

Date: 27/08/2014	Documents these comments refer to: <b>PPT 1: 'Essential safety requirements for fertilising materials'</b> <b>PPT 2: 'Essential quality and labelling requirements for fertilising materials'</b>
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**Committer: please state your name / affiliation: Kiara Zennaro, Renewable Energy Association, 27/08/2014**

1	2	3	4	5	6
Slide	PPT Presentation (Title)	Text line/Paragraph/Table/Figure (e.g. Table 1, Last sentence of 3 <sup>rd</sup> paragraph)	Type of comment <sup>1</sup>	Comment (justification for change) (e.g. The meaning of the sentence is ambiguous, please clarify.)	Proposed change (e.g. Replace the sentence with the following one: "..."; Add the following definition for the new term XYZ: "...")
	PPT 1: Essential safety requirements for fertilising materials: including the comments that the COM received	Bullet point 2	Ge	<p>It is extremely difficult to provide meaningful comments on the proposed safety and quality requirements when it is not clear as yet how the EU Fertiliser Regs will be implemented across Europe and what impact they will have on national regulatory controls applying to 'waste' and 'product' composts and digestates.</p> <p><u>UK EoW criteria:</u> The UK has developed Quality Protocols – for compost and for digestate produced by anaerobic digestion – which currently <u>define end of waste</u> in England, Wales and Northern Ireland. Composts and digestates that are certified for conformity with the Quality Protocols can be applied as product (i.e. are not subject to waste regulatory controls for the storage, application and use).</p> <p>In Scotland, end of waste is defined by the Scottish Environment Protection Agency at the point where the material meets the PAS 100 or PAS110.</p> <p><u>Discussions and negotiations during JRC EoW development:</u> The UK (Defra) and the REA were actively involved in the discussions around the development of EU EoW for composts and digestates and provided extensive feedback to the JRC-IPTS throughout the whole</p>	<p><b>DG ENTR to confirm that composts and digestates produced in the UK will only have to comply with the new EU fertiliser regs if they are intended to be placed in the market in other European Countries as Soil Improvers, Organics Fertilisers or Growing Media. If this is not the case, the DG ENTR should provide clarity on how the EU Fertiliser Regs will apply to composts and digestates produced and traded in the UK as products and as wastes.</b></p> <p><b>We urge the DG ENTR to liaise with the JRC-IPTS to learn about all the issues raised during the process that resulted in the release of the JRC End of Waste Proposals for composts and digestates. Numerous issues were raised by different stakeholders and important negotiations took place during this process. These should NOT be ignored, but should be used to inform this process.</b></p>

<sup>1</sup> **1 Type of comment:**

**ge** = general. Please note that the objective of this consultation is to contrast the accuracy of the background data collected. Political statements without appropriate argumentation will not be considered.

**te** = technical/specific

**ed** = editorial/typographic. Please note that editorial corrections of layout and English language are not necessary as this will be done on the final version.

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development process. After several negotiations amongst members of the JRC Technical Working Group, this process ended with the release of the JRC-IPTS final draft 'End-of-waste criteria for biodegradable waste subjected to biological treatment (compost & digestate): Technical proposals'. The same quality and safety criteria that were proposed by the JRC for inclusion in EoW - on which Defra and the REA expressed numerous concerns - are now being proposed for inclusion in the EU Fertiliser Regulations as Essential Safety and Quality Requirements. Even though there is still lack of clarity on how the EU Fertiliser Regs will be implemented in Europe and how they will impact on the UK national EoW criteria for composts and digestates, REA's concerns on these quality and safety criteria remain valid and should be raised to the DG ENTR.

The DG ENTR needs to provide clarify with a matter of urgency on whether composts and digestate produced in the UK and other countries of Europe:

- will have to comply with the new EU fertiliser regs regardless of the UK national EoW regulations for composts and digestates, and regardless of the national waste regulatory controls relevant to the application of composts and digestates with waste status;
- they will only have to comply with the new EU fertiliser regs if they are intended to be placed in the market in other European Countries as Soil Improvers, Organics Fertilisers or Growing Media and if they are intended to be traded within the country as Soil Improvers, Organics Fertilisers or Growing Media; OR
- they will only have to comply with the new EU fertiliser regs only if they are intended to be placed in the market in other European Countries as Soil Improvers, Organics Fertilisers or Growing Media.

