

Compost Legal Research Roadmap

Many and diverse laws apply to composting, and they are changing rapidly. While it's impossible to create a definitive guide to compost law, this table offers a simplified, though imperfect, set of categories of the kinds of laws and policies that apply throughout the composting process. You can use this to **guide your own research!** Legal research is not just for lawyers, and it can be fun! Go to your state and local codes (most are online) and do some word searches. Pay close attention to the *definitions* section of codes, and look for a list of *exemptions* to every regulation.

	Protection 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.		Planning 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.

Compost Policy Advocacy Roadmap

Every community composter should embrace their role as a compost policy advocate, because there are so many windows of opportunity to advocate for better compost laws and policies. Too often, laws and policies are written by government bureaucrats, elected officials, and corporate-paid lobbyists; **community compost laws and policies should be written by the composters!** Here are some tips and strategies:

Laying the Groundwork	Opportunities for Advocacy	Specific Policy Solutions
<p>Our community compost movement can do many things now to lay the groundwork for advocacy:</p> <p>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.</p> <p>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.</p> <p>Build a strong collective voice: We need local, state, and national coalitions of community composters to amplify this movement's voices.</p> <p>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.</p> <p>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.</p>	<p>Here are some of the many windows of opportunity to influence compost policy:</p> <p>Regulatory proceedings: Many laws are made by government agencies through what is called regulatory or administrative proceedings. Most of the time, the public is given an opportunity give feedback and shape the outcome. A proceeding on any one of the following topics could be an opportunity for the community compost movement to make its voice heard:</p> <ul style="list-style-type: none"> ◆ Waste diversion ◆ Food waste reduction ◆ Methane reduction ◆ Carbon sequestration ◆ Environmental justice ◆ Air/water quality ◆ Healthy soils ◆ Runoff <p>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.</p> <p>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.</p> <p>Spearhead legislation: If we know what laws we want, let's write them ourselves and find legislators to champion them!</p> <p>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!</p>	<p>What specific laws and policies do we want to pass? Here are some approaches:</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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!</p>