



Sustainable
Economies
Law Center

Community Composting



People Power in the **BIG** Scheme of Things



We started researching compost **LAW AND POLICY...**

There are **MANY LAYERS** of
compost laws!

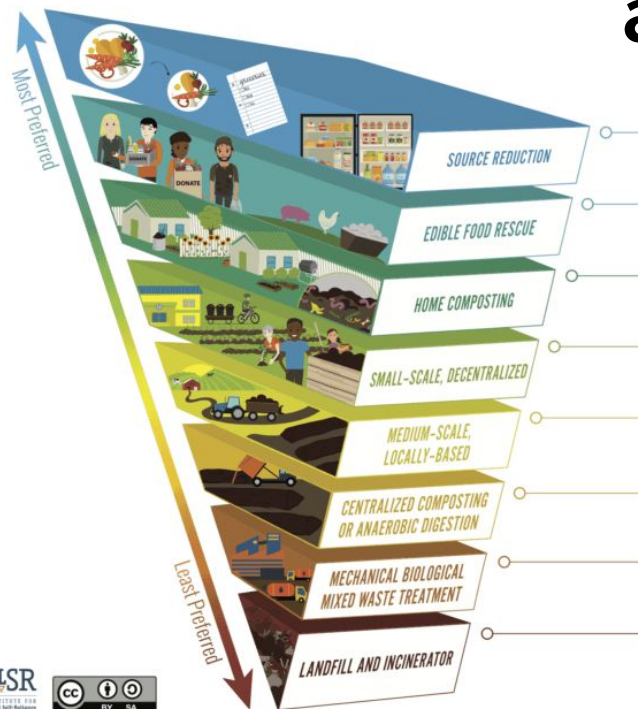
Everywhere you go, they are
DIFFERENT!

And they are always **CHANGING!**





Hierarchy to Reduce Food Waste and Grow Community



1. Prevention and Reduction
2. Feed Hungry People and Animals
3. Home Composting
4. Small-scale and Decentralized Systems
5. Medium-scale and Locally Based Systems
6. Centralized or Anaerobic Digestion
7. Mixed Waste Mechanically Processed
8. Landfill or Incinerator

Think about all the opportunities!

Small-scale and local

Create and use compost as close to the source as possible, decreasing fossil-fuel emissions, material storage times, and infrastructure costs..

Community benefit

Organic material used as community asset and programs provide critical education, buy-in, local jobs, food production, and green spaces.

Diverse methods

Achieving zero-waste goals through composting on-site, in backyards, at community gardens, schools, and civic centers.

