



## Maryland Green Purchasing Committee Approved Specification – Compost

### **HOW TO USE THIS DOCUMENT:**

This document sets the minimum requirements for environmentally preferable compost purchased by the State of Maryland. Vendors are required to follow and, when possible, go beyond these standards in their product offerings to the maximum extent practicable when such products are cost competitive and meet form, function and utility requirements.

For State procurement officers, this document outlines the legislation, statutes, and regulations that mandate State purchasing practices for compost. The document also provides boilerplate language to be included in State procurement contracts associated with compost.

For the purpose of this specification, compost is defined as a stabilized organic product produced by the controlled *aerobic decomposition* process in such a manner that the product may be handled, stored, and applied to the land or used as a soil conditioner in an environmentally acceptable manner without adversely affecting plant growth ([COMAR 15.18.04.01 \(B\)5](#)).



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# 1. ENVIRONMENTALLY PREFERABLE PURCHASING: LEGISLATION, STATUTES, AND REGULATIONS

### *For Procurement Officers and Agencies*

#### **Environmentally Preferable Purchasing** (COMAR: [21.11.07.09](#))

“All procurement agencies shall purchase environmentally preferable products and services unless purchasing environmentally preferable products and services would limit or supersede any requirements under any provision of law or result in the purchase of products and services that:

- (1) Do not perform adequately for the intended use;
- (2) Exclude adequate competition; or
- (3) Are not available at a reasonable price in a reasonable period of time.”

#### **Mercury and Products that Contain Mercury** (COMAR: [21.11.07.07](#))

“All procurement agencies shall give a preference under this regulation to procuring products and equipment that are mercury-free. If mercury-free products and equipment that meet the agency's product performance requirements are not commercially available, the procurement agency shall give preference under this regulation to products containing the least amount of mercury necessary to meet performance requirements.”

#### **Bill [HB 586](#), Enacted as Maryland Chapter 170, 2023 Laws of Maryland:**

“The Maryland Green Purchasing Committee... shall establish specifications for purchasing of compost, mulch, soil amendments, or aggregate produced from municipal solid waste, food waste, dredged materials, construction waste, yard waste, clean wood waste, or other recycled or organic materials.”

### *For Contractors, Bidders, and Offerors*

#### **Verifying Environmental Claims** (State Finance and Procurement Article [§14-410](#))

“A bidder or offeror for a procurement contract shall certify in writing that any claims of environmental attributes made relating to a product or service are consistent with the Federal Trade Commission’s Guidelines for the Use of Environmental Marketing Terms.”

## 2. PROHIBITED PRODUCTS

Compost products that exceed the maximum limit of heavy metal concentrations listed in [COMAR 15.18.04.05](#) are prohibited.

## 3. MINIMUM REQUIREMENTS FOR COMPOST PRODUCTS – General

The State of Maryland is committed to the procurement of sustainable products which minimize harm to the environment and human health. To the extent practicable, compost materials shall incorporate



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recycled organic materials as opposed to virgin materials. Acceptable sources of organic material used for compost include yard waste, food residuals, and clean wood waste.

### A. Compost must have the following requirements:

- 1) All compost products offered to the State must be registered with the Maryland Department of Agriculture (MDA) as a product for sale or distribution ([COMAR 15.18.04.02](#)).
  - 2) All compost products must be sourced in Maryland from a composting facility that is permitted by the Maryland Department of Environment (MDE) or excused from MDE's permit requirements, as applicable.
    - o *Find locations of local organic recycling facilities [here](#).*
    - o *Find MDE Permitted Solid Waste Facilities [here](#).*
    - o *These lists are not all inclusive and do not intend to identify all locations. Listings do not constitute a complete directory of all vendors in Maryland or offer an endorsement of the business by the State.*
  - 3) Must not exceed the maximum limits for metals listed by the State Chemist's Office ([COMAR 15.18.04.05](#)). Compost that contains any metal in excess of any maximum metal concentrations shall be designated for additional processing, disposal, or other use as approved by local, state and federal agencies having jurisdiction. Test results of samples must be received by the operator prior to removing compost from the composting operation or facility where it was produced.
  - 4) Compost products must be labeled as General Use, Limited Use, or Restricted Use, in accordance with [COMAR 15.18.04.06](#).
  - 5) Compost shall be reasonably free of sticks, stones, refuse, materials deleterious to soil structure, or any material toxic or detrimental to plant germination and growth. Compost containing foreign material may be rejected based on a visual examination.
  - 6) Compost shall have a pH range of 6-8.
- B. Bidders shall submit documentation showing that it completed random sampling of the compost product(s) and determined that the compost complies with the limits for heavy metals and pathogens found at [COMAR.15.18.04.05](#).

