



Summary Notes from the joint meeting of the Oversight Panel for the Biofertiliser Certification Scheme and the Technical Advisory Committee for the Compost Certification Scheme

Wednesday 14th November 2018, 11.00 – 16.00, Shakespeare Martineau LLP, London

Attendees:

Professor Stephen Nortcliff (SN) – Chair; Justyna Staff (JS) – REAL; Georgia Phetmanh (GP) – REAL; Gregor Keenan (GK) – CCS Producers' Representative; Jo Chapman – BCS Operators' Representative; Duncan Parkinson – NSF; Sophie Arguile – NSF; Roy Lawford (RL) – Organic Farmers & Growers (OF&G); Nicholas Johnn (NJ) – Aardvark Certification Ltd (ACL); Duncan Rose (DR) – Laboratories' Representative; Janet Gascoigne (JG) – United Kingdom Accreditation Service (UKAS)

Teleconference:

Kathy Nicholls (KN) – Environment Agency (EA); Fiona Donaldson (FD) – Scottish Environment Protection Agency (SEPA); Alison McKinnie (AM) – Zero Waste Scotland (ZWS); Thomas Aspray (TA) – Laboratory Auditor and REAL's Technical Advisor

1. Introductions & welcome

Professor Stephen Nortcliff welcomed everybody to the meeting and noted apologies from NFU, LARAC, Red Tractor, NIEA, and the Soil Association. We read through the minutes and action points from the last meeting and the majority of actions had been addressed.

2. Scheme updates – REAL

Summary data on the CCS and BCS was presented by GP and JS presented REAL's plans for 2018 with the estimated timescales to complete all scheme projects. These plans and the recent CCS and BCS scheme developments were discussed with the Panel.

a. Scheme numbers

There were 175 certified composting processes in the UK processing over 3.89 MT per annum of feedstock on an annual basis. Certified sites were producing over 1.8 MT per annum of quality compost on an annual basis. Data presented at each TAC meeting since December 2016 showed that the amount of the amount of feedstock processed annually had gradually increased from ~3.4 million to ~3.75 MT per annum, despite the number of compost processes remaining relatively static.

There were 80 certified AD plants in the UK processing over 4.31 MT of feedstock on an annual basis. REAL estimated that by the end of 2019, there would be 93 plants on the scheme as there had been a consistent increase of 13 plants joining the scheme each year since 2015. Although, this number could be higher if on-farm plants join the scheme and are included in the total.

There had been four new applicants under CCS since the beginning of the year and nine applicants under BCS with one plant still going through the application/validation process. Two CCS certificates had been suspended as one operator had informed their CB that they did not wish to retain certified status – their certificate was then withdrawn after it had expired. The other certificate was suspended after repeat non-compliances and repeat test failures (but was later reinstated).

One BCS certificate was suspended following an odour complaint after it became evident that some of the validated critical limits had not been adhered to produce digestate, causing the odour from which the complaint resulted, specifically the minimum retention time. Five CCS certificates were withdrawn (one for the reason mentioned here and the other four sites had ceased compost production). No certificates were withdrawn under the Biofertiliser Certification Scheme.

b. Papers/reports/guidance

The 2017 Annual Report for CCS and BCS was published (with some updates on the CPCS and GGCS also administered by REAL). The report presents a summary of scheme data, including data on end markets for compost and data on digestate processing. The updated cost comparison documents for CCS and BCS were also published, presenting an average cost comparison for producers in England certifying their compost/digestate or spreading it to land under waste regulations (based on the Agency's updated land spreading charges). The summary report on the investigation into the winter plant response test failures was also published, providing an overview of the investigation, findings, and actions REAL plans to take for future safeguarding.

The CCS Technical Guidance document was updated to include three new sections: on reprocessing oversize fractions, principal compost grades, and splitting samples. This guidance was agreed with the certification bodies and shared with all producers on the scheme and the laboratories. However, NRM did not support this position and considers that sub-sampling on site should be acceptable. NRM informed the Panel it is only on a rare occasion that a sample arrives and appears noticeably different from the main sample. If the sub-sample does look different then they will raise this issue with the producer, REAL, and the certification body. Panel members discussed the matter of sample contamination. Producers have argued that the contamination occurs in the laboratory; DR stressed that NRM has in place strict procedures to avoid contamination. Particular concern was expressed with respect to *E. coli* failures, which some producers do not understand.

