

NEWS, NOTES & QUOTES



National Newsletter of the Mulch & Soil Council

June 2024

COUNCIL NEWS

JUNE COMMITTEE MEETINGS

The next meetings of MSC committees will be held in Columbus, OH, on Thursday afternoon, July 18, 2024, starting at 1:00pm. The *tentative* schedule of events include:

- 1:00pm-2:30pm – MSC All-Natural Certification Sub-Committee
- 2:45pm-3:45pm – Bulk Measure Committee
- 4:00pm-4:45pm – MSRF Board Meeting

Unless otherwise announced, all meetings of the Mulch & Soil Council are open to any member in good standing; however, a committee may call an executive session on advice of counsel to discuss sensitive issues when necessary. Participation of observers in discussions is determined by the committee chair. If you plan to attend any or all committee meetings, we would appreciate your letting the office know in order for us to allow for sufficient seating space for everyone. Contact membership@mulchandsoilcouncil.org to reserve your seat.

###

JUNE BOARD MEETING

The MSC Board of Directors will convene its next meeting on Friday, July 19, at 8:00a.m.-12:00p.m. in Columbus, OH. If any member has an issue they would like the Board to consider, please submit your topic to Executive Director Robert LaGasse at execdir@mulchandsoilcouncil.org no later than 5:00p.m. Central Time on July 8th.

All meetings of the MSC Board of Directors are open to any member in good standing; however, the Board may call an executive session on advice of counsel to discuss sensitive issues when necessary. Participation of observers in discussions is determined by the Board president. If you plan to attend, we would appreciate your letting the office know in order for us to allow enough seating space for everyone. To reserve your space, contact membership@mulchandsoilcouncil.org to register.

###

CALL FOR DIRECTOR NOMINATIONS

The MSC Board of Directors currently consists of 12 member company representatives elected by the membership. Directors serve for 3 years with 4 director seats expiring in rotation each year. Directors serve without compensation or reimbursement for a minimum of 4 meetings a year. The MSC Nominating Committee is seeking nominations or volunteers as candidates for the 2024-2027 Director terms. Any official representative of a member company in good standing is eligible to be nominated or volunteer for elective office and/or serve on an MSC committee. Contact MSC Executive Director Robert LaGasse for details at 806.832.1810 or execdir@mulchandsoilcouncil.org.

###



Plant Managers Training Course

Expanded 2-day Training on Fire Prevention & Safety, Equipment Maintenance, Maximizing Colorant Operations and Weights & Measures
August 21-22, 2024

New York New York Hotel & Casino

COURSE OVERVIEW

Fire Safety Best Management Practices

Speaker: Don Dugger, Richwood, LLC

From the moment you build your inventory piles of mulch, compost or other organic materials, you can start the clock. You are now steadily moving toward a spontaneous combustion event!

The speed at which you move is determined by numerous factors such as wood species, particle size, organic content, wind, temperature, and moisture content. Whether you actually arrive at that moment of combustion is significantly controlled by how well you implement proper site and inventory management practices.

If you don't follow proper Fire BMPs or if you have an external ignition source, i.e., equipment fire or lightning strike, the difference between a minor fire event and a catastrophe is in how quickly you react to establish command and control, deploy your fire-fighting strategy, select proper personnel, equipment and procedures to extinguish the fire with minimum loss and **MAXIMUM PERSONNEL SAFETY!**

This training program will instruct participants on proper site and inventory management and procedures, personnel training, chain of command, equipment selection and deployment and fire-fighting techniques.

4 Key Equipment Maintenance Strategies

Speaker: Ted Dirckx, Vermeer

The pandemic showed how costly equipment failures are when supply chain issues delay parts and repairs for weeks or even months. With a primary season compressed onto the months of March - June when 60% of industry products ship, you cannot afford to have trucks redlined on the fence, grinders idle or other essential equipment red-tagged due to maintenance failures.

This course will look at 4 key maintenance strategies to use to replace the traditionally unpredictable and highly risky "fail and fix" roll of the dice with a profit sustaining "predict and prevent" environment for your plant maintenance program.

Maximizing Colorant Operations

Speaker: David Roller, Colorbiotics

A poorly mixed tote can waste \$500-\$800 each, starting and stopping can waste time and colorant, improper shutdown can cause expensive repairs or inefficient operations. These topics and more are a guide to how plant managers can maximize their run times and profits in colorant operations.

