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**Response to Call for Comments by New Jersey Clean Water Council
on PFAS Compounds in Water and Wastewater Residuals**

January 27, 2023

The New Jersey Clean Water Council ("Council"), at its January 19, 2023 hearing, discussed the impact of PFAS in residuals and took testimony and called for comments on the options for managing Polyfluoroalkyl substances ("PFAS") in residuals. We greatly appreciate the work of the Council and commend the State's forward-leaning approach to addressing PFAS. The US Composting Council ("USCC") respectfully submits the below comments for the Council's consideration.

We are encouraged and commend the Council and the New Jersey Department of Environmental Protection for the steps it has already taken to address PFAS, including surveying industrial permittees regarding potential sources of PFAS as well as gathering other data from water and wastewater operators. This will provide crucial information on the amount of PFAS being sent to treatment facilities.

The USCC is a trade association representing more than 2,000 individuals in 800 organizations who are directly or indirectly involved in the composting industry with 27 members in New Jersey. Composting plays a vital role in providing environmental and economic sustainability in New Jersey and across the country. Composting at its core is the process of taking organic material that in many cases would otherwise be landfilled and recycling that material to create compost.

Compost has numerous environmental benefits. It contains organic nutrients and conserves water as well as avoiding the use of synthetic chemicals. Composting also reduces the release of methane gas and the leaching of toxins into soil and ground water as well as providing economic benefits in the communities they operate. The diversion of food waste and biosolids from U.S. landfills to composting avoids approximately 2.7 million metric tons of CO₂-equivalent emission to the atmosphere annually. Organizations ranging from EPA to the Natural Resources Defense Council have recognized the many benefits of composting.

As the Council considers what actions it should recommend reducing PFAS in the environment, we encourage you to focus on the source of PFAS chemicals and not the end users. Like other industries compost manufacturers have been impacted by the ubiquitous nature of PFAS and we have been working to ensure that the stream of material we take is as free of PFAS as possible. However, because we are an industry that recycles material, we cannot control or remove PFAS chemical from products we receive. The stream of material we receive is at the end of its useful life or is a product, like residuals, that is a waste stream from other sources.

After careful review of the January 19 hearing record the USCC has the following recommendations for the Council's consideration:

1. Any proposal regulating or otherwise addressing residuals, or by-products of residuals (biosolids) should focus on the producer of residuals or biosolids and not end users like composters. Certain states have developed testing and remedial programs that include the end users of biosolids. Those programs have placed a regulatory burden on compost manufacturers without any public health or environmental benefit. As discussed above compost manufacturers take biosolids and turn biosolids into compost. Compost manufacturers are not in a position to reduce the level of PFAS chemicals in the source product. Therefore, any regulatory requirements on composters would serve no purpose.
2. Avoid duplicative regulation. As discussed in the first point, programs in other states have required testing of producers of biosolids and testing of compost derived from biosolids. Compost manufacturers should not have to test their product if it has already been tested. There is no evidence that composting creates or increases the level of PFAS in biosolids, duplicative testing does not provide any additional information and merely increases costs to compost manufacturers.
3. The Council should not recommend, or should at a minimum take comment on, a ban on the land application of biosolids or products derived from biosolids. Such bans have a negative environmental impact by eliminating valuable and necessary soil amendments and don't address the source of the problem. If the Council is considering such a recommendation it should first accept comment on that specific recommendation.
4. Regulation should focus on upstream sources. The most effective way to reduce the introduction of PFAS into the environment is to reasonably regulate it at the source. Compost manufacturers are far downstream from where PFAS chemicals are first introduced and cannot eliminate or reduce PFAS in products that are composted.
5. The Council should work with its federal delegation to encourage EPA and USDA to fund PFAS research trials to quantify plant uptake of PFAS and to encourage EPA to expedite its health risk assessment in compost feedstocks, compost finished product and soil.

Please don't hesitate to reach out should you have any questions.

Sincerely,



Frank Franciosi, Executive Director