Some Panel members shared their view that sub-samples are not representative as required by PAS 100. They added that we are interested in the supply of large amounts of compost so a smaller bag will be less representative. One Panel member argued that a small sample/bag is split from the larger sample and tested immediately at the laboratory. If a sub-sample is taken and is subject to different conditions in transit, it is not representative of the compost pile, its source. The sample has to be taken from and represent the compost pile.

NRM informed the Panel that a number of large customers have spent significant amounts of time and money developing sub-sampling protocols to ensure that a representative sub-sample can be taken. This position will impact a number of companies. However, the Panel members stressed that confidence in the product is very important and the scheme cannot be viewed as bending the rules.

There are no procedures in place to take a representative sub-sample and the requirement of PAS and the scheme's sampling guidance are for a representative sample to be taken. The final outcome of this discussion is for REAL to consider developing sub-sampling procedures that would allow operators to take a representative sub-sample based on the BS sampling guidance.

The BCS Technical Guidance document had also been updated to include a section on food waste soup. The Panel advised that detail should be added to the guidance on making sure tankers transporting food waste are clean before the waste is loaded as adverse materials may remain in the tanker. The tankers should be thoroughly washed and clean. Members advised that operators might not consider applying the same importance of clean tankers for digestate as for beer, for example. One food waste soup supplier had not wished to provide a digestate producer with the full list of waste ingredients. Panel members agreed that it is concerning the soup supplier did not want to disclose this list of inputs as this is a key part of guaranteeing the quality of the digestate. GK informed that some of their customers (of food waste soup) sample the inputs.

c. Marketing/market development

The summer newsletters had been issued, providing industry with news on the updates to PAS 100, government consultations, and scheme developments.

The Market Development Working Group (MDWG) has been brought together with seven members and an independent chair appointed. The first meeting is taking place in January 2019 in Scotland. The Terms of Reference will be agreed at the first meeting. The Panel suggested that we contact AHDB as they have looked into the benefits of PAS 100 and PAS 110.

KN informed everyone that a result of proposed changes in Government Policy in the UK is likely to produce 10 MT of food waste, most of which will be anaerobically digested. This sudden increase in the amount of available digestate will cause a risk to the land bank and potentially undermine confidence in digestate. The government is looking at the food waste hierarchy guidance and processing via AD is considered to be preferable to composting. This will hopefully redistribute food waste but could impact confidence in digestate so the MDWG should be aware of this. KN also informed the Panel that Defra wants to see more green waste recycled as there has not been the expected increase. GP will inform the MDWG of this at the first meeting.

GK asked whether it is better if the waste is comingled. This would not benefit gas production. Apparently IVCs are struggling when the food waste arrives on site and a lot of food waste is removed to go to biofuel. KN stressed that the industry needs time to adjust and implementation needs to be staged. Defra is also considering the distribution of food waste to animal feed. Panel members discussed the challenges for non-permitted plants to process food waste and offset maize. It is not a simple transition as many plants do not have all the necessary technology in place e.g. pasteuriser. If the increased consumption of food waste in AD plants is to be successful, more importance should be placed on cleaning up inputs – the food and drink sector should be pushed to produce cleaner inputs and householders should be pushed to produce cleaner waste.

d. Technical/laboratory updates

TA provided updates on the CCS database and auditing of the laboratories. The CCS csv reporting templates had been finalised with some laboratories reporting in csv, which has allowed REAL to pull down data in bulk. The CCS and BCS laboratory T&Cs have been combined and will be sent to the laboratories for final comments in December. The combined T&Cs will be issued in 2019.

TA informed that two laboratories had achieved very good audit results will have addressed all non-conformances by the next year's audit.

