



January 21, 2022

To whom it may concern,

The Minnesota Composting Council appreciates the opportunity to provide comments on MPCA's draft PFAS Monitoring Plan. While we agree that more testing should be done to understand PFAS levels in our environment, reducing and restricting the usage of PFAS chemicals should be the utmost priority.

The MNCC agrees that the testing priorities should directly tie to the goal to reduce human exposure points and pathways that have the greatest effect on human health and our environment. High exposure points to prioritize include carpeting, furniture, clothing, and consumer products.

The MNCC and composting industry in Minnesota have several concerns about the draft PFAS Monitoring Plan and potential outcomes based on actions proposed in the plan. These include:

1. Testing contact water
2. Restricting ability for compost facilities to accept feedstocks
3. Restricting use of finished compost
4. Testing plan and analytical methods used
5. Excluding testing at permit-by-rule yard waste composting facilities
6. Lack of knowledge about PFAS in ambient environment and other 'fill' materials

Each of these is described in greater detail in our comments.

Testing has already shown that PFAS have been found in the contact water at yard waste, municipal solid waste (MSW) and source-separated organic material (SSOM) composting facilities. One known source is food-service packaging, which will be eliminated in 2024 when the ban on PFAS in food-service packaging goes into effect. Another known source of PFAS is in the packaging of products like pesticides, which go to all composting facilities, not just those that have testing plans required by their operations permits. Composting facilities are merely receivers of this material. Restricting the ability for compost sites to accept materials that may contain PFAS, as proposed in the draft PFAS Monitoring Plan, would reverse progress over the past decade to divert waste from landfills and waste-to-energy facilities. Furthermore, it will inhibit the growth of the composting industry in our state and make meeting the State's recycling and composting goals nearly impossible.

The first step in the draft PFAS Monitoring Plan is for MSW and SSOM composting facilities to test contact water. Currently most composting facilities in the state are sending their contact water to a waste-water treatment facility (WWTF) at a very high cost. This cost burden discourages growth in food diversion for composting and also makes it more difficult to compete against yard waste PBR only sites when getting products back into the market. Diverting the problem downstream without a removal

system at a WWTF is not a cost effective long term option to most composters that are privately owned. Future testing of contact water may discourage WWTF from accepting certain inputs to their systems.

The second step of the plan is to test finished compost or feedstocks. The draft PFAS Monitoring Plan states that identifying PFAS sources in efforts to reduce their use is the priority. If this is true, testing incoming feedstocks should be prioritized instead of contact water, where PFAS are already known to exist. If the goals are really to identify PFAS sources, the MNCC feels the first step of testing for composting facilities should be feedstocks and other inputs including:

1. Grass clippings, leaves and wood fiber (any yard waste inputs)
2. Food scraps (noting food-service packaging may contain no added PFAS after 2024)
3. Ambient levels from rain and equipment used in composting operations

By testing feedstocks first, data collected can support future legislation to ban the use of PFAS in additional products. Also, what would it mean for the composting industry as a whole if PFAS are found in samples of straight food scraps, grass clippings, or leaves? Or if they're found in samples from rainwater that has come in contact with equipment used in composting operations? With the State's ban on yard waste in landfills or waste-to-energy facilities, there is no other option than to compost this material. Additionally, composting food scraps and other compostable items is a necessity if there is any hope of meeting the State's recycling and composting goals, particularly for the metro region.

Regarding finished compost, some composters have voluntarily tested their finished compost for PFAS and PFAS that were found were significantly lower than intervention limits. If testing finished compost is required before feedstocks, it does not help with the goal of determining sources of PFAS entering composting facilities. Composters have concerns that testing finished compost may result in restricting usage of compost, thus reducing the viability of their business.

If the State agrees to test feedstocks before contact water at composting facilities, there are a lot of other details that need to be determined. The MNCC and composters need to see the State's list of accredited labs and the specific PFAS test methods to be used. From discussions composters have had with analytical labs, labs do not have high confidence in some testing methods, especially for solids. Any testing of solids should include leachable PFAS in addition to total PFAS. The true cost of sampling and ensuring there is high confidence in testing methods is necessary for composters to voluntarily participate in sampling.

