



## 2024 Legislative priorities

### Defining compost

A definition of finished compost and the process of composting is needed in Minnesota statutes. Defining compost, and what is required to produce or sell products utilizing the term compost, will create consistency among State agencies (MPCA, MnDOT, MDA, DNR, etc.), local units of government and all compost users, and level the playing field for those manufacturing compost and those looking to use compost for various applications. The current lack of consistency among State organizations and private industry is leading to the sale of an inferior product that in some instances is having detrimental effects on projects and turning away customers from using properly manufactured compost.

### Require yard waste composting facilities to meet PRFP

All composting facilities should be required to meet the Process to Further Reduce Pathogens (PRFP) to protect our environment and support the integrity of the composting industry. The MPCA, MDA and DNR agree management of bacteria and invasive species are best managed on-site if possible. If on-site management is not possible, plant material should be brought to a compost facility that meets the PRFP. PRFP ensures the composting piles are hot enough for long enough to kill any bad bacteria like e-coli and salmonella, weed seeds, and invasive pests like jumping worm cocoons and emerald ash borer larvae. It includes a 1) mesophilic (moderate-temperature) phase, 2) thermophilic (high-temperature) phase, and 3) a cooling and maturation phase.

Currently only municipal solid waste and source-separated organics composting facilities are required to meet PRFP. There are 8 such permitted facilities in Minnesota. None of the approximately 120 yard waste (permit by rule) compost facilities are required to track and record that PRFP has been met in their operations. Without verification of meeting PRFP, these yard waste sites could be aiding in the spread of invasive species. Additionally, residents and customers may be using or purchasing a material that is marketed as 'compost' that has not undergone the appropriate process to be classified as compost. The use of/sale of immature compost is harming and preventing the expansion of the composting industry.

The MNCC is willing to partner with various State agencies, County, City, and township government entities to develop and implement a training and certification program to ensure that all compost facilities - yard waste, MSW and SSO composters - are following best management practices that protect the environment, reduce the spread of invasives, and standardize when a product can be marketed as compost.

### Extended producer responsibility for packaging & printed paper

The MNCC supports EPR legislation for Packaging & Printed Paper, holding manufacturers accountable for the packaging they create. EPR product fees should increase use of reusable, recyclable and compostable materials and improve capture rates of recyclable and compostable materials. Compostable product manufacturers, composters and composting programs should be given equal weighting and consideration to their reusable and recyclable counterparts.

### **Program funding: SCORE**

MNCC supports allocating 100% of SCORE funding for its intended purpose to support waste reduction and diversion programs. SCORE funding given to Counties, who are responsible for meeting the State diversion goals, has been siphoned away from its intended purpose to the State's General Fund, while new diversion programs and educational needs continue to increase to meet the State's diversion goals.

### **Market Development**

The MNCC believes that market development activities statewide are needed to ensure the success of the composting industry. Organics (food scraps and other compostable materials) make up over a third of municipal solid waste. Therefore, at least one third of market development funding should be allocated towards expanding programs to divert organics from the trash and increasing markets for finished compost.

### **Education**

State statutes 115a.552 and 115a.072 should be amended to reflect increased educational needs and funding should be allocated for the MPCA and counties to meet the requirements identified in the statutes. Consistent and ongoing education is essential for both traditional recycling and for organics recycling programs to succeed.

### **Compost use in public projects**

Political subdivisions, educational institutions, and other public agencies should be required to procure compost as part of their soil amendment purchases unless the project engineer determines that the compost material does not meet the specifications required by the project.

### **Yard waste: extending metro law statewide**

Extend 115A.931 requirements statewide so that when a bag is needed for a yard waste collection or drop-off program, the bag used is a kraft paper bag or a compostable bag in accordance with ASTM D6400 or D6868, or that the material be debagged at a transfer site. The ban of conventional oil-based plastic bags in the Metro area has helped reduce contamination at composting facilities resulting in decreased operational costs and increased marketability of the finished compost.



## **2024 Policy Positions**

### **PFAS research**

MNCC supports continued analysis of PFAS in our environment and funding from the State for monitoring and evaluating on-site treatment methods. MNCC also supports the development of a scientifically based and targeted response plan, jointly developed by the MPCA and PFAS receivers, that targets methods that cost-effectively protect human health and the environment.