Weights & Measures

Speakers: Dr. Bill Fonteno, NCSU (retired), Robert LaGasse, MSC & Shelli Williams, MSC

This course will instruct plant managers on the legal requirements for compliance with weights and measures laws, inspection procedures, provide instruction on lot controls, package fill, inventory control for inspections, and common errors made. An inspection demonstration of current National Institute of Standards & Technology (NIST) test procedures will be conducted.

The MSC is presenting this special course on W&M practices and procedures with emphasis on package requirements, inspection test procedures, test containers and in-plant quality control programs for new plant managers and those who want to refresh their knowledge on this critically important issue. Key points:

- Industry knows proper product packaging is necessary to maintain a fair and competitive market. Now is the time to make sure you know what to do in a plant inspection.
- Under-filled product packages represent a significant liability to manufacturers for lost profits, state penalties, off-sale products, disruption of business and lost customers -- **YOU CAN EVEN GO TO JAIL.**
- In the current difficult labor market, company turnover and loss of experienced managers can be a significant problem.

Equipment Issues Impacting Fill Volumes

Speaker: Jeff Conrad, Premier Tech

Equipment considerations and effects relevant to Weights and Measures practices and procedures including: Product types and factors that affect package variability, packaging materials, equipment operations and handling impacts (conveyors, dosing, filling), automated vs manual systems, testing & validation, maintenance schedules and effects, production tracking, personnel safety and staff training.

WHO SHOULD ATTEND

- Every owner and plant manager of a mulch and/or soil production plant should attend this program.
- New plant managers and existing staff who need a refresh.
- MSC members and non-members may participate

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Course Schedule

WEDNESDAY, August 21

- 8:00am - 8:45am **Continental Breakfast** *Sponsored by Vermeer*
- 8:45am - 9:00am **Introductions & Welcome**
- 9:00am - 10:30am **Fire Safety Best Management Practices Part 1**
Don Dugger, Richwood, LLC
- 10:30am - 10:45am **Break** *Sponsored By TBA*
- 10:45am - 12:15pm **Fire Safety Best Management Practices Part 2**
Don Dugger, Richwood, LLC
- 12:15pm - 1:00pm **Working Lunch** *Sponsored By Colorbiotics*
- 1:00pm - 3:00pm **Optimizing Your Colorant Operations**
David Roller, Colorbiotics
- 3:00pm - 3:30pm **Break** *Sponsored By TBA*
- 3:30pm - 5:00pm **The Importance of Maintenance: Four Key Strategies to Sustain Lasting Improvements**
Ted Dirkx, Vermeer

THURSDAY, August 22

- 7:15am - 8:00am **Continental Breakfast** *Sponsored by Premier Tech*
- 8:00am - 8:45am **Weights & Measures Rules & Regulations**
Robert LaGasse, MSC

- 8:45am - 9:15am **Penalties & Alternatives**
Robert LaGasse, MSC
- 9:15am - 10:00am **Inspection Guidelines**
Robert LaGasse, MSC
- 10:00am - 10:15am **Break** *Sponsored By: TBA*
- 10:15am - 11:15am **Bulk Mulch Principles & Practices**
Don Dugger, Richwood, LLC
- 11:15am - 11:45am **Package Test Demonstration**
Shellie Williams, MSC
- 11:45am - 12:30pm **Working Lunch** *Sponsored By: TBA*
- 12:30pm - 1:30pm **Product Variability & Setting Target Fill**
Dr. Bill Fonteno, NCSU (retired)
- 1:30pm - 2:30pm **Equipment Effects on Package Fill**
Jeff Conrad, Premier Tech
- 2:30pm - 2:45pm **Break** *Sponsored By: TBA*
- 2:45pm - 3:45pm **Best Manufacturing Practices**
Dr. Bill Fonteno, NCSU (retired)
- 3:45pm - 5:00pm **Product Labeling Guidelines & Issues**
Robert LaGasse, MSC

Workshop Location

Our meeting will be held at the New York New York Hotel on the Las Vegas Strip.

Room Reservations

New York New York is extending a special room rate of \$101 (+ taxes). *Space is limited; so, you will be sent a reservation link upon confirmation of your registration.*

Deadlines

Registration for the workshop must be received at the MSC office by August 2, 2024. Space is limited and all registrations will be accepted on a space available basis only.

