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June 7, 2010

### Heather Raven

Policy Coordinator  
Climate Action Reserve  
523 W. 6th Street, Suite 428  
Los Angeles, CA 90014

Dear Heather,

Thank you for the opportunity to comment on the "Organic Waste Composting Project Protocol". Based on our representation on the Protocol Working Group, via one of our members, Thornton Schaaf, Carbon Solutions Group, as well as reading the protocol and attending the Organic Waste Composting Project Protocol Public Workshop, Thursday, May 27, 2010, 10 AM – 1 PM PDT, we have the following General and Specific Comments about the draft protocol.

The Association of Compost Producers (ACP) is a non-profit association of public and private organizations *dedicated to increasing the quality, value and amount of compost being used in California*. We do this by promoting activities and regulations that *build healthy soil*, benefiting people and protecting air, water and soil. ACP members work and *invest together to increase compost markets* and improve compost product & manufacturing *standards*. The association provides *education & communication* on compost benefits & proper use through support of scientific *research & legislation* aligned with developing and expanding quality compost markets. We believe that carbon credits, where appropriate and satisfying agreed upon protocol requirements for designated compost operations, will benefit both the environment and the economy. So that is why we welcome the opportunity to add our voice to Food Waste Compost protocol development process.

### General Comments

CAR has adopted a highly standardized system for quantifying and verifying projects that will be eligible for its protocols. While this allows project proponents to follow a clear, straight forward approach in determining GHG emissions avoided by project type, the strict parameters of project eligibility negatively incentivize project developers from utilizing technological innovations and advancements being made in overall composting efficiencies. An overly standardized, or inflexible, approach does little to progress the efforts of the composting industry in general and to maximize the amount of organic material aerobically composted.

A flexible mechanism would allow project developers the ability to prove the accuracy and efficiency of their process, while also leading to technological innovations and streamlined applications and combinations of BMPs.

Quantifying and valuing carbon is a way of reducing GHGs via market mechanisms. As such, the market should determine if a new methodology is appropriate and participants should be able to submit methodologies for review to the Reserve board. Allowing the market to participate in methodology development process will increase technological innovation and the economic efficiency of proposed projects, as well as provide an ongoing, open, public forum for industry participants to ascertain and adopt BMPs.

The Reserve would benefit greatly from a market participation approach as it would increase dialogue between CAR and potential project developers, while at the same time reduce the likelihood of project developers looking to other GHG registries that encourage more flexible problem solving solutions.

### Section 2.2 Project Definition: Food Waste Handling BMPs

The protocol states that food waste must be incorporated into an active composting pile within 48 hours of delivery to the facility. Additional language should be inserted to clarify situations in which food waste is delivered on a Friday afternoon and unable to be actively composted until the following Monday, or in other cases in which a Friday delivery is followed by a Monday holiday where the facility may be closed. In these scenarios the 48 hour window to incorporate feedstocks into an active pile may be exceeded unintentionally. Leeway should be provided to the project proponent in such circumstances.

### Section 3.4.1 The Performance Standard Test

**Inclusion of Green Waste** - CAR should add a provision that speaks to the current political initiative in some states to reverse bans on land-filling green waste, thereby increasing the amount of green waste landfilled and decreasing the amount of green waste that is composted. If enough states follow this trend the percentage of green waste, yard waste, or other vegetative waste composted could drop below a 50% threshold and thus warrant the inclusion of these feedstocks in future versions of this protocol.

**Inclusion of Biosolids** - The Reserve should reconsider the inclusion of biosolids or begin the process of creating a separate protocol for composting biosolids. The protocol should add verbiage that details the reasoning for not including biosolids in this protocol, recognizing the fact that it is a feedstock that has the ability to be composted.

**Grocery Store Food Waste** – the protocol seeks to make grocery store food waste ineligible unless it can be proven that such wastes were landfilled for a period of 36 months prior to inclusion in the composting project. 36 months is a completely arbitrary number that makes no sense in the context of this protocol, and if such a stipulation is needed, 18-24 months would seem to be a more reasonable time frame. What happens if the grocery store is brand new and such historical waste hauling contracts are not in place, does this new stream of food waste remain ineligible?

**Industrial Food Waste** – The project developer should be able to provide a case for the inclusion of industrial food waste streams if they can in fact be proven additional at the jurisdictional level.

Section 3.4.2 The Legal Requirement Test

**LFG diversion rates** – If a local mandate is in place to divert organic wastes from landfills, but actual diversion percentages are falling below those applicable legal mandates, it could then be argued that composting is itself beyond BAU (BAU being the noncompliance of such mandates).

According to the IPCC's Additionality Tool, "If an alternative does not comply with all mandatory applicable legislation and regulations, then show that, based on an examination of current practice in the country or region in which the law or regulation applies, those applicable legal or regulatory requirements are systematically not enforced and that noncompliance with those requirements is widespread in the country. If this cannot be shown, then eliminate the alternative from further consideration." This passage from the IPCC Additionality Tool shows that when the local compliance levels are not being met, then it is the project proponents right to prove that their project is creating real and actual reductions of GHGs and that the regulatory body of the overseeing carbon program has a responsibility to review the application and make a judgment as to its accuracy and validity. Furthermore, the "environment" does not know the difference between a law that does not exist and one that does not work. In other words, local mandates should not preclude a project from participation, but rather the level of compliance should be a determining factor.

CalRecycle's Strategic Directives 6.1 and 8.3 coupled with local air district rules in California, will significantly limit the value of this protocol as a voluntary measure and have the effect of creating few GHG reductions credits from projects in the state of California. The current state of politics will prohibit the building of new composting projects, because the additional financial incentives needed by such facilities, in the form of CRTs, will not be available to them. The Legal Requirement Test may be overly restrictive and therefore a project killer.

It would be helpful to include by reference, in an addendum, the current regulatory requirements for food waste composting by state.

Thank you again, for the opportunity to provide these comments to the new protocol.

Sincerely,  
Dan



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