

Overview of laws and regulations related to distribution of compost in Minnesota

The Minnesota Department of Agriculture (MDA) manages the distribution of compost and competing products through the Minnesota Fertilizer, Soil Amendment, and Plant Amendment Law (as well as through some exemptions). The law can be found in Minn. Stat. Chapter 18C (www.revisor.leg.state.mn.us). Minnesota Rules 1510.0430-1510.0434 Soil and Plant Amendment Labels covers all pertinent labeling regulation.

In order to help the Minnesota composting industry better understand the existing laws and regulations, this fact sheet reviews MDA laws and regulations, as well as related exemptions and allowable compost claims or “benefits,” which may be used in the sale or distribution of compost in Minnesota. These regulations refer only to *the sale and distribution of compost within the state of Minnesota*. Composters that distribute product in other states should investigate their related laws and regulations.

Registering your product as a fertilizer

In Minnesota, in order to legally claim that your product is a fertilizer, you need to register it with the MDA. Landscape architects and other end users even consider registration with the MDA as a prerequisite to usage, or may simply see it as a means of measuring the credibility of a product or producer.

Registration fees. Annual registration fee include \$100 per product, a tonnage fee of \$0.15 per ton, and an Agricultural Chemical Response and Reimbursement Account (ACRRA) surcharge, which may fluctuate from year to year, of \$0.20 per ton.

Required information. If you sell compost products as fertilizers, you must provide specific information on the label or bag, including net weight, brand and grade, guaranteed analysis (percent of nitrogen, phosphorous, and potassium – N-P-K), derivative statement (ingredients), name and address of guarantor, and directions for use. Note, if you are claiming that the product contains “slow release” nitrogen, then you must provide and guarantee a breakdown of nitrogen (total, ammoniacal, nitrate, or other forms of nitrogen) on the label.

Nutrient claims. Compost registered as a fertilizer allows nutrient claims to be made, however, registration also requires that these claims be guaranteed. This typically means quoting a specific content of nitrogen, phosphorous, and potassium.

- **Primary nutrients.** These primary nutrients are guaranteed as total nitrogen, available phosphate (P₂O₅), and soluble potash (K₂O), and guaranteed content must be placed on the bag or label. Fractional nutrient claims may also be made for primary nutrients contained in quantities of less than 1 percent of the particular nutrient (e.g., manure compost guaranteeing a 0.5%-0.5%-0.5% content of N-P-K).

- **Secondary and micronutrients.** Secondary (calcium, magnesium, sulfur) and micronutrients (boron, chlorine, cobalt, copper, iron, manganese, molybdenum, sodium, and zinc) may also be guaranteed. However, in order to claim secondary and micronutrients, the product must contain specific minimum levels and should be quantified on an elemental basis.

Minimum percent allowed for secondary and micronutrients

boron	– 0.02%
calcium	– 1%
chlorine	– 0.10%
cobalt	– 0.0005%
copper	– 0.05%
iron	– 0.10%
manganese	– 0.05%
magnesium	– 0.50%
molybdenum	– 0.0005%
sodium	– 0.10%
sulfur	– 1%
zinc	– 0.05%

If a compost meets the specific minimum levels of two or more micronutrients, then the composter may make a claim that their compost “contains micronutrients.” If making this statement on the label or bag, then the specific micronutrients meeting the minimum must be listed and guaranteed on the product label or bag.

Composters will typically use historical analytical data when determining which minimum nutrient value they wish to guarantee, choosing the lowest of the analyses for the particular nutrient being guaranteed. Fines may be levied against manufacturers whose products fall below the guaranteed nutrient values.

Typically, on a national basis, only products registered as fertilizers can make nutrient claims, or even mention that they contain nutrients on their label or bag.

Wet weight basis. If registered as a fertilizer, then the compost must be sold on a weight basis. In Minnesota, nutrient claims are made on an “as sold basis” (wet weight basis for compost). In many other states, however, fertilizer claims are made on a dry weight basis and must be sold on a weight, not volumetric, basis.