Submit one registration form for EACH participant.

Workshop Registration:

\$549 Members
\$750 Non-members
Only advanced, prepaid registrations will be accepted

The registration fee covers:

- All Class Instruction
- Breakfast, Lunch & Snacks
- Course Materials
- Completion Certificate

Travel to the seminar, hotel accommodations and extra meals are not included in the registration fee.

Plant Managers Training Course Registration Form August 21 & 22, 2024 / Las Vegas, NV



Name: _____

Company: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone Number: _____

E-mail: _____

Credit Card

Type of Credit Card:
 VISA MC AmEx

Card #: _____

Exp. Date: _____ CVV: _____

Billing Zip Code: _____

Signature: _____

- Mail to: MSC, 7809 N FM 179, Shallowater, TX 79363
- Email to: membership@mulchandsoilcouncil.org

**ANNUAL MEETING
UPDATE**



The 53rd MSC Annual Membership Meeting will be held on October 8-10, 2024, at the Palacio Del Rio Hilton Hotel in San Antonio, TX. Program Chair Jessica Bain is completing the final arrangements for presentation topics and speakers, and will announce the official program later this month via the MSC website and direct email announcement. Watch for the notice to appear in your email box.

In the meantime, table-top exhibit signups have been very active with only a few of the original exhibit spaces remaining. Interested parties should contact Shelli Williams at membership@mulchandsoilcouncil.org to reserve a booth space for this most important industry event.

While special event sponsorships sold out in a single day, the Council is still accepting general sponsor contributions from interested parties. Our current list of sponsors include:

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FINAL CALL HONORS NOMINATIONS



Volunteers are the essential engine that powers many programs and activities of the Mulch & Soil Council. From committees to the Board of Directors, the selfless service of members combines the business and industry knowledge of many individuals into a consensus-driven body of action. In the MSC, everyone who wants to constructively participate is welcomed to join our efforts to create a rising tide that lifts all boats.

The Mulch & Soil Council is grateful for all the tremendous contributions made by volunteers every year, and we thank everyone who has taken time to share their expertise for the benefit of all members and the industry at large.

Such was the case of John Leber who was the president of Swanson Bark and Wood Products and served the Council with distinction for many years as a director and as the Secretary / Treasurer until his untimely death in an industrial accident in 2015. As a memoriam to John, the Board of Directors created a special, John Leber Distinguished Service Award to recognize an individual or organization that has demonstrated an extraordinary commitment to advancing the objectives of the Mulch & Soil Council and/or the mulch and soil industry. Past recipients include:

- **Dr. Bill Fonteno**, NC State Univ. — for his exceptional work as the program director of the MSC Product Certification Program.
- **Dr. Kathryn Louis**, Sun Gro Horticulture — in recognition of many years of service as a director, committee chair and president of the Council and exceptional leadership as president of the Mulch & Soil Research Foundation.
- **Steve Jarahian**, Oldcastle Lawn & Garden — in recognition of his many years' service as director, program chair, Certification Committee chair and president of the Council.
- **Steve Titko**, The Scotts Company — in recognition of his many years' service to the Council as a director and chair of the Standards Committee
- **Carol Ledbetter & JC (McGowan) LaGasse**, MSC – for their dedication of 16 years as the MSC certification program traveling audit team.

LAST Call For Nominations

Eligibility: Nominations are open to individuals or organizations who are members of the Council at the time of nomination.

Qualifying Activities: The award is intended for any person or organization providing exceptional service to the Mulch & Soil Council in any of the following examples or similar activities:

- **Leadership:** as a director, committee member or other program participant of the Council.
- **Advocacy:** as a spokesman for the Council and/or the mulch and soil industry to the public or government.
- **Training & Education:** as a mentor sharing his or her expertise with other industry members for the improvement of the industry.

When: Distinguished service may be recognized for a single event/ activity or for multiple years of service.

Where: The nominee shall reside within North America.

Nomination & Submission: The MSC Honors Committee shall provide vetted honors candidates to the MSC Board of Directors from nominations by its members or the MSC membership at large. A brief bio shall be included for each candidate.

Nominations Deadline: Nominations should be submitted to membership@mulchandsoilcouncil.org by July 8, 2024. Please include a statement on why the person or organization is being nominated.

