



SF Environment

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GAVIN NEWSOM
Mayor

DAVID ASSMANN
Acting Director

June 7, 2010

Mr. Syd Partridge
Climate Action Reserve
1001 I St.
Sacramento, CA 95814

Re: Composting Protocol Public Review Draft Comments

Dear Mr. Partridge:

On behalf of the City and County of San Francisco, Department of the Environment, we appreciate the opportunity to submit the following comments regarding the May 7, 2010 Public Review Draft of the Organic Waste Composting Project Protocol (Protocol). We support the development of this protocol, as composting is a proven effective and beneficial means of diverting organics from landfill to reduce greenhouse gas emissions. However, we have strong concerns that draft protocol provisions could create disincentives to increase the diversion of organics from landfill thereby undermining the goals of the protocol and overall objectives of the AB 32 Global Warming legislation. Based on our key concerns, we request the following changes to the draft protocol:

1. **Exempt Local Mandates from the Legal Requirement Test.** Section 3.4.2 under The Legal Requirement Test of Additionality, the proposed protocol to disallow any credit for feedstocks, food and food soiled paper, originating from jurisdictions that have passed a mandate to divert the feedstocks from landfill is flawed by creating a strong disincentive for local actions to increase organics diversion and by undermining the needed guaranteed flow of feedstock necessary for a food composting project feasibility. Experience has shown that more effort and cost is required by jurisdictions to effectively divert food scraps and soiled paper, one reason why such a small percentage is being diverted nationally and that program participation can be quite low. Local mandates, such as San Francisco's Mandatory Recycling and Composting Ordinance that require generators to separate their food and other compostables are primarily tools, along with education and rate incentives, to encourage participation and do not guarantee that all or most of this material will be diverted, but may be critical to get beyond typical low food separation participation rates. Without exempting local mandates from the Legal Requirement Test, local jurisdictions are essentially being penalized for taking the extra effort and cost to adopt a local mandate and more importantly are given a strong disincentive from taking such action in order for a project to receive credits. This disincentive for local jurisdictions to mandate diversion will result in less organics from being diverted from landfill and thereby, reducing to potential benefit or reducing greenhouse gas emissions contradicting the goal of the protocol and AB 32. If CAR cannot somehow totally exempt local mandates, then a time limited exemption is better than none, but should be longer than the very narrow window of 6 months provided by the adopted OWD protocol.

2. **Allow Additional Feedstocks of Grocery Store Food, Green Waste Plant Trimmings and Biosolids.**

The proposal to limit feedstocks in the protocol is counter to the protocols objectives and diversion of these additional streams provides greenhouse gas benefits and are often not being diverted from landfill and should be incentivized to do so. Only green wastes are widely diverted, but in situations where they have not been significantly diverted, there should provisions to allow their credit.

We thank you for your consideration of our concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'David Assmann', written in a cursive style.

David Assmann
Acting Director