

ESPP comments on FPR CMC10 Processed Manure proposals

25th October 2023

Draft JRC report <https://circabc.europa.eu/ui/group/36ec94c7-575b-44dc-a6e9-4ace02907f2f/library/49bba9a9-241c-4d1a-9baf-90d9cf83e4bc/details>

Public consultation on draft Delegated Act – **open to 30th October 2023** https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13900-EU-fertilising-products-Processed-manure-as-a-component-material-in-EU-fertilising-products_en

ESPP thanks the European Commission DG GROW for the rapid production of these proposed criteria for “Processed Manure” which take into account comments made by stakeholders in previous consultations and in the Fertilisers Expert Group, in particular concerning post-processing. We have the following comments:

1) Precipitated phosphates, other nutrients recovered from processed manure

The proposed criteria indicate *“An EU fertilising product may contain processed manure, or a fraction thereof, from which all or part of the ammonium, phosphate or organic matter has been removed to recover nitrogen, phosphorus and/or organic carbon, without the intention to otherwise modify the processed manure or a fraction thereof.”*

The SANTE amending regulation 2023/1605 article 1 reads *“Subject matter: This Regulation determines end points in the manufacturing chain for organic fertilisers and soil improvers manufactured in the Union beyond which they are no longer subject to the requirements laid down in Regulation (EC) No 1069/2009, provided that they are used as component materials in EU fertilising products in accordance with Regulation (EU) 2019/1009.”*

The SANTE text thus suggests that materials reach an ABP end-point ONLY IF they are “used as component materials”. This appears to imply that the materials do not reach an ABP end-point if they are used as inputs for processing to produce a component material (because they are not in this case used as a component material).

This appears to mean that e.g. struvite precipitated from ABP Processed Manure would NOT have reached an ABP end-Point, so would not be eligible for the FPR (under CMC12) whereas that the Processed Manure FROM WHICH the struvite has been precipitated would be eligible (under CMC10).

This is not coherent in that such precipitated phosphates are not expected to pose higher risks in use than the remaining substrate from which they are precipitated.

We therefore request to add the following:

“An EU fertilising product may contain nitrogen and/or phosphorus containing materials recovered from processed manure or from a fraction thereof, if these materials respect the criteria of CMC12 or CMC15”.

2) Annex I, wording and ordering for clarity of reading of proposed criteria:

ESPP suggests to split point 1.7 into two

- **move to first point of list** (it is the key starting point criterion): must have been **treated to reach an end point according to 1069/2009** at the latest 36 months before ...
- leave as last point the first part of 1.7 (storage out of rain and sunlight – to our understanding this aims to reduce ammonia emissions or runoff as discussed in §6.6)

3) Limiting ammonia emissions and odour

ESPP supports the objectives indicated in §6.6 of limiting storage spills” and “nutrient and odour pollution”. In particular, ammonia losses to air

However, we suggest that this should be addressed directly, not via the proposed indirect criterion of “*storage in a way that protects it against precipitation and direct sunlight*”. For example, a covered bubble-aerated tank would respect this proposed criteria ... whilst maximising ammonia loss to air.

We note that transport is not currently mentioned.

We suggest to write:

“Processed manure must be stored and transported with precautions to limit pollution to air (in particular ammonia emissions), losses to water (leaching), odours and accidental spillages, in particular by protection against precipitation, direct sunlight.”

4) Emissions and odour limitation – when is this applicable ?

It is ESPP’s understanding that the current proposed wording of Annex I criteria point 1.7 ensures storage specifications (protection against precipitation and direct sunlight), intended to reduce risk of nutrient losses and odour ONLY during the time between the (ABPR) “processing” of the manure and its inclusion into a CE-mark fertiliser (signature of certificate of conformity).

This poses the question of nutrient losses (to air, to water), odour, spillage:

- a. Before the EBPR processing (from stable to ABPR manure processing plant)
- b. After FPR certification (storage of the certified CE-mark fertiliser, use of the fertiliser)

For (a) can the FPR specify storage/transport BEFORE the ABPR processing ?

For (b)

- should the FPR CMC10 specify that the processed manure should be incorporated into the fertilising product in such a way as to minimise ammonia losses (for example by coating, pH adjustment ...)?

ESPP welcomes that it is proposed to add into Annex III of the FPR (Labelling) that use (of a product containing processed manure) should limit risk of ammonia emissions.

5) Herbicide residues

The proposed criteria authorise “dilution” of herbicide-polluted manure. ESPP suggests to specify that to be eligible for CMC10, processed manure must have herbicide concentrations < 50 µg/kg (rather than specifying that if, after combination with other materials, the final CE-mark product must meet this limit then labelling and other precautions should apply).

6) Clarification regarding use already today of composted, digested, pyrolysed or combusted (ash) manures

It is indicated page 8 §4 of the JRC Report that composted and digested manures are “*already covered*” in the FPR.

We understand this to mean that manure which has undergone composting or anaerobic digestion according to both the criteria in the ABP Regulations (annexes of 142/2011) and the criteria in CMCs 3 or 5 of the EU Fertilising Products Regulation (FPR) are already authorised under the FPR. Is this correct ?

It is ESPP’s understanding that this also applies to combustion ashes and pyrolysis materials / biochars subject to the criteria of CMCs 13 and 14. Is this correct ?

In order to avoid misleading stakeholders, we suggest to either make this explicitly clear in §4 of this JRC report, or to specify that users should refer to the FPR FAQ for clarification (and to include before publication of this report a relevant answer in the FAQ). This answer should address the interpretation of the SANTE amending regulation 2023/1065 art. 1 “provided that they are used as component materials”: does this exclude use of Processed Manure as an INPUT material to CMCs 3 5 13 14 (composting / digestion / combustion – ash / pyrolysis) ?

7) PAH limits

ESPP supports in principle the proposed limit of mg/kg dry matter of PAH₁₆ for Processed Manure in CMC10, in that this is the same limit as already applicable to ashes and biochars in CMCs 13 and 14.

8) Minor wording points in JRC report

In §7.2, we suggest to refer to “fodder and feed” rather than “feed”. The risk of herbicide contamination concerns grass and straw (generally referred to as “fodder”) more than it concerns processed animal feedstuffs (what is generally understood by “feed”).

Page 8, §4 correct “compositing” to “composting”

In Annex I point 1.6, we suggest this should refer to “points 1.3 to 1.5” not “1.3 to 1.6”.