With regard to PT schemes, TA provided an explanation for why we would like the laboratories to participate in scheme-specific proficiency testing schemes. One Panel member informed that Defra no longer has approved laboratories for microbial testing so this could be an opportunity for the schemes. DR confirmed that he will provide input to PT discussions regarding development and administration and DR will inform TA of an existing scheme/test.

e. Update on 2018 and plans for 2019

JS emphasised how REAL's role is changing in the industry as WRAP is no longer active in the fields of compost and biofertiliser production.

f. Certification costs

JS presented figures showing the split in fees that producers are charged under the schemes and the split with the proposed capitation fees. It is more expensive for larger producers because they are required to test more samples. Certification fees are higher for smaller operators and capitation is only a small percentage. The BCS percentages are different in comparison. BCS capitation fees were based on savings through certification compared to land spreading. REAL might change the charging mechanism in the future, for example, no longer charge the capitation fee through the certification bodies. When the fees for smaller operators were reduced, this did not encourage smaller operators to join the scheme – it was still considered too expensive.

g. Policy & regulation

JS presented the policy/regulatory updates and shared that 'PAS100 & SEPA position' certified composted green waste (green compost) can be used as a bedding material by Cattle & Sheep assurance scheme members. This has been endorsed by SEPA, APHA, and Scottish Government.

SEPA's Regulatory Position Statements for compost and digestate introduced tighter limits for plastic from 1st December 2018. REAL had been discussing whether and how to revise the reporting templates so that the producers and CBs can identify when SEPA's limits have not been adhered to. We discussed amending the reporting templates to include different limits for PC/plastic for PAS/SEPA/QMS. Various options for this were discussed with Panel members commenting that 'fail' on a report does not look good e.g. fail against SEPA but pass against PAS 100.

Another option suggested was to blank out the cell if the result is n/a. Panel members suggested three certificates instead of one report or approaching this with a comms solution – the report could just provide the result instead of pass/fail. Another suggestion was to have just one extra page on the report. REAL could circulate draft templates to Panel members.

On the subject of ammonia emissions from AD in the UK, Defra has consulted on whether AD plants should be certified or contractors should be certified. Panel members informed that Germany had similar rules on spreading and KN expressed that this is why we are not meeting ammonia targets.

3. Updates from the CBs and labs

a. Update from CBs

OF&G has had no further BCS complaints but two CCS complaints were raised. One concerned a member of the public complaining about plastic in the field. A spot inspection was arranged and a sample was taken from the heap but it passed the contaminants parameter. Another related to plastic in the field but the compost was found to be PAS compliant. It was reported that the site was badly run but the site was found to be well-managed so the complaint was signed off.

NSF had received questions on how the CBs will audit compliance with new clauses in PAS 100. It was agreed that some form of declaration note will be required to prove compliance with clause 4.2. How will producers re-assess compost after 6 months in storage for e.g. weed seeds? They will need to justify why they have not retested the compost and the CBs can then audit by checking the records to confirm this has been actioned. GK shared that he would be concerned about selling something old.

One product complaint had been received recently about the effect of compost on lettuce. CBs asked the producer for the supply documentation given to the customer, but it did not appear to be PAS material as the note given was a blank waste dispatch note. NSF has advised the customer on what to look for in the future. However, the producer was not sure who supplied this material. KN pointed out that if it is not a product then this material is a waste and the supply to a customer results in an illegal application. NSF will follow up with KN following the meeting.

ACL has a new auditor who is currently being trained. She has been with ACL/AEM for 18 months. There has been no change in membership.

b. Update from labs

DR asked whether we had concluded on the splitting samples discussion (see discussion above). We reminded that we will keep the current technical guidance in place for now and will consider developing a sub-sampling protocol. DR informed that NRM has procedures in place to address manipulated samples. The only other query that DR wished to raise related to REAL's fees for the laboratories/charging mechanism but this will be discussed later at the next meeting.

4. Updates from the representatives

a. Update from CCS Producers' Representative

Questions were raised at the Forum regarding compliance with the new PAS. If the compost is bagged or blended should it be re-assessed/re-tested? TAC members asked why six months was specified and FD explained that SEPA is not aware of any producers storing for six months or longer and we are not sure what happens to compost when stored over winter. It could change over this period but this is not known. Some scientists considered that material might disappear over time, for example through leaching or the air. There could also be bacterial growth and we want to be certain that when compost is dispatched, customers/end users know what they are using, and the quality is consistent. We could commission some research to look into what happens to compost in storage.

It was agreed that if compost is blended then it is out of scope but if it is bagged and stored on site then it should be re-assessed. To do this, producers could print the bagging date on the bag.