**We urge the Commission to clarify their position. We consider that the Commission should adopt the third approach.** The first and second approaches would have a significant impact on the UK composts and digestate products and their markets due to the concerns already highlighted during the development of the JRC proposals for EoW for composts and digestates. **Flexibility should be allowed to Member States to continue to market composts and digestates non-complaint with the EU Fertiliser Regs on their national markets (either the waste regime or as national product).**

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	PPT 1: Essential safety requirements for fertilising materials: including the comments that the COM received	Bullet point 2	Ge	<p>The JRC-IPTS technical proposals for EoW for composts and digestate are not only restricted to minimum quality/safety criteria for these materials, but they also propose setting additional, complementary requirements, such as:</p> <ul style="list-style-type: none"> <li>the selection on input materials from which composts and digestates are made;</li> <li>the development and implementation of a quality management system for the production of composted and digestate materials to ensure these materials are consistently fit for purpose;</li> <li>regular sampling and testing of composts and digestates at recognised labs to verify compliance with the minimum quality criteria; and</li> <li>requirements to maintain traceability throughout the production process, etc.</li> </ul> <p>In addition, the JRC proposals proposed a positive list of suitable input materials from which EoW composts and digestates can be made to ensure the quality of final product.</p> <p>It is now proposed by the DG ENTR that the minimum quality criteria specified in the JRC-IPTS technical proposals for EoW for composts and digestates are taken in isolation and set as a requirement for organic fertilisers and soil improvers, without any of the other additional requirements that were specified in the JRC proposals.</p> <p>Regardless of what quality and safety criteria are specified in the EU Fertiliser Regs, minimum quality criteria in isolation are not regarded to be sufficient. These need backing up with additional requirements such as for sampling and testing at a specified frequency, implementation of a quality management system and process requirements.</p>	<p>We urge the DG ENTR to liaise with the JRC-IPTS to learn about all the issues raised during the process that resulted in the release of the JRC End of Waste Proposals for composts and digestates. As highlighted above, numerous issues were raised by different stakeholders and important negotiations took place during this process. These should not be ignored, but should be used to inform this process.</p> <p>Minimum quality criteria taken in isolation are not sufficient to guarantee that only high quality composts and digestate are traded as Organic Fertilisers and Soil Improvers.</p> <p>These need to be integrated with additional requirements such as sampling and testing at specified frequencies, process and quality management systems requirements etc. The same applies to all other types of fertilisers.</p> <p>A positive list of suitable input materials should be included for Organic Fertilisers and Soil Improvers.</p>
2	PPT1	Item 5	Te	<p>We support the setting of limit levels according to application rates. In the UK a similar approach is applied to composts and digestates which are spread to agricultural land as wastes. It is also applied to quality digestates with EoW status. The latest version of our BSI <a href="#">PAS 110 Specification</a> for EoW digestates sets limit levels for heavy metals and physical contaminants on a fresh matter basis. These limit levels:</p> <ul style="list-style-type: none"> <li>are pegged to digestate total Nitrogen concentrations (which will determine the soil application rate)</li> <li>equally apply to liquid (whole digestates and separate liquor</li> </ul>	<p>Limit levels should be based on application rates and expressed on a fresh matter basis. The approach followed could be similar to that adopted in the UK for EoW digestates (e.g. PAS 110 specification)</p>

