

117TH CONGRESS  
1ST SESSION

# S. 2388

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.

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## IN THE SENATE OF THE UNITED STATES

JULY 20, 2021

Mr. BOOKER introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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## 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 capac-  
8           ity 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 2022 through 2031.”.

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