With regard to the discussions around audit timeframes, GK informed that he has always had the non-conformances provided on the date of the audit. RL informed that sometimes the inspectors can write comments on a grey area on the day of inspection to come back to later or a CO can flag up a non-conformance not identified on the day. Many producers are reluctant for the inspection to take place two months before expiry and resist it with only a week.

REAL is still discussing these timeframes for the new versions of the scheme rules. The CBs would like to work to the same timeframes and deadlines. They would also like to specify timeframes for addressing non-conformances (which were removed from the previous rules). Producers need to know they have a certain amount of time. The expiry date of the certificate is often the last resort. The CBs work to different timeframes when it comes to issuing non-conformances, reviewing audit reports, and issuing certificates. REAL will consider updating technical guidance so that waiting for test results is not a non-conformance that needs to be addressed within the required timeframe.

Operators enquired how the PT schemes would work e.g. how to spike seeds for the plant response test. Panel members advised looking at the German PT scheme for compost and digestate, which has been running for many years (known or abbreviated as BGK).

Discussions around compliance with the new PAS requirements included discussion on what is required with 'smaller' customers e.g. customers arriving on site. Clarification is needed over what is expected. Operators at the Forum also had some commercial ideas for the Research Hub which can be presented later. GP presented that payment of the research fees will be a requirement of the new version of the Scheme Rules. Attendees at the Forum expressed that not all operators (scheme participants) may know they are required to pay both the certification fee and research fee.

A discussion took place around product complaints and whether the complaints raised at the TAC provide a true benchmark. TAC members agreed that it is difficult to put pressure on operators when we do not have the full record of complaints. KN informed that the EA record of complaints was different to the one that REAL provided to the EA for Defra. JG informed and advised that according to ISO 17065, complaints should be recorded and provided to be verified by the scheme. Currently, these complaints are recorded but they are not presented to REAL/TAC. We need to define what we would like regarding the reporting of the product complaint.

b. Update from BCS Operators' Representative

JC provided an update from the BCS Operators' Forum. There had been a long discussion around certification of spreading contractors and who has duty of care. Some operators have long contracts with contractors so what would the timeframe be for implementation.

Attendees welcomed the discussions around the Research Hub and were keen to propose topics. There was a suggestion to work with universities e.g. St Andrews. Two major issues to tackle are waste inputs and markets but there will be a different forum for discussion later. The timeframes for QP were unknown and briefing on the timeline was needed to influence the research focus. KN informed that Mike Smith has been appointed to oversee problems with recruiting staff to address this area and will be advertising externally. Now is the time to pull together evidence concerning waste types!

However, KN stressed that there will be continued scrutiny of waste and not everything will be accepted. As an example, it was noted that previously proposals had been put forward for paint and

turpentine to be included as suitable waste inputs. The EA developed the framework for assessment which could still be used. Industry should start to identify the waste types now and do the background work because the EA will not pull the evidence together for the industry. Industry should gather evidence and put forward evidenced arguments for certain waste streams that the EA can work with. The Agency will perform a gap analysis on the QP and PAS and Scheme Rules to find out what is missing. There will be a team of people in place to look at all QPs (CQP then ADQP will make more sense as PAS 100 has been revised). JS advised that we will set up one or several workshops in February or March for everyone to contribute to the review of PAS 110.

To illustrate the need for full specification of waste types, KN highlighted the example of cough syrup – what is in there that we can isolate e.g. sugar, but what else is included in the production and how will these other ingredients break down in an anaerobic process.

5. Technical Issues

a. Home compostable products/packaging

Reference to the home compostable specification/standard has been removed from PAS 100. GP questioned whether operators can still accept certified home compostable packaging/non-packaging products under the scheme. TAC members agreed that the Scheme Rules/Technical Guidance cannot override the standard as these are the requirements. Therefore, it will no longer be possible for compost producers to accept home compostable packaging/non-packaging products.

b. Verifying product matches compost grade

TA presented an update on work looking into whether the product matches the grades size certified. GK advised that we would have to ask what grades are used for. Only small fractions of sample would be tested and woody fraction is not compost – more work needs to be done on oversize. GK also thinks there are more problems with 0-40mm grades. GK informed that grade size depends on why they have chosen the grade and what screener they have used. RL explained that OF&G will look at PSD results if there is an issue. Panel members advised that technically 0-10mm is still 0-40mm. Sizing depends on operation and trommelling. GK thinks that it would not be an issue for his operation if they had to reduce their compost to 0-20mm but people need to have flexibility to meet end markets.

c. Additives/inhibitors

Panel members advised that recycled plasterboard gypsum would not benefit the composting process, and if plaster board amended compost is going out to land, this is seen as a disposal activity. There is a PAS standard for this material. Regulations allow this to go to land but if blended with waste it becomes a waste. GP will return to the enquirer to advise that is it not acceptable.