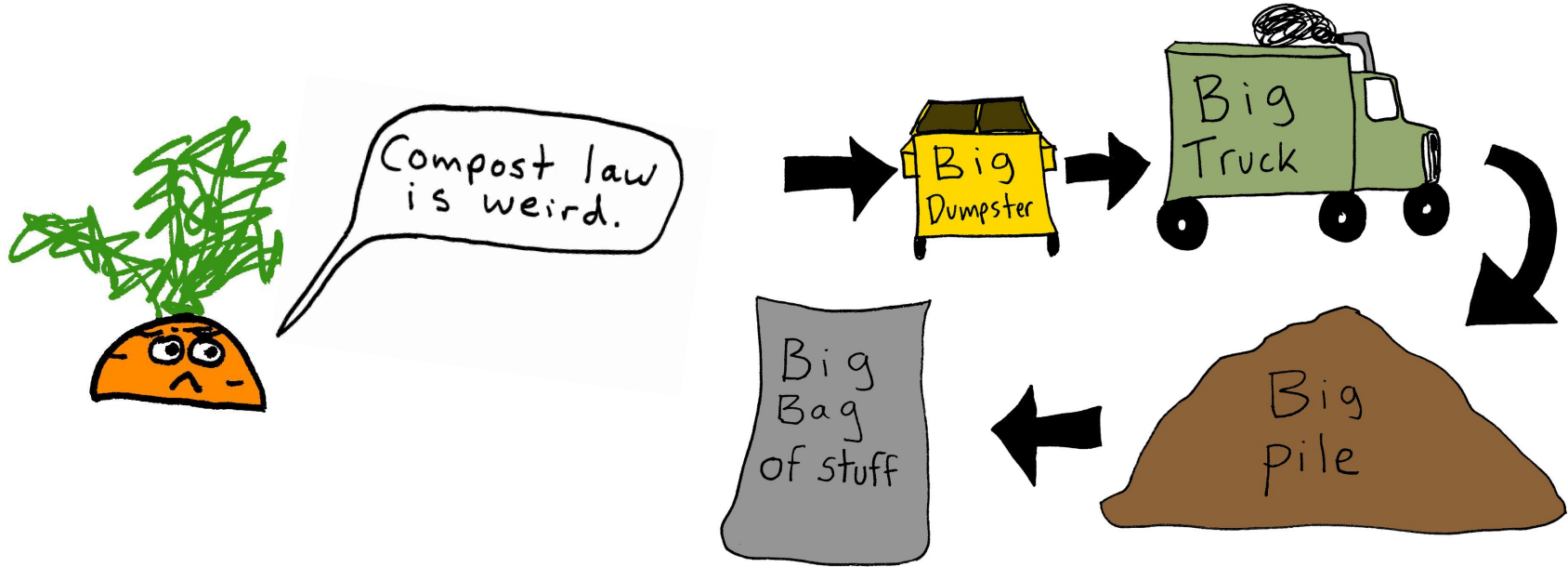
Closed-loop system

Resource recovery programs where food scraps stay in the community to make healthy soil and grow more food locally.





The trend is to make laws that privilege **BIG WASTE**



Legal and Policy Guide Handout:

An attempt to simplify and organize!

Compost Legal Research Roadmap

Compost Policy Advocacy Roadmap

	Protection		Planning
	Laws that protect against air/water pollution, odors, pests, unattractive compost bins or facilities, traffic, and inaccurate fertilizer labeling; these are important laws, but often not tailored to small-scale composting.		Laws and programs to divert waste from landfills, streamline composting, and improve soil.
	Local	State	Local and State
Generators	Local laws may govern dumpsters and curbside bins, including their size, appearance, location, and frequency with which they are emptied. Some bins need to be licensed.	State and local laws may govern food facilities (restaurants, stores, farmers markets) and how food scraps can be stored while awaiting pick-up.	Both state and local laws are increasingly imposing rules on commercial, agricultural, and residential generators of compostables to separate their green waste and pay for recycling . There are also publicly-funded educational and outreach programs designed to train people to properly source-separate.
Haulers	You may need a permit to operate a hauling business and may even need special permits for each of your vehicles . Local governments may be concerned with issues of noise, traffic, and public health associated with vehicles hauling compostables.	Some states regulate the transport vehicles to ensure health and safety. "Transfer" sites (centralized collection sites that facilitate hauling longer distances) also likely require permitting.	State laws may require local municipalities to create integrated and city-wide hauling systems . A growing number of cities provide curbside green waste recycling, often by contracting with private companies to do the hauling. Sometimes, these "franchise" agreements are exclusive to one company, granting that company a monopoly on all hauling.
Composters	Local zoning laws may require special use permits for compost facilities , or may prohibit them in most zones. Many community composters use urban farm sites, where composting is often considered an "accessory use," and is therefore permissible. Local/regional air, water, vector control, and fire regulations may also address compost facilities.	States generally have laws requiring that composting facilities be inspected and permitted , and that they comply with a range of requirements for location, feedstock, processing, record-keeping, and other practices of the facility. Sometimes there are local enforcement agencies that administer permitting on behalf of the state. Look for a list of exemptions.	Both state and local governments may implement grant, loan, and technical assistance programs to help establish compost facilities , because composting capacity in most places is far below that required to meet landfill diversion goals.
New soil!	Less likely to be relevant to compost: some local laws limit the kinds of fertilizers you may apply, and/or when you may apply them.	State laws may govern the sale of compost and require both testing and labeling , especially if you make any claims about content or quality.	Both state and local governments may implement grant, loan, and technical assistance programs to encourage application of compost to improve soil quality and sequester carbon.