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				<p>fractions) and solid fractions; and</p> <ul style="list-style-type: none"> <li>place a ceiling on the max loading (<b>Kg/ha</b>) of heavy metals and physical contaminants allowed to be applied to the soil.</li> </ul> <p>We do not support setting consistent limit levels on a dry matter basis across all types of materials, as this means that different heavy metals loading rates will be allowed to be applied to the soil depending on the dry matter content of the organic fertiliser/soil improver. This will create an uneven playing field, with some materials being allowed to apply higher heavy metal loading rates than others.</p> <p>We are happy to provide to the DG ENTR more information on how the limit levels were derived in the PAS 110 and the rationales behind setting these limit levels.</p>	
5	PPT 1	Table organic fertilisers	Te	<p>Option B proposes that a limit level is set for Arsenic (As):</p> <p>We don't understand the technical justification for the inclusion of Arsenic. Our national EoW criteria for composts and digestates (PAS 100/110 specifications) as well as the ECN Quality Assurance Scheme (<a href="http://www.compostnetwork.info/about-the-ecn-gas-2.html">http://www.compostnetwork.info/about-the-ecn-gas-2.html</a>) do not include Arsenic as a limit level, so we do not support such an inclusion.</p>	Exclude As, as per option A
5	PPT 1	Table organic fertilisers	Te	<p>Option B includes a limit of 3 mg/Kg dm for Cadmium. What is the technical justification behind this level? If the limit levels continue to be based on a dry matter content, we support 1.5 mg/Kg dm as this value is in line with our national EoW criteria (PAS 100 specification)</p>	Include 1.5 mg/Kg dm, as per option A
5	PPT 1	Table organic fertilisers	Te	<p>The DG ENTR proposes that a limit level is included for Cr VI. What is the technical reason for this inclusion? Our national EoW criteria for composts and digestates do not include Cr VI as a limit level, so we do not support this inclusion. Organic fertilisers and soil improvers do not contain Cr VI as this is not stable in organic substances. Total Chromium is the correct element that should be tested for.</p> <p>If the limit levels continue to be based on a dry matter content, we support the inclusion of a limit level of 100 mg/Kg dm for total Chromium as this value is in line with our national EoW criteria (PAS 100 specification).</p>	Exclude Cr VI, include Total Cr (limit level of 100 mg/Kg dm)
5	PPT 1	Table organic fertilisers	Te	<p>Option B includes a new proposed limit of 2 mg/Kg dm for Hg. What is the technical justification behind this level? We support the inclusion of a limit level of 1 mg/Kg dm for Hg as this value is in line with our national EoW criteria (PAS 100 specification).</p>	Include 1 mg/Kg dm, as per option A

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5	PPT 1	Table organic fertilisers	Te	<p>Option A includes a limit of 120 mg/Kg dm for Pb, which is too stringent. 150 (option B) is less stringent, however our EoW specification for compost allows 200 mg/Kg dm. We have looked at our most recent set of data on compost quality and found that:</p> <ul style="list-style-type: none"> <li>the 90th percentile is 164ppm and the 95th is 199ppm for compost samples of EoW composts . This reflects the later withdrawal of lead from petrol in the UK.</li> <li>Out limit level is 200 mg/Kg dm for lead and a value of 150 will pose problems in the UK and could lead to a significant reduction in the utilization of compost in the UK.</li> </ul>	Limit level for Pb to be increased to 200 mg/Kg dm.
5	PPT 1	Table organic fertilisers	Te	<p>Our national end of waste criteria do not require operators to test composts or digestates for PAH16. The introduction of such tests would mean a substantial change to existing laboratory testing regimes and a significant increases in costs.</p> <p>As already highlighted during the JRC process to develop EoW for composts and digestates, the analytical and sampling costs of PAH16 in compost and digestate are not justifiable in terms of the environmental risk posed by the amounts found in composts and digestates. There is no evidence that organic pollutants occur in relevant amount in compost and digestate based on source-segregated wastes.</p> <p>If this concern relates to composts and digestates made from sewage sludges or mixed municipal wastes, then a differentiation should be made in terms of the limit levels applied based on the input materials the fertiliser are made from.</p>	Exclude PAH16 for composts and digestates made from source-segregated wastes
5	PPT 1	Table organic fertilisers	Te	<p>If limit levels are specified for parameters, then analytical methods that must be used to carry out the measurements and check compliance with the limit levels must be specified and must be accredited/validated test methods.</p> <p>The DG ENTR should liaise with CEN and the relevant Technical Committee (TC 260, TC 223, TC 400) to identify what the most appropriate analytical methods are for different categories of fertilisers. Analytical methods used for inorganic fertilisers (CEN/TC260) may not be adequate.</p>	<p>Include reference to analytical methods to be used for the measurements.</p> <p>DG ENTR to liaise with CEN and the relevant Technical Committee (TC 260, TC 223, TC 400) to identify what the most appropriate analytical methods are for different categories of fertilisers.</p>
7	PPT 1	Limit levels for stones	Te	The DG ENTR has proposed to include a limit level for stones. The limit level proposed for stones > 5 mm is far too stringent. Our PAS 100 and	Exclude stones or increase to an appropriate level. If limit levels are expressed on a dry matter content, the

