



September 11, 2009

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, D.C. 20510

Subject: The American Clean Energy and Security Act of 2009

Dear Senator Feinstein:

The Association of Compost Producers (ACP) is a non-profit association of public and private organizations dedicated to increasing the quality, value and amount of compost being used in California. We do this by promoting activities and regulations that build healthy soil, benefiting people and protecting air, water and soil. We are writing you to advise you of some concerns we have that ACES will have to on composting in California.

The American Clean Energy and Security Act of 2009 (ACES) is a critical step in establishing the fundamental regulatory structure needed to significantly reduce carbon emissions while dramatically increasing the sustainable use of organic resources. However, we believe that the bill, as currently drafted, will not fully accomplish its goal of substantially reducing landfill methane emissions, a significant source of greenhouse gas emissions. Specifically, ACES should include, not cut, carbon offset incentives for composting and municipal anaerobic digestion projects to ensure sustainable reductions in landfill methane emissions. We ask for your support for two changes that will better reduce greenhouse gas emissions

First, ACP urges the removal of performance standard requirements for landfill methane emissions and support the inclusion of composting and anaerobic digestion of organic waste materials that are diverted from landfilling as eligible offset project types. By choosing to impose performance standards rather than market-based mechanisms to regulate landfill methane, ACES may inadvertently discourage the adoption of technologies and practices that represent the most cost-effective and sustainable approaches, possibly even leading to unintended and undesirable increases in landfill methane emissions.

Second, ACP asks that language be included to explicitly include projects that capture or avoid landfill methane emissions as eligible offset projects. There are two fundamental approaches for reducing methane emissions from landfills; capturing and destroying methane as it is being generated or avoid methane production in the first place by not placing organic wastes in landfills.

Of these two options avoiding landfill methane is much more effective than capturing it.

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Composting facilities in California are projects that could qualify as eligible offset projects. The State of California, through its waste management laws and regulations, is encouraging composting as a means to process organic wastes presently being put in landfills into beneficial products.

The State of California is a leader in the development of "green technologies" and a creator of "green jobs." Composting facilities are an example of such a technology and the jobs it creates. Your continued leadership is vital to keeping California in the forefront of the green economy.

Attached is a white paper and draft amendments for your review. We appreciate your consideration of this request. If you have any questions, please contact me at (216) 904-6716 or Mr. David Hill, with the United States Composting Council, at (301) 493-5180.

Thank you.

Very truly yours,

The Association of Compost Producers, a California Non-Profit Organization



John Gundlach

President

Copy) The Honorable Barbara Boxer

United States Composting Council