

118TH CONGRESS
1ST SESSION

S. 179

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

IN THE SENATE OF THE UNITED STATES

JANUARY 31, 2023

Mr. BOOKER (for himself and Ms. SMITH) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To require the designation of composting as a conservation practice and activity, 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:

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) DEFINITION OF COMPOSTING.—

16 “(i) IN GENERAL.—In this paragraph,
17 the term ‘composting’ means—

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

22 “(aa) generated on a farm;

23 or

24 “(bb) brought to a farm
25 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)(bb), which shall ensure that bringing
15 organic 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 The Consolidated Farm and Rural Development Act
16 is amended by inserting after section 310I (7 U.S.C.
17 1936c) the following:

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

20 “(a) DEFINITIONS.—In this section:

21 “(1) CENTRALIZED COMMERCIAL COMPOSTING
22 FACILITY.—The term ‘centralized commercial
23 composting facility’ means a regional composting fa-
24 cility that produces at least 10,000 tons of compost
25 annually.

1 “(2) SOURCE SEPARATED ORGANICS.—

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

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

10 “(C) EXCLUSION.—The term ‘source sepa-
11 rated organics’ does not include mixed solid
12 waste.

13 “(b) PROGRAM.—The Secretary, in consultation with
14 the Administrator of the Environmental Protection Agen-
15 cy, shall establish and carry out a program to award
16 grants and loan guarantees, on a competitive basis, for
17 projects that expand access to food waste composting.

18 “(c) GRANTS.—

19 “(1) AMOUNT.—

20 “(A) COST SHARE.—The total amount of
21 grant funds awarded for a project under this
22 section shall not exceed 75 percent of the cost
23 of the project for which the grant is awarded,
24 as determined by the Secretary.

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

4 “(2) ALLOCATION.—Of funds made available to
5 carry out this subsection in each fiscal year, the Sec-
6 retary shall allocate not less than 25 percent to
7 projects that do not include the use of centralized
8 commercial composting facilities, to the extent there
9 are sufficient applications for those projects.

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

13 “(4) ELIGIBLE ENTITIES.—The Secretary may
14 award a grant under this subsection to any of the
15 following entities:

16 “(A) A State, local, territorial, or Tribal
17 government.

18 “(B) A local educational agency (as de-
19 fined in section 8101 of the Elementary and
20 Secondary Education Act of 1965 (20 U.S.C.
21 7801)).

22 “(C) An institution of higher education.

23 “(D) A nonprofit organization.

24 “(E) A farmer or rancher.

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

3 “(G) 1 or more of any of the entities de-
4 scribed in subparagraphs (A) through (F), in
5 coordination with a for-profit organization.

6 “(d) LOAN GUARANTEES.—

7 “(1) AMOUNT.—

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

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

17 “(2) ELIGIBLE ENTITIES.—The Secretary may
18 award a loan guarantee under this section to a for-
19 profit organization, farmer, or rancher that dem-
20 onstrates successful prior experience in developing,
21 managing, and marketing composting facilities.

22 “(e) ELIGIBLE PROJECTS.—The Secretary may
23 award grants and loan guarantees under this section for
24 projects to carry out the following:

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

3 “(2) Acquisition of machinery, equipment, and
4 other physical necessities required to operate a
5 composting facility, system, or program, except
6 depackaging equipment.

7 “(3) Activities to increase the production capaci-
8 ty throughput of a composting facility.

9 “(4) Implementation of onsite composting sys-
10 tems and programs (such as home composting pro-
11 grams, community garden and urban farm
12 composting, and other onsite composting systems at
13 institutions, nonprofit organizations, and busi-
14 nesses).

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

21 “(6) Collection of organic waste intended for
22 processing at a composting facility or system, or
23 through a composting program, including curbside
24 pick-up programs, community drop-off programs,
25 and facility- or event-specific programs (such as pro-

1 grams at schools, restaurants, stadiums, or fes-
2 tivals).

3 “(7) Activities for land-based compost applica-
4 tion, including compost application on a farm or
5 ranch.

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

9 “(f) REQUIREMENTS.—An eligible entity applying for
10 a grant or loan guarantee under this section shall dem-
11 onstrate that the project for which that assistance is
12 sought—

13 “(1) will—

14 “(A) result in composting of food waste
15 (which may include such composting in com-
16 bination with non-food organic waste);

17 “(B) result in increased total capacity to
18 accept and process food waste into finished
19 compost product; and

20 “(C) include at least 1 operator of a facil-
21 ity or system, if applicable, who is trained on
22 best management practices for composting
23 (such as odor, vector, pathogen, and contami-
24 nant control practices);

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

6 “(3) in the case of land-based compost applica-
7 tion activities, is consistent with any applicable re-
8 quirements under paragraph (2) of section 1241(j)
9 of the Food Security Act of 1985 (16 U.S.C.
10 3841(j)).

11 “(g) PRIORITY FACTORS.—In awarding grants and
12 loan guarantees under this section, the Secretary shall
13 prioritize projects that include the greatest number of the
14 following factors:

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

18 “(2) The project demonstrates the potential to
19 create new capacity for the volume or weight of food
20 waste collected and processed, or make significant
21 gains in the number of people with access to food
22 waste composting facilities or systems.

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

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

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

11 “(6) The project serves disadvantaged and low-
12 income communities, engages Black farmers, Indige-
13 nous farmers, and other farmers of color, or incor-
14 porates an environmental justice plan or principles.

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

18 “(h) LIMITATION.—The Secretary may award only 1
19 grant or loan guarantee under this section for any project.

20 “(i) FUNDING.—There is authorized to be appro-
21 priated to carry out this section \$200,000,000 for each
22 of fiscal years 2023 through 2032.”.

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