

117TH CONGRESS
1ST SESSION

H. R. 4443

To require the designation of composting as a conservation practice and activity, and to provide grants and loan guarantees for composting facilities and programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 16, 2021

Ms. BROWNLEY (for herself, Ms. PINGREE, Ms. KUSTER, Ms. NORTON, Mr. CICILLINE, and Ms. BONAMICI) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To require the designation of composting as a conservation practice and activity, and to provide grants and loan guarantees for composting facilities and programs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Cultivating Organic
5 Matter through the Promotion Of Sustainable Techniques
6 Act” or the “COMPOST Act”.

1 **SEC. 2. COMPOSTING AS CONSERVATION PRACTICE.**

2 (a) CONSERVATION STANDARDS AND REQUIRE-
3 MENTS.—Section 1241(j) of the Food Security Act of
4 1985 (16 U.S.C. 3841(j)) is amended—

5 (1) by redesignating paragraph (2) as para-
6 graph (3); and

7 (2) by inserting after paragraph (1) the fol-
8 lowing new paragraph:

9 “(2) COMPOSTING AS CONSERVATION PRACTICE
10 AND ACTIVITY.—

11 “(A) IN GENERAL.—The Secretary shall by
12 regulation provide that composting is a con-
13 servation practice and a conservation activity
14 for the purposes of this title.

15 “(B) COMPOSTING DEFINED.—

16 “(i) IN GENERAL.—For the purposes
17 of this paragraph, the term ‘composting’
18 means—

19 “(I) an activity (including an ac-
20 tivity that does not require the use of
21 a composting facility) to produce com-
22 post from organic waste that is—

23 “(aa) generated on a farm;

24 or

25 “(bb) brought to a farm
26 from a nearby community and

1 used to produce compost on that
2 farm; and

3 “(II) the use and active manage-
4 ment of compost on a farm, in accord-
5 ance with any applicable Federal,
6 State, or local law, to improve water
7 retention and soil health.

8 “(ii) DETERMINATION OF NEARBY
9 COMMUNITIES.—The Secretary, in con-
10 sultation with the Administrator of the En-
11 vironmental Protection Agency, shall issue
12 regulations for determining whether a com-
13 munity is nearby for purposes of clause
14 (i)(I), which shall ensure that bringing or-
15 ganic waste from the community to the
16 farm to produce compost results in a net
17 reduction of greenhouse gas emissions.”.

18 (b) CONSERVATION STEWARDSHIP PROGRAM.—Sec-
19 tion 1240I(2)(B)(i) of the Food Security Act of 1985 (16
20 U.S.C. 3839aa–21(2)(B)(i)) is amended by inserting “and
21 composting practices” after “agriculture drainage man-
22 agement systems”.

23 (c) ENVIRONMENTAL QUALITY INCENTIVES PRO-
24 GRAM.—Section 1240A(6)(A)(ii) of the Food Security Act
25 of 1985 (16 U.S.C. 3839aa–1(6)(A)(ii)) is amended by in-

1 serting “, including composting practices” before the semi-
 2 colon at the end.

3 (d) DELIVERY OF TECHNICAL ASSISTANCE.—Section
 4 1242(h) of the Food Security Act of 1985 (16 U.S.C.
 5 3842(h)) is amended by adding at the end the following:

6 “(5) DEVELOPMENT OF COMPOSTING PRACTICE
 7 STANDARD.—In addition to conducting a review
 8 under this subsection of any composting facility
 9 practice standard established before the date of en-
 10 actment of this paragraph, the Secretary shall estab-
 11 lish a composting practice standard under the proc-
 12 ess developed under paragraph (3).”.

13 **SEC. 3. COMPOSTING GRANT AND LOAN GUARANTEE PRO-**
 14 **GRAM.**

15 (a) IN GENERAL.—The Consolidated Farm and
 16 Rural Development Act is amended by inserting after sec-
 17 tion 310I (7 U.S.C. 1936) the following:

18 **“SEC. 310J. GRANTS AND LOAN GUARANTEES FOR**
 19 **COMPOSTING PROGRAMS.**

20 “(a) IN GENERAL.—The Secretary, in consultation
 21 with the Administrator of the Environmental Protection
 22 Agency, shall establish and carry out a program to award
 23 grants and loan guarantees, on a competitive basis, for
 24 projects that expand access to food waste composting.

25 “(b) GRANTS.—

1 “(1) AMOUNT.—

2 “(A) COST SHARE.—The total amount of
3 grant funds awarded for a project under this
4 section shall not exceed 75 percent of the cost
5 of the project for which the grant is awarded,
6 as determined by the Secretary.

7 “(B) MAXIMUM.—The total amount of
8 grant funds awarded for a project under this
9 subsection shall not exceed \$5,000,000.

10 “(2) ALLOCATION.—Of funds made available to
11 carry out this subsection in each fiscal year, the Sec-
12 retary shall allocate not less than 25 percent to
13 projects that do not include the use of centralized
14 commercial composting, to the extent there are suffi-
15 cient applications for such projects.

16 “(3) TIMELINE.—An entity receiving a grant
17 under this subsection shall fully expend the awarded
18 grant funds within 3 years of receiving the funds.

19 “(4) ELIGIBLE ENTITIES.—The Secretary may
20 award a grant under this section to any of the fol-
21 lowing entities:

22 “(A) A State, local, territorial, or Tribal
23 government.

24 “(B) A local educational agency (as de-
25 fined in section 8101 of the Elementary and

1 Secondary Education Act of 1965 (20 U.S.C.
2 7801)).

3 “(C) An institution of higher education.

4 “(D) A non-profit organization.

5 “(E) A farmer or rancher.