There are significantly more permit-by-rule yard waste composting facilities than MSW or SSOM composting facilities in the State. Excluding testing from these facilities reduces the number of possible data points received. Because PFAS have been found in contact water samples done by the MPCA at PBR facilities, additional testing of materials received at these sites should be considered. The MNCC encourages the MPCA to request additional funding from the Legislature for testing at PBR facilities to continue to gather data on sources of PFAS. Pending the results, regulation changes may be needed for permit-by-rule composting facilities so their operations provide the same environmental protections that SSOM and MSW composting facilities through the management of incoming materials and contact water.

Another concern from composters is potential liability from test results. If the facilities and test results are public, it may directly affect their business. The MNCC encourages the MPCA to evaluate a

mechanism for facilities to anonymously submit their test results. If the results are anonymous, composters are more likely to participate in voluntary testing. If composters lose business due to test results, the industry as we know it may cease to exist. The US Composting Council's (USCC) Seal of Testing Assurance program is currently collecting and anonymously reporting test results for composters who participate in the program. The MPCA could consider partnering with USCC to receive anonymous data from composting facilities in Minnesota.

The MNCC again agrees that testing for current PFAS levels in the environment is important. We are happy that MPCA is using LCCMR funds to evaluate the impacts of land-applied substances, including compost. The MNCC feels it is important for fill media, like topsoil, sand, clay, gravel, and peat to also be tested along with biosolids, manure, and any other type of fertilizer or soil amendment if compost is being looked at. The added soil benefits from the use of compost (i.e. increase organic content of the soil, help soil retain water, bind and break down other pollutants, carbon sequestration) should be factored into any decisions. The MNCC encourages the MPCA to go to the Legislature for additional funding to continue testing ambient levels of PFAS in our environment and to look for a different threshold rather than drinking water standards to compare test results to, especially since intervention limits are often set to 25% of drinking water standards. People are not drinking contact water nor are they eating finished compost. The State has soil screening limits for PFAS and other parameters; these may also be more appropriate to compare feedstock and finished compost samples to than drinking water.

The MNCC wants to reiterate that compost facilities are an end-of-life facility that has little control of the materials they receive. Compost facilities care for the environment and human health and work within all regulatory requirements to be good stewards of the environment. Restricting PFAS usage should be prioritized to help reduce PFAS in our environment. Tests have already found PFAS higher than intervention limits in contact water, but not in finished compost. Restricting composting facilities from accepting certain feedstocks will go against the State's goals to reduce waste going to landfills and waste-to-energy facilities. For composters to work with the MPCA to complete testing they deem necessary, they need to be assured that analytical labs have confidence in tests performed and that by voluntarily participating they will not be putting themselves out of business or in a negative legal situation.

Specific recommendations from the MNCC regarding the draft PFAS Monitoring Plan for composting sites, in order of priority, include:

1. Share MPCA's list of accredited labs in addition to the test methods as soon as possible and work with composters to ensure there is high confidence in the test methods to be used.
2. Request additional funding from the Legislature. Funding should be used to fully understand ambient levels of PFAS in our environment (including rainwater, fill materials, etc.) and to fill in gaps where voluntary test information is not being submitted to the MPCA.
3. Test feedstocks first to support source reduction prior to composting.
4. Continue to allow compost sites to re-incorporate contact water into the composting process and not require them to send it to WWTF.
5. Testing by permit-by-rule (PBR) yard waste facilities should be done if additional funding can be secured from the Legislature. There are significantly more PBR YW composting sites and if the

goal is to understand PFAS in our environment, excluding them leaves huge blind spots in the State's data and understanding of PFAS in our environment.

We again appreciate the opportunity to provide comments on the draft PFAS Monitoring Plan. Please let the MNCC know how we can be of further assistance to the MPCA in determining the next best steps for composters in helping fight against PFAS in our environment.

Sincerely,

Minnesota Composting Council

The Minnesota Composting Council is a 501c, 3 dedicated to the development, expansion and promotion of the composting industry based upon sound science, principles of sustainability and economic viability.

mncompostingcouncil.org