



## Maryland Green Purchasing Committee Approved Specification – Soil Amendments/Soil Conditioner

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

This document sets the minimum requirements for environmentally preferable soil amendments 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 soil amendments. The document also provides boilerplate language to be included in State procurement contracts associated with soil amendments

For the purposes of this specification, a soil amendment shall be referred to as a soil conditioner defined in **COMAR (15.18.03.01)**.

**Soil Conditioner:** Any substance or mixture of substances used to: Enrich the soil, stimulate plant growth, improve crop quality, increase plant productivity, or produce any physical or chemical change to the soil.

Soil conditioners include microorganisms and materials such as compost, peat, vermiculite, perlite, or digestate produced by anaerobic digestion that are incorporated into the soil.

Soil conditioners **do not** include commercial fertilizer, unmanipulated animal and vegetable manures, agricultural liming material, or gypsum.



## Maryland Green Purchasing Committee Approved Specification – Soil Amendments/Soil Conditioner

### Table of Contents

1. ENVIRONMENTALLY PREFERABLE PURCHASING: LEGISLATION, STATUTES, AND REGULATIONS	3
2. PROHIBITED PRODUCTS	3
3. MINIMUM REQUIREMENTS FOR SOIL CONDITIONER PRODUCTS – General	3
4. MINIMUM REQUIREMENTS FOR SOIL CONDITIONER PRODUCTS – Sourcing	4
A. MUNICIPAL SOLID WASTE (MSW)	4
B. FOOD RESIDUALS	4
C. YARD WASTE	4
D. CLEAN WOOD WASTE	5
5. ENVIRONMENTALLY PREFERABLE PRODUCT RECOMMENDATIONS – General	5
6. ENVIRONMENTALLY PREFERABLE PURCHASING LANGUAGE	5
7. APPENDIX	6



## Maryland Green Purchasing Committee Approved Specification – Soil Amendments/Soil Conditioner

### 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

**Corn gluten** is prohibited for use on Maryland lawns because the recommended rate for weed control would exceed the amount of nitrogen allowed by Maryland's Lawn Fertilizer Law (See- [UMD - Organic Matter and Soil Amendments](#)).

### 3. MINIMUM REQUIREMENTS FOR SOIL CONDITIONER PRODUCTS – General



## Maryland Green Purchasing Committee Approved Specification – Soil Amendments/Soil Conditioner

The State of Maryland (State) is committed to the procurement of sustainable products which minimize harm to the environment and human health. To the extent practicable, State agencies are required to prioritize the purchasing of soil conditioners produced from recycled organic material. This includes biodegradable municipal solid waste, food residuals, yard waste, and natural wood waste. The State requires that:

- All soil conditioners must be registered by the Maryland Department of Agriculture (MDA).
- All soil conditioners must be sourced locally in Maryland.
  - *Find Permitted Solid Waste Facilities [here](#).*
  - *Find locations of permitted composting facilities [here](#) see *Composting Facilities with Capacities*.*
  - *Find locations of commercial anaerobic digesters on this [map](#). Note, only those identified by an orange diamond are within the boundaries of the state of Maryland.*
  - *The lists above are not all inclusive and do not intend to identify all locations as there are facilities that compost natural wood waste that are operated by a government entity such as a County government or the Maryland Environmental Service. Listings do not constitute a complete directory of all vendors in Maryland or offer an endorsement of the business by the State.*

## 4. MINIMUM REQUIREMENTS FOR SOIL CONDITIONER PRODUCTS – Sourcing

### A. MUNICIPAL SOLID WASTE (MSW)

- 1) Soil conditioners derived from MSW must:
  - a. comply with the EPA concentration limits found in the EPA Biosolids Rule 503 ([EPA 503](#)).
  - b. be separated from other materials in the MSW stream and free of litter. This includes glass, metals, plastics and household hazardous waste.
  - c. (in the case of leachate) adhere to the MDE permit requirements for organic waste recycling.
  - d. be sourced locally in Maryland.
- 2) The State requires bidders to submit documentation that the soil conditioner does not exceed the minimum concentration for metals and pathogens listed in [COMAR.15.18.04.05](#). These limits must be met in order to be awarded the contract.

### B. FOOD RESIDUALS

- 1) Soil conditioners generated from food residuals must:



## Maryland Green Purchasing Committee Approved Specification – Soil Amendments/Soil Conditioner

- a. Comply with the EPA concentration limits found in the EPA Biosolids Rule 503 ([EPA 503](#)); and
- b. Be sourced locally in Maryland.

### C. YARD WASTE

- 1) Soil conditioners generated from yard waste must:
  - a. Be sourced locally in Maryland;
  - b. Meet the EPA concentration limits found in the EPA Biosolids Rule 503 ([EPA 503](#)); and
  - c. Be organic and not contain any pesticides or preservatives.

### D. CLEAN WOOD WASTE

- 1) Soil conditioners generated from clean wood waste must have the following requirements:
  - a. Be sourced locally in Maryland;
  - b. Meet the EPA concentration limits found in the EPA Biosolids Rule 503 ([EPA 503](#)); and
  - c. Be organic and free of pesticides or preservatives.
- 2) Wood and lumber products 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.
  - a. 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

- **Epsom salt** (a highly soluble form of magnesium (10%) and sulfur (13%)) should NOT be applied to the soil unless recommended in a soil test report. A shortage of calcium causes the cell wall breakdown resulting in the sunken, brown/black areas on the bottoms and sides of fruits. Excess magnesium can make the problem worse by making calcium less available for plant uptake ([UMD - Organic Matter and Soil Amendments](#)).
- **Peat moss** is NOT recommended. Harvesting peat releases CO<sub>2</sub>, a greenhouse gas contributing to climate change ([UMD - Organic Matter and Soil Amendments](#)).
- **Fresh Sawdust** should NOT be applied to the soil. It can burn plant roots and "tie up" nitrogen as it decomposes ([UMD - Organic Matter and Soil Amendments](#)).



Maryland Green Purchasing Committee Approved Specification – Soil Amendments/Soil Conditioner

## 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 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/Offerors 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.



## Maryland Green Purchasing Committee Approved Specification – Soil Amendments/Soil Conditioner

**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 Residuals:** As defined in [COMAR 26.04.13.02](#) means material derived from the processing or discarding of food, including pre- and post-consumer vegetables, fruits, grains, dairy products, and meats.

**Municipal Solid Waste:** Sanitary waste derived from solid materials: food, paper, plastics, textiles, wood, glass, metals, etc.

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