Laying the Groundwork	Opportunities for Advocacy	Specific Policy Solutions
Our community compost movement can do many things now to lay the groundwork for advocacy: Raise awareness of the problems: Very few people are aware of the potential positive impacts of community composting, of the difficulties that community composters face, and of threats posed by policies that privilege large-scale systems. Shine a spotlight on solutions and successful models: Let's build a portfolio of community compost organizations that are succeeding and having a positive impact on communities. Build a strong collective voice: We need local, state, and national coalitions of community composters to amplify this movement's voices. Create shared definitions: If our movement creates a set of shared definitions of things like "community composting," "composting cooperative," and other categories, it will be easier for us to advocate for laws tailored to the specific needs of diverse composting approaches. Adopt best management practices (BMPs) and basic training programs: To address regulators' potential concerns about health, safety, and the environment, our movement can adopt a set of shared BMPs that reduce the need for oversight and regulation of small-scale composting. In conjunction, we can create training programs for compost handlers, to grow confidence in the health/safety practices of small-scale composting.	Here are some of the many windows of opportunity to influence compost policy: Regulatory proceedings: Many laws are made by government agencies through what is called "community composting," then create exemptions from regulatory programs, permitting requirements, and exclusive franchise rules. Exemptions are already common in other areas of law, and generally apply to activities that are small-scale, low-impact, infrequent, and/or operated by a nonprofit or cooperative. ♦ Waste diversion ♦ Food waste reduction ♦ Methane reduction ♦ Carbon sequestration ♦ Environmental justice ♦ Air/water quality ♦ Healthy soils ♦ Runoff Bid-seeking and contracting processes: When a municipality is seeking bids or contracting with waste haulers, this is a time to speak up and make sure that community composting is protected. Give input on legislation: Do a word search and find all current legislation addressing compost. Giving input on a bill (supporting, opposing, or advocating to amend) is a good way to ensure community composting interests are considered. Spearhead legislation: If we know what laws we want, let's write them ourselves and find legislators to champion them! Be a legislator! Consider seeking appointment to a state or local government commissions or an industry board or organization that has policy influence. Or run for office... <i>someone's</i> gotta do it!	What specific laws and policies do we want to pass? Here are some approaches: Exemptions: A common approach will be to codify definitions and sub-categories of "community composting," then create exemptions from regulatory programs, permitting requirements, and exclusive franchise rules. Exemptions are already common in other areas of law, and generally apply to activities that are small-scale, low-impact, infrequent, and/or operated by a nonprofit or cooperative. Tiers of regulation: The difficulty of many current compost regulations is that they are designed for large-scale composting, and the cost of compliance is too high for small-scale operators. We can advocate for tiered regulations that apply more appropriate and less burdensome requirements to small-scale composters. Rights-based: Advocate for recognition of a basic human right to soil, or use another rights-based framework, like the human right to food, to argue for protection of people's ability to compost. Another approach is to establish a basic right to backyard composting for renters and residents of homeowners associations, so that landlords and HOAs cannot block people from composting. Incentive programs: A growing number of government grants are available for GHG reductions, healthy soils, and so on. Let's advocate for funding for community composting!

There are two major categories.

Protection:

Laws that protect against air/water pollution, odors, pests, fire, unattractive compost bins or facilities, traffic, and inaccurate fertilizer labeling.

A challenge for community compost:

These are important laws, but they are often designed for prevent issues at a large-scale.



Planning:

Laws and programs to divert waste from landfills, streamline collection and composting, and improve soil.

A challenge for community compost:

Top-down planning often favors large-scale solutions.