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				<p>PAS 110 specifications set the following limit levels:</p> <p><u>PAS 100:</u></p> <ul style="list-style-type: none"> <li>stones &gt; 4 mm &lt; 8 % mass/mass of air dry sample in compost grades other than mulch; and</li> <li>stones &gt; 4 mm &lt; 10 % mass/mass of air dry sample in mulch grades.</li> </ul> <p><u>PAS 110:</u></p> <p>The limit levels are set on fresh matter basis and are linked to the application rate (dictated by the tot-N content of the digestate). The limit levels for physical contaminants and stones are as follows:</p> <table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <thead> <tr> <th colspan="12">Physical contaminants in WD/SL/SF</th> </tr> <tr> <th></th> <th>kg/t</th> <th>Less than 1</th> <th>1 to 1.9</th> <th>2 to 2.9</th> <th>3 to 3.9</th> <th>4 to 4.9</th> <th>5 to 5.9</th> <th>6 to 6.9</th> <th>7 to 7.9</th> <th>8 to 8.9</th> <th>9 or more</th> </tr> </thead> <tbody> <tr> <td>Total nitrogen (N)</td> <td>kg/t</td> <td></td> </tr> <tr> <td>Total stones</td> <td>kg/t</td> <td>3.2</td> <td>6.4</td> <td>9.6</td> <td>12.8</td> <td>16</td> <td>19.2</td> <td>22.4</td> <td>25.6</td> <td>28.8</td> <td>32</td> </tr> <tr> <td>Total physical contaminants (excluding stones)</td> <td>kg/t</td> <td>0.04</td> <td>0.07</td> <td>0.11</td> <td>0.14</td> <td>0.18</td> <td>0.22</td> <td>0.25</td> <td>0.29</td> <td>0.32</td> <td>0.36</td> </tr> </tbody> </table> <p>The proposed limit level of 2% dm will pose problems in the UK and could lead to a significant reduction in the utilization of compost and digestate in the UK. The statistics below are drawn from our more recent compost quality dataset (155 compost samples of EoW certified composts produced in the UK). This shows that the 90th percentile is 6.71% mass/mass of air dry sample and the 95<sup>th</sup> percentile is 8.21%. <b>61% of the samples (94 samples out of 155) would fail to meet the proposed limit level.</b></p> <table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <thead> <tr> <th></th> <th>Stones &gt; 4 mm (mass/mass of air dry sample)</th> </tr> </thead> <tbody> <tr> <td>Median</td> <td>2.58</td> </tr> <tr> <td>Mean</td> <td>3.27</td> </tr> <tr> <td>Standard deviation</td> <td>3.01</td> </tr> <tr> <td>Mean + 1 S.D.</td> <td>6.28</td> </tr> </tbody> </table>	Physical contaminants in WD/SL/SF													kg/t	Less than 1	1 to 1.9	2 to 2.9	3 to 3.9	4 to 4.9	5 to 5.9	6 to 6.9	7 to 7.9	8 to 8.9	9 or more	Total nitrogen (N)	kg/t											Total stones	kg/t	3.2	6.4	9.6	12.8	16	19.2	22.4	25.6	28.8	32	Total physical contaminants (excluding stones)	kg/t	0.04	0.07	0.11	0.14	0.18	0.22	0.25	0.29	0.32	0.36		Stones > 4 mm (mass/mass of air dry sample)	Median	2.58	Mean	3.27	Standard deviation	3.01	Mean + 1 S.D.	6.28	<p>limit level should be increased to 8% for stones &gt; 4 mm. If limit levels are expressed on a fresh matter basis, then the limit level should be expressed as in our PAS 110 specification (see table in left hand side column).</p>
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				<table border="1"> <tr> <td>Percentile (75th)</td> <td>4.81</td> </tr> <tr> <td>Percentile (90th)</td> <td>6.71</td> </tr> <tr> <td>Percentile (95th)</td> <td>8.21</td> </tr> </table>	Percentile (75th)	4.81	Percentile (90th)	6.71	Percentile (95th)	8.21	
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8, 9 and 10	PPT 1	Table: Limit levels for organo-mineral fertilisers	Te	<p>For Cd, Cr VI, Pb, and stones the same comments as for Organic Soil Improvers apply to organo-mineral fertilisers.</p> <p>The limit proposed in Option B of this category for Hg is different from that proposed in Option B of the Organic Fertilisers category. What is the reason for that? This will create an uneven playing field.</p>							
12, 13 and 14	PPT 1	Table: Limit levels for organic soil improvers	Te	Same comments as for organic fertilisers							
16	PPT 1	Table: Limit levels for growing media	Te	<p>There needs to be harmonised safety limit levels for all categories. There are currently several discrepancies/inconsistencies between the limit proposed for the different categories.</p> <p>Cd: Option B is different from the Option B proposed for organic fertilisers and soil improvers. What is the rationale behind this discrepancy?</p> <p>Hg: Cd: Option B is different from the Option B proposed for organic fertilisers and soil improvers. What is the rationale behind this discrepancy?</p> <p>Ni is allowed at a much higher level (90 mg/Kg dm) than for organic fertilisers and soil improvers. What is the rationale behind this discrepancy?</p> <p>Pb: Option A is different from that proposed for organic fertilisers and soil improvers.</p> <p>Comments for As, and CrVI and stones are as for comments made on organic fertilisers and soil improvers.</p>	Limit levels for the different categories need to be harmonised, unless a technical, robust justification is given that support different limit levels for different categories.						
18	PPT 1	Table: Limit level for weed seeds	Te	2 weed seeds per litre is higher than what is allowed under the UK EoW regs for composts (PAS 100), which set a limit of 0 weed seeds per litre. If this limit level is included, the limit should be zero as end users will not be willing to accept composts and digestates including weed seeds.	Please remove limit level for weed seeds						
2	PPT2	First bullet point	Te	Contaminants from composts and digestates made from source-segregated biodegradable wastes, applied at application rates in line with good agricultural practice and Nitrate Vulnerable Zones regulations	Please do not exclude fertilisers with low nutrient content!						

