

AB 2356 (Keeley) - Pesticides in Compost

Fact Sheet

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The Problem

California's composting industry, and the state's solid waste infrastructure, faces an immediate crisis. The pesticide Clopyralid has been detected in compost produced by private California composting companies and city and county composting operations.

Within the last few months, Clopyralid has been detected at 9 of 19 California compost facilities, at levels up to 15 ppb. Los Angeles and San Diego recently tested their municipal compost operations and found Clopyralid at up to 28 ppb and 9 ppb, respectively. Clopyralid is known to be harmful to plants as low as 3 ppb. Testing began in California only after Clopyralid was found at very high levels last year in compost in Washington. The pesticide can get into compost when it is applied to grass or crops, and the clippings or crop materials are then collected and composted.

Impact on agriculture and other compost users: Compost is a very desirable soil amendment used to improve soil fertility and plant growth. If farmers and other users fear that compost contains a material that may actually harm their plants, they will lose the use of a very valuable tool in crop and plant production. Organic farmers face a special risk, because they can lose their organic certification if they use products containing pesticides.

Impact on local governments: California law (AB 939, the Integrated Waste Management Act) requires cities and counties to divert 50 percent of their solid waste from landfills and into recycling and reuse. Grass clippings and green waste comprise the single largest segment of municipal solid waste and also the largest component of diverted waste. Diversion of green waste is achieved primarily through composting. If compost markets collapse due to a loss in confidence of the safety of compost, local governments will find it impossible to meet their AB 939 diversion requirements.

Impact on composters: Since AB 939 was enacted in 1989, state and local governments, as well as private companies, have invested millions of dollars to encourage the growth of a California composting industry. Today there are more than 100 private and municipal composting operations in California. These private businesses and municipal operations will be devastated if the public loses confidence in the compost they produce.

What AB 2356 Does

AB 2356 deals with the current problem of Clopyralid in compost and seeks to prevent future occurrences of pesticides in compost.

To deal with the current problem, AB 2356 requires CalEPA to:

Establish a stakeholder's advisory committee of composters, local governments, pesticide manufacturers and users, and the public to advise CalEPA. Test compost statewide for the presence of Clopyralid or other similar pesticides. Determine which uses -- i.e. residential lawns, non-residential turf, rights-of-ways, rangeland, animal feed or bedding - are likely to contribute to its presence in compost and the level in compost that may cause damage to plants. Based on the testing and determinations, restrict or cancel the uses of the pesticide if necessary to prevent the pesticide in compost at levels that cause damage to plants.

To avoid future problems, AB 2356:

Requires the Department of Pesticide Regulation (DPR) to if any additional studies are necessary for specified pesticides to ensure they do not appear in compost at levels that cause damage to plants. As of 2004, prohibits the registration of any pesticide if the studies show that its use will result in its presence in compost at levels that will cause damage to plants.

What DPR has done - and why AB 2356 is still needed

DPR has taken an important first step, by announcing it is initiating cancellation proceedings on Clopyralid-containing pesticide products that are registered for use on residential lawns. While the California Compost Coalition applauds DPR's action, there are several reasons why AB 2356 is still necessary:

Cancellation proceedings do not guarantee quick action to cancel uses of Clopyralid that are contaminating compost. The registrants of Clopyralid, including Dow Agrosciences, can appeal DPR's proposed decision and will likely seek changes at US EPA to allow its continued use in California. Even if DPR's cancellation moves forward, the information called for in AB 2356 - testing of compost, determination of the most likely green waste feedstocks that are leading to Clopyralid in compost - still need to be done in order for DPR to make an informed instead of speculative decision. DPR's proposed cancellation applies only to residential uses of Clopyralid. There is growing evidence to suggest that Clopyralid is also entering compost through animal manure: animals eat grains or grasses treated with Clopyralid, which passes through the animal's digestive system and into manure.

DPR also has taken no actions to ensure that it receives adequate studies from companies proposing to register Clopyralid-like products in the future. AB 2356 requires DPR to determine if any additional studies are needed, and to require them as a condition of registration or re-registration of the pesticide.