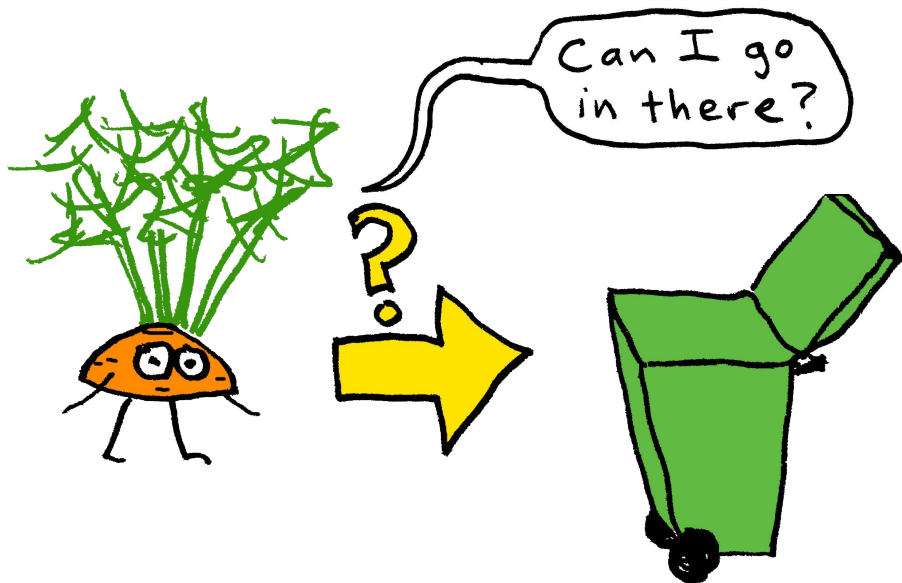
1. Generators

Protection:

Laws that govern dumpsters and bins, including their size, appearance, location, and frequency with which they are emptied.

Planning:

Programs to support, encourage, and/or require source-separation.



2. Haulers

Protection:

- Local hauling permit requirements
- Vehicle permit requirements
- Permitting of transfer sites

Increasingly, municipalities have centralized hauling systems and sometimes give exclusive hauling rights to one or a few haulers, which prohibits others from hauling.

Planning:



3. Composters

Protection:

- Facility permitting and oversight
- Zoning approval for facility location
- Local/regional air, water, vector control, and fire regulations

Planning:

Grant, loan, and technical assistance programs to help establish compost facilities.



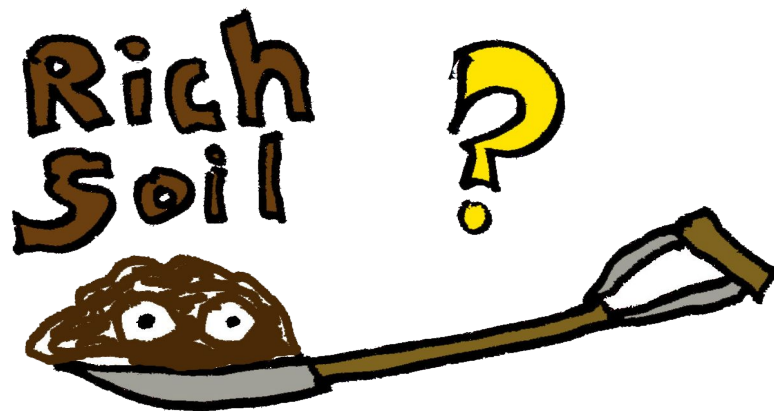
4. New Soil

Protection:

- Laws requiring testing and labeling of compost for sale
- Laws determining application allowed for different quality grades of soil

Planning:

Grant, loan, and technical assistance programs to encourage application of compost to improve soil quality and sequester carbon.





How do we address the middle?