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				<p>are unlikely to be present at levels which will cause contaminant levels in the soil to increase. Use of composts and digestates do not only enhance soil nutrient supply but also organic matter levels. Compost is an excellent source of organic matter. Using it will improve soil organic matter (OM) levels, help retain water during dry spells and improve infiltration during periods of heavy rainfall.</p> <p>Also, there are soils with already high nutrient content which will benefit from application of low nutrient organic fertilisers (e.g. soils already high in phosphate should not be enriched with additional phosphate as this may erode into inland surface water and adversely affect their quality).</p>	
15, 16 and 17	PPT2	Table including quality requirements	Te	<p><b><u>Overall, it is absolutely crucial that any limit levels set in the EU Fertiliser Regs have been informed by appropriate scientific evidence and that an impact assessment evaluating the impact of such limit levels on the materials falling within the scope of the regulation has been undertaken.</u></b></p> <p><u>Option A</u></p> <ul style="list-style-type: none"> <li>• There is no clarity on how these limit levels have been derived and whether they are supported by robust scientific evidence.</li> <li>• There seems to be no relation between the quality requirements specified in option A and those specified in option B.</li> <li>• A limit level for organic nitrogen should not be set, as this could exclude digestate materials which are characterised by high readily available nitrogen, but low organic nitrogen. One of the main benefits of digestates is their high content of readily available nitrogen which will become available in the year of application. Trials supported by WRAP show that 80% of the nitrogen in food based digestate is present as readily available (see <a href="http://www.wrap.org.uk/sites/files/wrap/Bulletin%20%20-%20agronomic%20benefits_0.pdf">http://www.wrap.org.uk/sites/files/wrap/Bulletin%20%20-%20agronomic%20benefits_0.pdf</a>). In contrast, compost has the majority of its nitrogen present in an organic form, which will slowly become available over a period of months or years. In summary, it depends on the product and there should only an obligation to declare the value, as opposed to having a minimum level.</li> <li>• <b><u>The thresholds for nutrients are too high and may exclude composts and digestates characterised by lower nutrient levels. If compost and digestate are to be classed as</u></b></li> </ul>	<p><b>Clarity needs to be provided on how the proposed limit levels have been derived</b></p> <p>Clarity needs to be provided on how the natural variability in composts and digestates will be dealt with under the proposed new regulations (composts and digestates are naturally very variable).</p> <p><u>Option A</u></p> <ul style="list-style-type: none"> <li>• Do not include a limit value for Organic Nitrogen</li> <li>• The thresholds for nutrients are set too high. If kept, these need to be revised and lowered. We proposed the following Total Nitrogen: 0.5% dm; total Phosphate: 0.25% dm and total Potash: 0.3% dm which would enable composts and digestates to fall under this category</li> <li>• A clear definition of solid and fluid/liquid needs to given</li> <li>• Water soluble K2O should be replaced with total K2O</li> <li>• Remove minimum level for dry matter content</li> </ul> <p><u>Option B</u></p> <ul style="list-style-type: none"> <li>• Do not include a limit value for Organic Nitrogen</li> </ul>