6 “(F) A consortium of any of the entities
7 described in subparagraphs (A) through (E).

8 “(G) One or more of any of the entities de-
9 scribed in subparagraphs (A) through (F), in
10 coordination with a for-profit organization.

11 “(c) LOAN GUARANTEES.—

12 “(1) AMOUNT.—

13 “(A) COST SHARE.—The Secretary may
14 award a loan guarantee under this section in an
15 amount that does not exceed 80 percent of the
16 cost of a project that is eligible for assistance
17 under this section, as determined by the Sec-
18 retary.

19 “(B) MAXIMUM.—The Secretary may not
20 provide a loan guarantee under this section in
21 an amount that exceeds \$5,000,000.

22 “(2) ELIGIBLE ENTITIES.—The Secretary may
23 award a loan guarantee under this section to a for-
24 profit organization, farmer, or rancher that dem-

1 onstrates successful prior experience in developing,
2 managing, and marketing composting facilities.

3 “(d) ELIGIBLE PROJECTS.—The Secretary may
4 award grants and loan guarantees under this section for
5 projects to carry out the following:

6 “(1) Composting facility or site permitting,
7 planning, and construction.

8 “(2) Acquisition of machinery, equipment, and
9 other physical necessities required to operate a
10 composting facility, system, or program, except
11 depackaging equipment.

12 “(3) Activities to increase the production capac-
13 ity throughput of a composting facility.

14 “(4) Implementation of onsite composting sys-
15 tems and programs (such as home composting pro-
16 grams, community garden and urban farm
17 composting, and other onsite composting systems at
18 institutions, nonprofits, and businesses).

19 “(5) Projects that are based on a distributed
20 infrastructure strategy (such as a strategy that in-
21 corporates a mix or choice of home composting, farm
22 and ranch composting, onsite composting, commu-
23 nity-scale composting, or centralized commercial
24 composting).

1 “(6) Collection of organic waste intended for
2 processing at a composting facility or system, or
3 through a composting program, including curbside
4 pick-up programs, community drop-off programs,
5 and facility- or event-specific programs (such as pro-
6 grams at schools, restaurants, stadiums, or fes-
7 tivals).

8 “(7) Activities for land-based compost applica-
9 tion, including compost application on a farm or
10 ranch.

11 “(8) Market development projects that create a
12 demand for compost product or increase commercial
13 and residential participation in composting.

14 “(e) REQUIREMENTS.—An eligible entity applying for
15 a grant or loan guarantee under this section shall dem-
16 onstrate that the project for which such assistance is
17 sought—

18 “(1) will—

19 “(A) result in composting of food waste
20 (which may include such composting in com-
21 bination with non-food organic waste);

22 “(B) result in increased total capacity to
23 accept and process food waste into finished
24 compost product; and

1 “(C) include at least one operator of a fa-
2 cility or system, if applicable, who is trained on
3 best management practices for composting
4 (such as odor, vector, pathogen, and contami-
5 nant control practices);

6 “(2) in the case of a market development
7 project, is likely to create sufficient demand to in-
8 crease total capacity, in the targeted market, to ac-
9 cept and process food waste into high-quality fin-
10 ished compost; or

11 “(3) in the case of land-based compost applica-
12 tion activities, is consistent with any applicable re-
13 quirements pursuant to section 1241(j) of the Food
14 Security Act of 1985.

15 “(f) PRIORITY FACTORS.—In awarding grants and
16 loan guarantees under this section, the Secretary shall
17 prioritize projects that include the greatest number of the
18 following factors:

19 “(1) The project is located in or serving a loca-
20 tion with significant access to food waste and no or
21 limited prior access to food waste composting.

22 “(2) The project demonstrates the potential to
23 create new capacity for the volume or weight of food
24 waste collected and processed, or make significant

1 gains in the number of people with access to food
2 waste composting facilities or systems.

3 “(3) The project includes a demonstrated plan
4 for following best management practices and pro-
5 ducing a high-quality compost product.

6 “(4) The project incorporates the participation
7 of small and diverse businesses (such as minority-,
8 woman-, and veteran-owned businesses certified by
9 the Small Business Administration or under a State
10 program or another recognized certification program
11 and other businesses led by Black people, Indigenous
12 people, or other people of color).

13 “(5) The project creates opportunities for hir-
14 ing and leadership development practices that are in-
15 clusive and provide living wages.

16 “(6) The project serves disadvantaged and low-
17 income communities, engages Black farmers, Indige-
18 nous farmers, and other farmers of color, or incor-
19 porates an environmental justice plan or principles.

20 “(7) The project is for a facility or system that
21 accepts or plans to accept and process only source
22 separated organics.

23 “(g) LIMITATION.—The Secretary may award only
24 one grant or loan guarantee under this section for any
25 project.

1 “(h) DEFINITIONS.—In this section:

2 “(1) SOURCE SEPARATED ORGANICS.—

3 “(A) IN GENERAL.—The term ‘source sep-
4 arated organics’ means organic waste that is
5 separated from other waste by the waste gener-
6 ator.

7 “(B) INCLUSION.—The term ‘source sepa-
8 rated organics’ includes materials that are cer-
9 tified to meet ASTM standard D6400 or
10 D6868.

11 “(C) EXCLUSION.—The term ‘source sepa-
12 rated organics’ excludes mixed solid waste.

13 “(2) CENTRALIZED COMMERCIAL
14 COMPOSTING.—The term ‘centralized commercial
15 composting’ means a regional composting facility
16 that produces at least 10,000 tons of compost annu-
17 ally.

18 “(i) FUNDING.—There is authorized to be appro-
19 priated to carry out this section \$200,000,000 for each
20 of fiscal years 2022 through 2031.”.

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