###



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LEGISLATIVE & REGULATORY NEWS

NEW REG: **DOL WAGE** **REGULATIONS** **\$\$\$\$\$**



On April 26, 2024, the U.S. Department of Labor (DOL) published the much-anticipated final rule that will increase the minimum salary for many exempt employees. The increase will take effect in two steps. If you'd like to review the regulations yourself, they are available [here](#)—the relevant changes start on page 130 of the downloadable PDF.

Executive, Administrative, and Professional Employees

Under the new rule, exempt *executive, administrative, and professional* employees (often referred to collectively as “EAP” employees) must be paid at least:

- **\$844 per week (\$43,888 per year) beginning on July 1, 2024**
- **\$1,128 per week (\$58,656 per year) beginning on January 1, 2025**

Exceptions: Teachers and practicing doctors and lawyers are exempt from these minimum salary requirements under federal law but may be subject to different state minimums. School-specific minimums apply to academic administrative employees.

Computer Employees

Exempt computer employees can be paid on a salary *or* hourly basis. If salaried, they're considered part of the EAP group and need to make the minimums listed above. Alternatively, they can be paid at least \$27.63 per hour—this hourly rate was not changed by the rule.

Highly Compensated Employees (HCE)

Employees who are exempt under the HCE exemption must be paid at least the minimums listed above on a salary basis *and* receive total annual compensation of at least:

- **\$132,964 per year beginning July 1, 2024**
- **\$151,164 per year beginning January 1, 2025**

State Law

As usual, if a state law requires higher minimum salaries than what is required by the federal rule, the state minimums must be followed.

Future Increases

The rule implements automatic updates to the minimum salary levels every three years starting July 1, 2027. We don't know what the future minimums will be, but employers will have at least 150 days' notice before those changes take effect.

Potential Challenges

The last time the DOL attempted a significant change to the salary minimums, the rule was challenged and ultimately blocked just weeks before taking effect. While we have no way of predicting if that will happen again, it's very likely that this final rule will be litigated.

What To Do Now

Employers have the following options:

1. Ensure that salaried exempt employees make at least the new minimum salary required for their classification.
2. Reclassify currently exempt employees as nonexempt and provide them with the rights and benefits that nonexempt employees are entitled to (e.g., minimum wage and overtime pay).

###

• WEBCAST AUCTION •

ASSETS OF A FLORIDA MULCH MANUFACTURER

COMPLETE SAWMILL: LATE-MODEL PROCESSING AND MATERIAL HANDLING EQUIPMENT

AUCTION STARTS: **Thursday, July 25, 10am ET**

INSPECTION: **Wednesday, July 24, 9am-4pm ET**

Featured Assets:

8 Wheel Loaders, 10+ Forklifts, Excavator, Knuckleboom Log Loaders, Ponsse Harvester, Grinders and Chippers, Processing Screens, 10 Trailers, Log Trailers, Van Trailers, Service Trucks, Pickup Trucks, Vans, Yard Trucks, 12 Conex Boxes, Radial Stacking Conveyors, Complete Saw Mill with Coloring and Fire Retardant Plants and much more.



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NEW REG: CA REQUIRES WORKPLACE VIOLENCE PREVENTION PLANS

Starting on July 1, 2024, employers of all sizes will be required to have a written workplace violence prevention plan, maintain a violent incident log, and provide workplace violence prevention training to employees. These requirements will apply to nearly all California employers and employees. Exceptions include healthcare employers covered by the state's workplace violence prevention plan standard, remote employees working at a location not controlled by the employer, and worksites with fewer than 10 employees that are not open to the public.

Below are some highlights of the law. You can find more complete information on the requirements in our platform and on [Cal/OSHA's Workplace Violence Prevention Guidance and Resources page](#), which includes helpful [FAQs](#) and a [Fact Sheet](#). For questions and free technical assistance, employers should contact the [Cal/OSHA Consultation Services Branch](#) at (800) 963-9424 or by email at InfoCons@dir.ca.gov.

Workplace Violence Prevention Plan

Employers must develop and maintain a written workplace violence prevention plan that all employees can access and that is tailored to address the hazards and corrective measures in each work area and operation. The plan must include mechanisms for involving employees, including in the implementation of the plan, identification and correction of hazards, ongoing improvement of the plan, reporting of incidents, and the design of training.