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				<p><b><u>organic fertilisers under the EU Fertiliser regs, then we need to ensure these levels are appropriate. The N, P, and K content must be set sufficiently low to allow for these materials.</u></b></p> <p>The content of nutrients will vary hugely depending on the types of input materials / feedstocks from which composts and digestates are made. In addition seasonal fluctuations in the input materials received at composting and anaerobic digestion (AD) sites as well as fluctuations in the composting and AD process duration and the product storage period prior to application means that the levels of nutrients can vary significantly throughout the year.</p> <p>Based on our most recent set of data on compost quality: 64% of compost samples would fail to meet this limit level for Tot N (i.e. they have a total nitrogen content of less than 1.5% dm). 50% of compost samples would fail to meet this limit level for Tot Phosphate (i.e. they have a total phosphate content of less than 0.5% dm).</p> <p>If minimum levels have to be specified, then we suggest the following revised limit values which are based on what is achievable by the UK quality assured composts: Total Nitrogen: 0.5% dm; total Phosphate: 0.25% dm and total Potash: 0.3% dm which would enable our PAS 100 certified composts (quality assured) to be included.</p> <p>If a material is to be sold as a fertiliser in the UK, there is normally a requirement to prove that the main fertiliser nutrients in it vary (in terms of content) by a maximum percentage (e.g. 5% variability). There is no mention of this in these proposals, but this is one of the main problems with organic materials being classed officially as "fertilisers" in the past. How is this natural variability going to be dealt with under the proposed new regulations? How can products which are naturally as variable as composts and digestates be labelled in such a way that they can be of most use to potential users?</p> <ul style="list-style-type: none"> <li>• It is not clear how 'solid' and 'fluid' fertilisers are defined. In the agricultural sector solid is normally a material that is stackable, namely capable of being stacked in a heap (normally with a mass fraction of at least 15 – 23%).</li> <li>• Not clear why the K2O is expressed as water soluble, while</li> </ul>	<ul style="list-style-type: none"> <li>• The thresholds for nutrients are set too high. If kept, these need to be revised and lowered. We proposed the following Total Nitrogen: 0.5% dm; total Phosphate: 0.25% dm and total Potash: 0.3% dm which would enable composts and digestates to fall under this category</li> <li>• A clear definition of solid and fluid/liquid needs to be given</li> <li>• Water soluble K2O should be replaced with total K2O</li> <li>• Remove minimum level for dry matter content</li> <li>• Remove minimum level for organic carbon</li> <li>• Remove Granulometry only for powder form</li> </ul>
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				<p>P2O5 is not. The minimum nutrient required should be specified as totals. Water soluble K2O can be calculated from total K2O based on available estimates of water soluble K2O available for composts and digestates. The Digestate &amp; Compost in Agriculture field experiments supported by WRAP have confirmed that 80% of the total potash from a range of digestates and composts can be considered crop available. As a general rule, 50% of the total phosphate in compost is crop available.</p> <p><u>Option B:</u></p> <ul style="list-style-type: none"> <li>• <b>There is no clarity on how these limit levels have been derived and whether they are supported by robust technical evidence.</b></li> <li>• A limit on dry matter should not be included – it should be a matter for declaration. Certain 40% dry matter is completely inadequate, as it is excessively high. The dry matter content of composts and digestates will vary significantly from batch to batch and will be affected by the weather conditions. Normally in the agricultural sector a distinction is made between stackable and non-stackable materials. The former have normally a dry matter content of at least 15%. However dry matter should not be set as a minimum level.</li> <li>• A limit level for organic nitrogen should not be set, as this is not necessary (total nitrogen is sufficient and is what is required under the Nitrate Directive) and could exclude digestate materials which are characterised by high readily available nitrogen, but low organic nitrogen. The main benefit of digestates is its content of readily available nitrogen which will become available in the year of application. In contrast, compost has the majority of its nitrogen present in an organic form, which will slowly become available over a period of months or years. In summary, it depends on the product and there should only an obligation to declare the value, as opposed to a limit level.</li> <li>• <b>The thresholds for nutrients are excessively high and will exclude composts and digestates characterised by lower nutrient levels. <u>If compost and digestate are to be classed as organic fertilisers under the EU Fertiliser regs, then we need to ensure these levels are appropriate. The N, P, and</u></b></li> </ul>	