GP enquired whether urease and nitrification inhibitors can be used in digestate under BCS. There was a suggestion to contact ADAS regarding one of the additives because there is scepticism over whether it works but the water companies are interested. REAL will consider talking to ADAS. The benefits of these inhibitors are to slow the residence time. The TAC needs evidence on its effectiveness.

6. Scheme Rules

GP presented a summary of consultation feedback, which had mainly all come from producers. GP also presented draft conformity marks for the three categories of certification for CCS and BCS. The conformity marks were commented on by compost producers at the Forum who stated that they

would not want the word 'waste' displayed on or with their product. REAL will decide on the conformity mark design with feedback from the CBs and in the future, from the TAC.

Consultation feedback on the additional spot checks was overall against the unannounced spot checks outside of the annual audits and supportive of the risk-based spot checks. Panel members commented that the announcement period for spot checks depends on why the spot check is taking place; as with a complaint, 24 hours' notice may be appropriate, but 24/48 hours would not be enough time for many checks. For risk-based spot checks, some suggested a week following repeat non-compliances. RL informed that OF&G have put together a matrix for other schemes e.g. repeat non-compliances or numbers then get higher score and the CBs will help to design a matrix with REAL. NSF informed that some decisions are based on feedback from the assessor and asked whether we should we consider a percentage over the year. The risk-based spot checks would look at quality. Others asked what would take place at AD sites when not possible – this would have to be tackled. REAL should share criteria.

7. Research Hub

JS provided an update on the Research Hub governance structure. A Research Panel is in place to provide the governance for the Hub; to propose to the Oversight Committee (Board) which projects should be funded and oversee project management and development. An Oversight Committee is in place for the Research Hub to manage the funds, decide which projects will be funded, and oversee the work of the Hub. The responsibilities of the Board are limited. The first Research Fees will be charged from the beginning of next year, the first project tenders are anticipated for release next year, and the first Research Panel meeting will be taking place in February/March.

8. PAS 110

The current issues for any update to PAS 110 relates to the drying of the digestate and how the results are presented (dry weight or fresh weight), lowering of the limits for physical contaminants, and the introduction of requirements for a Safety and Quality Control System. The PAS needs to be reviewed more regularly; with the recent review of PAS 100 there had been a lot of change between editions. It was noted that the review takes place every 2 years and REAL could consider writing a paper stating this is what happened, these are the decisions made and explaining why. DR advised that with PAS 110 we should involve the UKAS technical experts as they will scrutinise the standard.

JS asked whether we need to revise PAS 110 through BSI and pay a lot of money – is it worth the investment now? SN suggested that it comes down to reputation and BSI is important for this as it is an independent process. JS asked whether we are able to justify spending £30k for what may be just a couple of small changes. There are many different opinions on this and it was suggested that REAL should seek further thoughts and discuss other matters with the Panel in between meetings.

Close

Summary of Key Actions

- REAL to update BCS technical guidance document
- REAL to update CCS technical guidance document
- REAL to consider liaising with AHDB for the work of the MDWG
- REAL to add influx of food waste to AD to MDWG agenda
- REAL to finalise CCS Scheme Rules, considering comments from TAC

- REAL to finalise BCS Scheme Rules, considering comments from TAC
- REAL to consider liaising with ADAS regarding urease and nitrification inhibitors
- REAL and TA to discuss laboratory reporting template and suggestions for amendments
- REAL and TA to pull data from database to inform discussions around coarse compost
- REAL to discuss allowing the labs to amend the ratio for the RBP test
- REAL to explore the possibility of updating the sampling protocol for sub-sampling
- REAL to consider potential research to look into the effect of storage over winter
- REAL to schedule date for PAS 110 workshop for industry stakeholders in February/March