The spectrum of composting options that most legal systems do not mention:



Backyard
composting

Compost education organizations
Schools Small-scale
Farmer's Markets Medium-scale
On-Site Neighborhood-level
Farm cooperatives Nonprofit
Self haulers Worker cooperatives
Urban farms and food systems

Large-scale
composting



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The time to create community compost law is:

1. Awareness of
the problem

+

2. Viable policy
solutions

+

3. Welcoming
political mood

=

**Policy
Window!**

NOW





Approaches to policy-making:

1. **Exemptions:** Codify **definitions** and **sub-categories** of “community micro-composting,” then create exemptions from regulatory programs and franchise exclusions.
 2. **Tiers of regulation:** Create tiered regulations that apply more appropriate and less burdensome requirements to small-scale composters.
 3. **Rights-based:** Advocate for recognition of a basic human right to soil, or use another rights-based framework, like the human right to food and human right to a clean environment, to protect people’s ability to compost.
 4. **Incentive programs:** A growing number of governments grants are available for GHG reductions, healthy soils, and so on. Let’s advocate for funding for community composting!
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Examples of Policy Windows:

Rulemaking proceedings:

- **Air and Water Quality Management Agencies** draft rules about limiting GHGs, VOCs, and waste water in handling organics.
- **State Resource Recovery Agencies** implement rules and programs to reduce organic material sent to landfills..
- **Cities and counties** sometimes are required to address issues of environmental justice when they update general plans.

Municipal bid-seeking and contracting processes:

- **All cities** are currently writing hauling, transfer and final facility disposal contracts with private companies.

Legislation:

- **Watch for and oppose bills** which prohibit increase penalties for people recovering organics at a small scale.
- **Draft bills** to carve out protections for community projects.

Become a legislator! Seek appointments to local and state waste and recycling commissions.

Sample “Self-Assessment” BMPs

- ❑ **Temperature:** Monitoring every few days to ensure that temperature does not exceed 160.
- ❑ **Pile geometry:** Compost piles do not exceed 5 feet in height, to avoid overheating.
- ❑ **Moisture:** Monitoring to ensure that moisture levels are between 40 and 70%.
- ❑ **Cover:** Material remains covered by a 6-inch layer of finished compost, a tarp, cardboard, or a Gore cover, or it's completely contained.
- ❑ **Feedstock:** Feedstock is limited to vegetative material, green material, and paper.
- ❑ **C:N Ratio:** Composters are trained on and strive toward a carbon-to-nitrogen ratio of no less than 20:1, though precise measurement is not required.
- ❑ **Stockpiling:** No more than an insubstantial amount of organic material is stockpiled prior to being incorporated into compost piles, and stockpiling does not exceed one week.
- ❑ **Dust reduction:** Water is added to piles before turning, to reduce dust.
- ❑ **Aeration:** Bottom aeration or other forced aeration is used for static piles, or a pile is turned a minimum of three times during the active composting phase.

We'd also suggest developing different BMPs for other methods of composting, including bokashi, vermicomposting, anaerobic, and other methods as they become more common.

Impressive work, San Diego!

Food2Soil faced and overcame several difficult barriers:

1. **State facility permitting:** Until CA created an exemption for small facilities.
2. **Zoning approval:** Food2Soil adapted their model and found a way forward.
3. **Labeling law:** Food2Soil adapted their plans and negotiated with the state agency.
4. **Hauling prohibition:** Food2Soil advocated and changed city law.



Organize Soil Policy Teams



- **Have fun:** Meet monthly, eat food, build community!
 - **Learn about the law:** You'll become a compost law expert!
 - **Build policy advocacy skills:** Learn about lawmaking!
 - **Advocate and change laws:** Identify advocacy priorities, give input to state agencies currently writing regulations, and maybe even write some laws!
 - **Celebrate** successes! Celebrate failures! Celebrate the right to make people-powered soil!
-

Lettuce discuss!



- What other **issues** are coming up?
 - What other **approaches** should we explore?
 - What legal/advocacy **resources** would be helpful?
 - Do you have **favorite** laws? **Positive** examples?
 - Who is ready to start a local **Soil Policy Team**?!
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Thank you and ROT ON!

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