Tonnage reports must be turned in to the MDA on a semiannual basis, along with the required inspection fees.

Registering your product as a soil or plant amendment

Registration fees. These fees include an annual registration fee of \$200 per product, a tonnage fee of \$0.15 per ton, and an ACRRA surcharge, which may fluctuate from year to year, of \$0.20 per ton.

Specific information. Products sold as soil amendments must provide the following specific information on their label or bag: net weight, brand name, guaranteed analysis of ingredients (active and inert by percent), name and address of guarantor, directions for use, and description of the purpose or proposed use for the product. Any claims or benefits listed on the product label must be those that are generally understood or proven through prior research.

Tonnage reports must be filed with the MDA on a semiannual basis, along with the required inspection fees.

Allowable and nonallowable claims or benefits. Compost registered as a soil amendment allows those products to make the claims or benefits listed in the table below. The table also contains a list of compost claims that are typically deemed unacceptable (illegal). However, as stated earlier, the MDA will allow producers to make certain nutrient claims if fertilizer-related guarantees and labeling requirements are followed. Uniquely, the MDA also allows composts that are registered as soil amendments to make nutrient claims, without requiring dual registration and levies. If nutrient claims are made, then all related fertilizer labeling requirements must be met.

The table also contains a list of compost claims/benefits that the MDA currently deems unacceptable (unless guaranteed as per MDA regulation), but which will be reviewed upon the provision of additional research data. It is likely that other states’ Departments of Agriculture will also deem these claims to be unacceptable without providing further research data.

Prior to final printing of product labels, we recommend that you submit your product labels to the MDA for review and comment in order to ensure compliance with all labeling requirements and that the appropriate product registration application is submitted. This is important because it is costly and time consuming to reprint labels. In addition, the application fees are non-refundable.

Exemptions

The MDA allows certain compost products to be exempted from these laws and regulations. Exempted composts may still make both soil amendment and fertilizer claims.

- Recycled feedstocks. Compost manufactured from ‘recycled’ feedstocks, including yard trimmings, food waste, municipal solid waste derived products, or a combination of these feedstocks is exempted to allow recycled products to be distributed, without being encumbered by MDA regulatory requirements.
- Composts that are given away are exempted from MDA laws and regulations.
- Composts manufactured from manure or biosolids (or those containing them) may not be exempted from MDA laws and regulation.

For more information

For more information, contact: Ginny Black <ginny.black@moea.state.mn.us> or 651-215-0284. This review was completed by R. Alexander Associates, Inc., as part of the Minnesota Compost Initiative, *Promoting Compost Market Development and Mainstream Product Status*, funded by the Minnesota Office of Environmental Assistance.

MDA’s guidelines for compost claims or benefits	
<p>Compost claims/benefits allowed by MDA</p> <ul style="list-style-type: none"> • Improves soil structure, porosity, and bulk density to create better plant root environment. • Increases moisture infiltration and permeability (heavy soils) – improving drainage, moisture infiltration rates, and reducing erosion and runoff. • Improves moisture holding capacity (light soils) – reducing water loss and nutrient leaching. • Improves cation exchange capacity (CEC) of soils – improving their ability to retain nutrients for plant use. • Supplies significant quantities of organic matter. • Aids the proliferation of beneficial microbes. • Encourages vigorous root growth. • Allows plants to more effectively use nutrients, while reducing nutrient loss by leaching. • Enables soils to retain nutrients longer. • Improves soils ability to retain water. • Helps make nutrients more available for plant uptake. 	<p>Compost claims <u>not</u> allowed by MDA</p> <ul style="list-style-type: none"> • Supplies beneficial microorganisms to the soil – improving nutrient uptake and suppressing certain soil-borne diseases. • Supplies a variety of macro- and micronutrients.* <p>MDA potential compost claims*</p> <ul style="list-style-type: none"> • Supplies beneficial microorganisms to soils and growing media. • Stabilizes soil pH. • Binds and degrades specific pollutants. <p style="text-align: right;">* unless guaranteed as per MDA regulation</p>