**01422’17** Draft 3 Part 115

**MDARD GENERAL COMMEN**TS:

These proposed changes to Part 115 appear to affect MDARD in the areas of food safety and animal health. MDARD is not able to do a full review of DRAFT 3 due to the timing of the review, i.e., three weeks in December. MDARD would like more time to review DRAFT 3. Alternatively MDARD would like to have at least an entire month to review DRAFT 4.

**MDARD SPECIFIC COMMENTS**:

Page 3, line 16: What is “shredded paper or cardboard”? Does this include glossy paper or treated cardboard that may have many different chemicals in them? Animals are exposed to bedding through the ingestion, inhalation, and dermal exposure pathways. Chemicals in bedding can be absorbed by livestock and poultry and adversely affect their health and also food safety by potential adulteration of their meat, milk, and eggs.

Page 5, line 11: This language needs to be added.

 **(IV) CAUSE FOOD OR FEED TO BE ADULTERATED**

(or)

**(IV) CAUSE ADULTERATION OF FOOD OR FEED**

Page 6, lines 1 and 2: What is “manufactured soil”? These two lines appear to allow manufactured soil to contain compost without distinguishing between compost made from class 1 compostable materials and compost made from class 2 compostable materials. Therefore while DRAFT 3 limits composting on farms to class 1 compostable materials and yard waste, the Part 115 sections regarding beneficial use 5 could allow for class 2 compostable materials to be placed on farm fields without any regulation or oversight. Class 2 compostable materials “include, but are not limited to, mixed municipal waste and biosolids.” Presently the state of Michigan is investigating areas where some biosolids have been applied to check for PFAS contamination. PFAS has been detected in the milk and meat of cows grazing on pasture where PFAS-enriched biosolids had been added to the soil in Alabama. Also municipal waste could have a wide variety of plastics, drugs, and other chemicals in it that may be harmful to animal health and adversely affect food safety by potential adulteration of meat, milk, and eggs.

Page 9, line 5 and 18: Why are there two separate sections defining the same thing?

Page 9, line 8: Food Waste. Definition for this is on page 17 lines 17 through 22. We don’t have a GAAMP for food waste.

Page 9, line 9: Paper Products. What is the definition of this? MDARD is concerned that this includes glossy paper, solo cups, etc. These products may not break down entirely so that they may be a concern for animal health. They may also contain chemical additives that could result in meat or other animal products being adulterated.

Page 9, line 12. Compostable Products. “Compostable products” includes compostable plastics per the definition (page 12, lines 5 through 9). MDARD is not comfortable with adding plastic material to compost on farms.

Page 9, line 13: Dead animals not managed under Act 239. Does this mean road-killed deer and other wildlife could be composted on farms? These dead bodies could harbor infectious bacteria, viruses, prions, etc. that could come into contact with livestock or poultry. Consequently their health, and food safety (by people eating the animal products), could be adversely affected.

Page 9, line 15: Sugar beet limes. This needs to be defined.

Page 10, line 3: Where is section 11556(A)?

Page 10, line 5: Why is yard waste mentioned here but not listed in the Class 1 Compostable Material(s)?

Page 12, lines 6-7: ASTM D6400-04 “Standard Specification for Compostable Plastics” appears to be superseded by ASTM 6400- 12 “Standard Specification for Labeling of Plastics Designed to be Aerobically Composted in Municipal or Industrial Facilities.” It is not clear from this title if the compost is safe for agricultural use or designed just to help manage plastics for landfilling. Does the DEQ have a copy of the ASTM 6400-12 document that MDARD could review?

Page 17, line 21: Language could be improved.

 not include vegetable or other **FARM OR** garden debris, fats, oils, or

Page 39, line 18: Language could be improved.

 that includes **ANY OF THE FOLLOWING**:

Page 178, lines 16-19: this allows on-farm composting of Class 1 compostable materials, which include food waste, paper products, compostable products, and dead animals not managed under Act 239. See MDARD comments on these specific materials above.

Page 179, lines 14-16: does this mean that farm operations can take Class 1 compostable materials for monetary or other valuable consideration? Suggested change is adding class 1 compostable material to line 14:

(ii) the farm operation does not accept yard waste **OR CLASS 1 COMPOSTABLE MATERIALS** generated

Page 179, lines 2-21: What about a farm operation that takes less than 5,000 cu yards of class 1 compostable materials and requests a GAAMPS determination? In order for a farm to conform to the Nutrient Utilization GAAMPS this GAAMPS would need to be amended to allow for Class 1 compostable materials. Also the MOU with DEQ regarding waste procedures would need to be updated.

Page 184, lines 2 to 12: “Animal production operation” and/or “animal processing operation” may need to be defined?

Page 196, lines 17 and 18: material marketed as a fertilizer, micronutrient, or soil conditioner must be licensed (fertilizer) or registered (micronutrient or soil conditioner).

 generator shall indicate the license **OR REGISTRATION** number on the label, ~~if~~ **AS** applicable

Page 197, lines 25 to 27, and Page 198, lines 1 to 24: Is a farm doing composting on-site considered to be a Class 1 composting facility? If so, then low-hazard industrial waste is allowed to be blended with the general use compost (11567). The materials included in “low-hazard industrial waste” (11504~~(7)~~(11)) are very similar to the “beneficial use byproduct” materials (11502~~(8)~~(13)), however the “beneficial use byproduct” materials are subject to additional testing parameters than what is listed in these lines on pages 197 and 198. Specifically, boron, chromium, thallium, antimony, cobalt, iron, manganese, vanadium, benzene, formaldehyde, phenol, and trichloroethylene are included for the “beneficial use byproduct” materials. Additionally if this blending of low-hazard industrial waste is allowed on farms MDARD would like PFAS and dioxin added to the compost parameters.

Page 199, lines 2 to 17. There doesn’t seem to be any restrictions on the amount of low hazard industrial waste that can be “blended” with general use or yard waste compost. Again, since low hazard industrial waste seems to be similar to the beneficial use materials MDARD would like to see additional parameters added to 11565 as noted in the previous comment.