## **Food scrap diversion requirements: Residential and commercial**

MNCC supports the continued expansion of organics management programs in both the residential and commercial sectors across the state of Minnesota. Because food scraps make up more than one third of collected trash, it is necessary for local governments and the State to meet waste reduction, recycling, composting and climate goals. Two different laws that should be amended include:

### 1. Amend 115A.552: Opportunity to recycle

- Cities who are required to offer curbside recycling (Cities of the first and second class and cities with 5,000 or more population in the metropolitan area) should be required to have at least every other week collection of food scraps and other compostable materials.
- All cities with a population of 10,000 or more persons by 2030, and population greater than 5,000 by 2035 should be required to have at least every other week collection of food scraps and other compostable from a centralized drop-off in cities.

### 2. Amend 151A.151: Large generators who are required to have recycling should be required to divert food scraps from disposal.

The State and counties should leverage all opportunities to incentivize communities and businesses to start or expand organics management programs.

## **Infrastructure expansion**

MNCC supports collaboration among permitting agencies to streamline the permitting process for composting and other SSO management facilities. Waste, water, and air permitting staff need to agree on siting and design requirements in a short timeframe to not delay the opening of new sites. They also need to be working in collaboration with new facilities / technologies (ex. biochar and AD) to make sure they are designed to protect human health and the environment without being overly burdensome or cost prohibitive. Funding (grant and bonds) opportunities for both public and private sector organizations are necessary to expand capacity to divert organic materials from the trash throughout the state.

## **Local control**

The MNCC opposes any legislation which would restrict or impair a local unit of government's ability to adopt policies that improve local waste management practices. This includes but is not limited to organizing collection or enacting product sale, use or disposal bans.

## **Healthy soils and resiliency**

The MNCC supports the adoption of policies and programs that improve soil quality and grants for research and projects to improve soil health and resiliency. Improving soil quality is essential to long-term viability for the planet to sustain life.

## **Managing woody materials**

With an increasing amount of woody materials due to Emerald Ash Borer, State agencies and local units of government need to appropriately measure and track the management of the amount of woody waste material in the State. Without understanding where wood waste is being stored, and how much there is, and how it's managed there is a risk of continued spread of invasive species. The MNCC does

not support marketing wood waste as compost or as any other type of soil amendment unless it meets the US Composting Council's definition of compost. This will prevent the sale of degraded wood as compost, a practice which is currently happening in the State.

### **Biochar**

The use of biochar is the only carbon negative tool readily available to help soils sequester carbon. Biochar is a beneficial use option for excess wood in the State. The MNCC supports the local production of biochar and its use throughout the state. When mixed with compost, biochar provides benefits of added water holding capacity, nutrient retention, and providing optimal microbiological habitat to the compost, increasing benefits to the soil and plants while also sequestering carbon from the atmosphere.

### **Collection program implementation**

The highest performing programs are those in which all residents pay for the program and residents opt-in to participate. This reduces financial barriers to participation, helps keep contamination low and meets State Statute 115A.93 in which haulers are prohibited from imposing a greater fee on residents who recycle than those who do not recycle. This is currently being enforced in Hennepin County only.

### **Waste management hierarchy**

The MNCC supports all management levels of the State's Waste Management Hierarchy. Food scraps and compostable materials should be managed to their highest and best use. Furthermore, to create the highest quality compost possible, source-separated organics (which includes source separated organics co-collected with MSW) should be prioritized over using people or machines to remove organics from mixed municipal solid waste.

### **Defining Anaerobic Digestion (AD) in Statute**

MNCC acknowledges and supports AD as a component of the state's integrated waste management system as a means to recover energy from organic waste streams. It is important for the State to define AD, digestate, and state when AD systems qualify as recycling. To be higher on the waste management hierarchy, AD systems must have both gas capture and create a usable beneficial digestate product. Other pre-processing activities, including dehydrators and infra-red dryers, should not be considered AD.

### **Natural organics reduction (human composting)**

As natural burials are becoming more popular, State rules and regulations should be reviewed and amended to allow for natural organic reduction. Composting human remains requires less energy, uses less toxic materials, and reduces natural resources needed to bury humans after they have passed. Natural organics reduction is now permitted in six states (WA, CO, OR, VT, CA and NY).