

The Breakdown of Compost Product Purchasing

January 4, 2023 by [Josh Klika](#)

Category: [Climate Change](#), [Purchasing and Contracting](#)



Beginning January 1, 2023, many cities, towns, and counties must look for opportunities to purchase compost products for specific projects through adoption of a Compost Procurement Ordinance (CPO), which is local legislation that sets forth an agency's plans to comply with compost procurement requirements as summarized in the recent MRSC blog, [New Law Requires Compost Procurement Ordinances by January 1](#).

For those agencies required to adopt a CPO, this blog breaks down planning, purchase priorities, method of purchase, and reporting requirements for compost products. These are the next steps for implementing the new compost product procurement law.

Planning

As outlined in [RCW 43.19A.150](#) (3), agencies that have adopted a CPO must plan to purchase compost products for four specified categories of compost uses:

- Landscaping projects;
- Construction and post-construction soil amendments;
- Applications to prevent erosion, filter stormwater runoff, promote vegetation growth, or improve the stability and longevity of roadways; and

- Low-impact development and green infrastructure to filter pollutants or keep water on site, or both.

When evaluating these projects, unless exemptions provided in [RCW 43.19A.120](#)(2) apply for product availability, quality, safety, or cost, agencies should make the decision to purchase compost products. If no exemptions apply, then the priorities to purchase compost products must next be considered.

Purchase Priorities

As summarized in both [RCW 43.19A.120](#)(4) and [RCW 43.19A.150](#)(6), purchase priority exists for:

- Sourcing compost products that are produced locally,
- Ensuring products are certified by a nationally recognized organization, and
- Favoring providers whose products are derived from municipal solid waste compost programs that meet quality standards.

To meet these priorities, my recommendation is to utilize the Department of Ecology's [Compost](#) webpage which both identifies local providers and locates compost products available for purchase. The compost facilities identified on this webpage meet regulatory standards for composting facilities as set by the Department of Ecology (DOE) in [WAC 173-350-220](#).

With these priorities in mind, the agency's next step should be to determine the method of purchasing compost.

Method of Purchase

To source compost materials for purchase, there are two approaches for an agency to consider — using statutorily required estimated bid limits or piggybacking on another agency's contract.

Use estimate bid limits

The first method is to follow your agency's specific statutory requirements based on the estimated bid limits. To see your specific statutory requirements, use MRSC's [Find Your Contracting Requirements](#) tool. Also, when purchasing compost materials, your agency could consider including the preference available in [RCW 39.34.040](#)(1).

Use piggybacking

The second approach would be to conduct joint purchasing or use another agency's compost procurement contract (also known as "[piggybacking](#)"). This option to conduct a joint procurement is called out in [RCW 43.19A.150](#)(7) and is also provided with piggybacking as a general authority for agencies under [RCW 39.34.030](#).

After a purchase method has been determined, the final step an agency must undertake requires reporting on compost purchases made.

Reporting

Agencies with a CPO must submit a report to the DOE every two years beginning in 2024, as set forth in [RCW 43.19A.150\(5\)](#). The elements included in this report specific to any purchases of compost material are volume and cost of compost purchased throughout the year, and the source of the compost.

With the knowledge of the elements needed for reporting, an agency should create a method to track this data internally. An agency may want to have this reporting requirement included in purchase agreements with compost product providers so these data elements are tracked consistently as a contract deliverable to the agency.

Other Resources

Below are additional resources from the DOE as well as sample CPOs (please note that some are drafts):

- [DOE: 2022 Organics Management Law](#)
- [Everett Ordinance No. 3911-22](#)
- [King County Draft CPO](#)
- [Mercer Island Ordinance No. 22C-22](#)
- [Thurston County Draft CPO](#)

MRSC would like to receive additional example CPOs and purchasing documents for compost materials to add to our [Sample Document Library](#). If your agency is willing to share your CPOs and/or purchasing-related documents, please email this information to gnicas@mrsc.org.

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