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				<p><b><u>K content must be set sufficiently low to allow for these materials.</u></b> The content of nutrients will vary hugely depending on the types of input materials / feedstocks from which composts and digestates are made. In addition seasonal fluctuations in the input materials received at composting and anaerobic digestion (AD) sites as well as fluctuations in the composting and AD process duration and the product storage period prior to application means that the levels of nutrients can vary significantly throughout the year.</p> <p>The feedback below is based on our most recent set of data for our quality assured composts (PAS 100) and digestates (PAS 110):</p> <p><b>Composts:</b> 100% of compost samples (126 out of 126 samples) have total Nitrogen content below the proposed minimum level of 2% (ona fresh weight basis).</p> <p><b>Digestates:</b></p> <ul style="list-style-type: none"> <li>• <b>17%</b> (6 out 35 samples) of solid digestate samples in our database has a total Nitrogen content below the minimum level of 2.5% (on a fresh weight basis) proposed for solid organic fertilisers</li> <li>• <b>100%</b> of liquid digestate samples (124 samples) in our dataset has a total Nitrogen content below the minimum level of 2% (on a fresh weight basis) proposed for solid organic fertilisers, so all liquid digestate would be completely excluded by the category 'organic fertilisers' if the proposed minimum levels were going to be specified in the final regs. This shows how important is to review previous quality data and ensure any set minimum levels are fully justified and supported by robust evidence;</li> <li>• Not clear why the K2O is expressed as water soluble, unlike with P2O5 which is not. Minimum required should be specified as totals. See comments above.</li> <li>• There is no need to introduce a minimum level for dry matter – it should only be left for declaration</li> <li>• It is not clear what is the basis for the inclusion of a min 15% organic carbon. 13% of our compost samples would fail to achieve this value. We would be confident with a level of 10% for composts (please note that we do not carry out a specific measurement for organic carbon, but this is normally calculated from the organic matter content measurement, which is divided</li> </ul>	
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				<p>by 1.724 - the "Van Bemmelen factor", used for many years based on the assumption that organic matter contains 58 percent organic carbon).</p> <ul style="list-style-type: none"> <li>'Granulometry only for powder form' is not relevant for composts and digestates.</li> </ul>	
18	PPT2	Table	Te	<ul style="list-style-type: none"> <li>The title of the table refers to 'technical characteristics'. It should be replaced with 'characteristics for declaration'.</li> <li>pH, dry matter, Total P, N, and K plus ammoniacal nitrogen and organic matter are normally required for declaration. There is no need to place any additional requirements in terms of parameter declaration, although these could be requested by an end user for specific applications. Available P and K can be estimated according to data available from field trials/experiments or literature (e.g. RB209 fertiliser manual <a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69469/rb209-fertiliser-manual-110412.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69469/rb209-fertiliser-manual-110412.pdf</a>; <a href="http://www.wrap.org.uk/sites/files/wrap/Bulletin%20%20-%20agronomic%20benefits_0.pdf">http://www.wrap.org.uk/sites/files/wrap/Bulletin%20%20-%20agronomic%20benefits_0.pdf</a> ).</li> </ul>	<p>Replace the title of the table with 'Characteristics for declaration'.</p> <p>Remove any parameters for declaration other than pH, dry matter, Total P, N, and K plus ammoniacal nitrogen and organic matter</p>
20	PPT2	Organic fertiliser – Optional identification	Te	<ul style="list-style-type: none"> <li>The first and third bullet points in this slide should be under compulsory information not optional</li> </ul>	Move the content of this slide into compulsory information
21-22	PPT2	Organo-mineral fertilisers	Te	<ul style="list-style-type: none"> <li>We are not clear on what is the purpose of this category and whether composts and digestate may fall under this category or not.</li> </ul>	Clarify what is the purpose of the organic fertiliser category
29	PPT2	Organic soil improver	Te	<ul style="list-style-type: none"> <li>Most composts produced in the UK are sold/dispached as soil improvers. Agriculture remains the largest market for compost products: 68% of all compost produced in the UK I 2012 (3.5 million tonnes) is reported as being supplied to agricultural markets (mainly as a soil improver). The remainder is sold to other markets (landscape, land restoration and horticulture) as soil improver, growing medium ingredient and turf dressing. Virtually no compost is traded in the UK as an organic fertiliser, so the category soil improver is likely to be the most relevant for composts. Digestates are supplied in the UK either as 'biofertilisers (quality organic fertilisers) or soil improvers (especially the solid fraction of digestate after separation from</li> </ul>	<p>Keep 15% (dm) as the minimum organic matter content. Do no increase this level.</p> <p>Remove limit level for stability as this</p> <p>We urge the DG ENTR to liaise with the JRC-IPTS and the DG-ENV to learn about the challenges faced, the issued discussed and the held during the drafting of the JRc EoW for composts and digestates.</p> <p>Remove minimum level for organic carbon</p> <p>Granulometry for powder form</p>