## 4. MINIMUM REQUIREMENTS FOR COMPOST PRODUCTS – Sourcing

### A. FOOD RESIDUALS

Compost generated from food residuals must:

- 1) Possess the US Composting Council's Seal of Testing Assurance (USCC STA), **OR** be Organic Materials Review Institute (OMRI) listed.
  - o *OMRI Listed product registry for certified products can be found [here](#).*
  - o *STA Registry for certified compost manufacturers can be found [here](#).*
- 2) Meet the MDA concentration limits for heavy metals and pathogens.



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### B. YARD WASTE

Compost generated from yard waste must:

- 1) Possess the US Composting Council’s Seal of Testing Assurance (USCC STA), **OR** be Organic Materials Review Institute (OMRI) listed.
  - o *OMRI Listed product registry for certified products can be found [here](#).*
  - o *STA Registry for certified compost manufacturers can be found [here](#).*
- 2) Meet the MDA concentration limits for heavy metals and pathogens.

### C. CLEAN WOOD WASTE

Compost generated from clean wood waste must:

- 1) Meet the MDA concentration limits for heavy metals and pathogens.  
Be organic and free of pesticides or preservatives containing Chromated Copper Arsenicals (CCA).
- 2) Compost derived from wood species listed as threatened or endangered by the [Convention on International Trade in Endangered Species](#) (CITES) and the [International Union for Conservation of Nature](#) (IUCN) are prohibited for use.
  - o A comprehensive, downloadable list of species covered by CITES can be found [here](#).  
When downloading the list, under “Taxon” select Plantae for all organisms in the Plant Kingdom.

## 5. ENVIRONMENTALLY PREFERABLE PRODUCT RECOMMENDATIONS – General

- To maximize environmental benefits, it is recommended that the State purchase compost that is OMRI listed.  
*OMRI Listed product registry for certified products can be found [here](#).*

## 6. ENVIRONMENTALLY PREFERABLE PURCHASING LANGUAGE

**Instruction to Procurement Officers: Please include the following language to your solicitation if it does not already exist.**

### A. On Environmentally Preferable Purchasing:

**The State of Maryland is committed to purchasing environmentally preferable products and services (EPPs).** Maryland’s State Finance & Procurement Article §14-410 defines environmentally preferable purchasing as “the procurement or acquisition of goods and services



**Maryland Green Purchasing Committee Approved Specification – Compost** that have a lesser or reduced effect on human health and the environment when compared with competing goods or services that serve the same purpose.”

Accordingly, Bidders are strongly encouraged to offer EPPs to fulfill this contract, to the greatest extent practicable.

**B. On Maryland’s Green Purchasing Reporting Requirements:**

**The State of Maryland requires, at a minimum, from the Contractor annual sales data over the life of this contract; the State also reserves the right to request quarterly sales data over the life of this contract.**

The report shall include, at a minimum, details about the third-party sustainability certifications and other environmental attributes of products and services sold on this contract per the contract specifications.

To facilitate consistent reporting on this contract, the Contractor will be provided with a VENDOR GREEN SALES REPORT template from the Green Purchasing Committee (GPC), the Office of State Procurement (OSP) or the Department of General Services (DGS).

**C. On Environmental Claims**

**All environmental benefit claims made by the Contractor concerning products or services offered on this contract must be consistent with the [Federal Trade Commission’s Guidelines for the Use of Environmental Marketing Claims](#).**

## 7. APPENDIX

Chromated Copper Arsenicals (CCA): a group of pesticides containing chromium, copper, and/or arsenic that protect wood against termites, fungi and other pests that can degrade or threaten the integrity of wood products.

Clean Wood Waste: Waste generated from solid wood, pallets or lumber that is not painted, glued, treated with chemicals, or pierced with nails or metal fasteners.

Compost: A stable, organic substance produced by a controlled decomposition process that can be used as a soil additive, fertilizer, growth media, or other beneficial use.

Food Waste: Waste derived from food that is spoiled or has not been eaten. Can be cooked or raw food.

Yard Waste: Organic plant waste derived from gardening, landscaping, and tree trimming activities. This includes leaves, garden waste, lawn cuttings, weeds, and pruning ([§9-1701](#)).