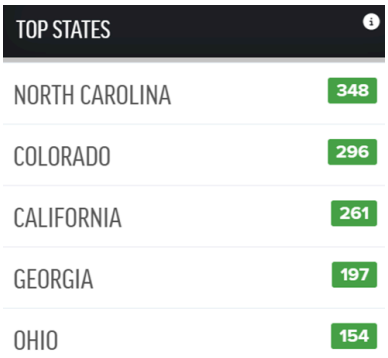
For the second year, USCC members hosted a Compost Tour for policymakers during Congressional recess (originally August but due to the election opportunities extended into the fall). Congressional and state legislative staff, legislators, and advocates toured the following facilities:

The Foodbank, Inc.	**Ohio**
Go Zero	**Ohio**
Patriot Acres	**Illinois**
Spotsylvania County	**Virginia**
Veransa	**Florida**

Compost Action Center

The Compost Action Center was opened in 2023 on USCC's website as a tool to easily connect advocates with their legislators and regulators in the event of legislation/regulation needing grassroots support or opposition.





APPENDIX I

USCC Policy Positions

The following policy positions have been adopted by the USCC's Board of Directors in consultation with the USCC's Legislative and Environmental Affairs Committee.

Compost Use – Public Incentives

2024

Designated uses of compost in the form of roads and transportation, parks and recreation facilities, government lands, and legislative/regulatory requirements for use of compost in private projects (such as green infrastructure in land development such as bioswales, green roofs, stormwater retention ponds and other publicly required environmental protection measures) provide proven benefits to soils and clean water and are a US Composting Council policy priority.

Definition of Compost

The American Association of Plant and Food Controls adopted this definition of compost which recognizes need for stable compost when produced at commercial scale. This definition should be used in all levels of government definitions and regulations pertaining to required compost characteristics for horticultural and agronomic purposes:

Compost - is 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)

The STA program contract adds this additional line to the AAPFCO definition: 'Finished compost is typically screened to reduce its particle size, to improve soil incorporation.

Compost meeting this definition will be

● Free of weed seeds and plant pathogens

● Free of human and animal pathogens (sufficiently reduced as to make regrowth unlikely) and monitored/tested to assure so

● Sufficiently stable, as to allow for the release of plant nutrition, especially nitrogen

Compostable Products Labelling

2022

The US Composting Council (USCC) and Biodegradable Products Institute has developed model legislation for labeling compostable products. The principles were developed after months of consensus-building by a task force composed of both organizations' members, including compostable product-makers, certifiers, municipal leaders, allied members of USCC, and compost manufacturers. Task Force members agreed that products should be labeled with distinguishing elements including tinting and striping and the use of certification logos, while non-compostable items should be prohibited from using identical labeling and misleading terminology. Additionally, all compostable items should be defined by required lab testing and are encouraged to consider field testing.

Model Principles for Labeling Compostable Products

Emissions of Volatile Organic Compounds (VOCS) in Composting

2012

SUMMARY: The types and volumes of VOCs emitted from properly operated commercial composting facilities are naturally occurring (biogenic) and do not pose significant risk to the formation of ground level ozone.

DETAIL:

*This position is being updated for the 2025 Legislative Year.

Food Recycling Units and Dehydrators

2023

The US Composting Council advocates for the commercial composting industry, which represents billions of dollars of investment and livelihood of those employed in the industry. We have a strong interest in protecting the industry from false and confusing claims for devices that are marketed as composting equipment or composting units ("composters"), when indeed their outputs are not the finished compost product—per the AAPFCO definition—that is ready for immediate application. These devices are sized for home and commercial use and marketed as "composters," whether for in-home use or in commercial/institutional settings. They accept food and other organic waste, and heat, dehydrate, and mechanically break down these materials. While the resulting product can look somewhat like compost, they fail to meet the AAPFCO definition, and more importantly, cannot be used in the same efficacious way. Marketing these devices as "composters" and further suggesting the resulting material may be used in applications suitable for compost is misleading, confusing to the public, and damaging to the composting industry. A negative consumer experience from using the output of devices calling themselves "composters" will impact sales of "true" compost (by the AAPFCO definition). In summary, those technologies whose output is accurately defined as dehydrated or pretreated materials, (which can be useful feedstock for the composting process or other applications), should not have "compost" in their product name and marketing materials or imply in their product descriptions that they produce compost.

Full Position Statement

Organics Bans

Updated 2024

SUMMARY:

The USCC supports various forms of legislation/regulation that:

a) mandates generators of yard trimmings to compost yard trimmings on site or to source separate yard trimmings for composting instead of sending them for disposal

b) Either mandates municipalities and/or commercial and institutional producers of food residuals to divert food residuals or bans them from disposal (1).

Banned organics can include a wide variety of diverse materials. USCC recommends that communities initially focus efforts on organic waste streams that will have an immediate impact (such as green waste) on diversion goals. Over time, additional organic waste streams should be added to the focus, aimed at increasing overall capture rates.

The effect of these bans should be to:

1. source-separate food residuals from other solid waste for recycling;
2. follow EPA's Wasted Food Scale of pathways for food scraps
3. recycle or treat inedible food residuals on-site or send their organic waste to a composting facility.

IMPLEMENTATION

USCC recommends, based upon markets and the state political and economic environment, that bans:

1. Begin with a green waste/yard waste ban, which is easier to manage and permit at state and local levels. (3)
2. When banning/mandating food scraps, prioritize and require food waste reduction and rescue when food is still edible by people or animals;
3. Determine the jurisdiction's readiness as to whether to include commercial/institutional generators and/or residential generators at once or in phases;
4. Study levels of existing infrastructure and difficulty of expanding infrastructure in your jurisdiction to determine what infrastructure is needed and how to phase in mandates and bans to meet this need. (4)
    a. Allow a phase-in period based on infrastructure readiness; (5)
    a. Some bans set a mileage "trigger" for required participation; this should be considered in response to infrastructure, markets and economic conditions in the state, and to increase likelihood of localized solutions. If the amount of tonnage generated is the trigger, a state may graduate implementation from 12-months to two years at an amount (2 tons is suggested) depending upon infrastructure readiness and, over time, decrease in tonnage ; (6)
2. Institute dedicated funding prior to the ban's start to develop infrastructure (equipment, site development, collection) in the form of grants from tipping fees or other dedicated sources;
3. Establish specific and funded ongoing and continuous education programs, including contamination mitigation strategies and compost benefits, to assist in implementation of mandates and/or bans. (7)

4. Establish enforcement mechanisms in the legislation, including who (agency of government) and how (inspections, how and when). A Waiver can be included but should have strict requirements and be required to renew each year.

Perfluoroalkyl Compounds and Compost

2023

Compost facilities do not use PFAS; compost is not a significant exposure route to harmful levels of PFAS. Assessments of contact from numerous state environmental agencies indicate that inhalation or ingestion of typical compost does not threaten human health. USCC is awaiting the US EPA's Health Risk Assessment (expected in late 2024) for guidance on federally scientific standards for safe levels of PFAs chemicals in soils, biosolids and compost. Composting as an industry should be exempted from any liability regulations or programs that direct cleanup costs to producers of PFAS since the compost production process is a passive receiver of PFAS chemicals.

Position Paper Here