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				<p>the liquid fraction).</p> <ul style="list-style-type: none"> <li>• If a minimum level of organic matter is to be specified for this category, then we consider that the proposed minimum of 15% (on a dry matter basis) is not too low and should be kept. This will enable all quality composts and digestates produced in the UK to be fall under this category.</li> <li>• We don't understand the rationale behind the inclusion of a limit level for stability. What would be the purpose of including it? Consistency should be kept across the different categories; if stability is not a concern for other organic materials, why should it be a concern for soil improvers? Compost and digestate stability is deemed to be of little value when the intended use of the compost is agriculture; in fact some would say that it has a negative impact on the beneficial use of this material to land as more stable compost reduces the agronomic benefits provided to the soil and plants. This parameter was the subject of several discussions between the JRC, Member States and other Stakeholders during the drafting of the JRC-IPTS End of Waste criteria for composts and digestates. There are no consistent methods to determine stability. We urge the DG ENTR to liaise with the JRC-IPTS and the DG-ENV to learn about the challenges faced, the issued discussed and the negotiations that took place during the drafting of the JRc EoW for composts and digestates.</li> <li>• There is no need for a minimum organic Carbon content; minimum organic matter content should be sufficient; according to our most recent dataset of compost quality data, 58% of the UK quality composts would have organic carbon content below the proposed level of 9 % on a fresh matter level). Given that most composts are sold/traded/supplied as soil improvers, this level is inadequate and should be removed. Separated fibre digestate could be traded / used as a soil improver and could have a lower Corg content because of the transformation of carbon into methane during the digestion process.</li> <li>• Granulometry for powder form is not relevant to this category;</li> <li>• A limit on dry matter should not be included – it should be a matter for declaration. Certain 40% dry matter is completely inadequate, as it is excessively high. The dry matter content of composts and digestates will vary significantly from batch to</li> </ul>	Remove minimum dry matter content
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				<p>batch and will be affected by the weather conditions. Normally in the agricultural sector a distinction is made between stackable and non-stackable materials, the former have normally a dry matter content of at least 15%. However dry matter should not be set as a minimum level.</p>	
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