The plan can either be incorporated into the employer's existing written injury and illness prevention program (as a stand-alone section) or maintained as its own document. Employers are required to review the plan regularly and conduct periodic inspections to identify workplace violence hazards. Cal/OSHA has created a [model workplace violence prevention plan](#) for employers to use.

Violent Incident Log

Employers must keep a violent incident log with specific information about each workplace violence incident. The information in the log must come from employees who experienced the incident, witness statements, and investigational findings. Personal identifying information (such as names and addresses) that would allow someone to identify those involved in the incident should be excluded from the log. The log must be reviewed annually, when a violent incident occurs, and when a deficiency arises.

Training

Employers are required to provide employees with training on the workplace violence plan when it's first established and annually thereafter. Additional training has to be provided when a new workplace violence hazard is identified or when changes are made to the plan, but this training can be limited to covering those specific topics. Any training materials the employer uses must be appropriate for the employees' language, literacy, and educational level.

Action Items

Create a written workplace violence prevention plan, make it available to all employees, and provide training on the plan.

###

APHIS ALB QUARANTINE UPDATE

The U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS) is announcing its plans for eliminating ALB from Massachusetts, New York, and South Carolina in 2024.

APHIS and its partners are inspecting trees in quarantined areas in Massachusetts, New York, Ohio, and South Carolina. The program



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removes infested trees at no cost to property owners. And they will not use insecticide treatments on residential properties this year. They will continue to respond to calls for assistance and provide outreach.

As a reminder, people living and working in quarantine zones may not move regulated items out of the area. This includes items such as firewood, nursery stock, woody debris, and green lumber from all ALB host trees, unless the person has a compliance agreement along with a permit, or certificate. The trees the beetle attacks are regulated. This includes maple, elm, willow, birch, poplar, buckeye /horse chestnut, ash, sycamore, mimosa, golden rain tree, katsura, and mountain ash.



Program officials track wood movement inside and around each infested area. They conduct training sessions for compliance agreement holders. Individuals and businesses may receive fines if they do not follow the regulations. A business or person can enter into a compliance agreement with the program if they want to move regulated items out of the quarantine. Doing this will get them the needed permit or certificate for those items. Or they can request that program staff inspect the items and issue the permit or certificate. To register for free compliance training, please call your local office:

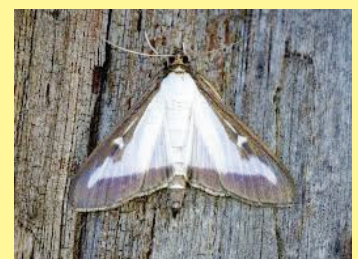
- In Massachusetts, call 508-852-8110.
- In New York, call 631-288-1751.
- In Ohio, call 513-381-7180.
- In South Carolina, call 843-973-8329.

Currently, 278.3 square miles are under federal quarantine for ALB in the United States: 110 square miles in Worcester County, Massachusetts; 42.9 square miles in central Long Island, New York; 49 square miles in Clermont County, Ohio; and 76.4 square miles in Charleston and Dorchester counties, South Carolina. For more information about ALB and program activities, please call 1-866-702-9938 or visit <https://www.aphis.usda.gov/plant-pests-diseases/alb>.

###



Effective immediately, the Animal and Plant Health Inspection Service (APHIS) in cooperation with State Agricultural Authorities of the impacted States, is updating the box tree moth (BTM; *Cydalima perspectalis*) quarantined areas and establishing the conditions for the interstate movement of regulated articles of *Buxus* species, commonly called boxwood, from BTM-quarantined areas.



This Federal Order establishes quarantined areas in the Commonwealth of Massachusetts and Ohio, and expands the quarantined areas in Michigan and New York for BTM to align with interior quarantines established in these States. Specifically, this Federal Order:

- a) establishes a BTM quarantine in the entire Commonwealth of Massachusetts,
- b) adds all of Clinton, Eaton, Ingham, Jackson, Livingston, Macomb, Monroe, Oakland, St. Clair, and Wayne Counties to the BTM quarantines previously established in Lenawee and Washtenaw Counties and parts of Jackson and Monroe Counties in Michigan,
- c) adds all of Allegany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Clinton, Cortland, Franklin, Genesee, Herkimer, Jefferson, Lewis, Livingston, Madison, Monroe, Oneida, Onondaga, Ontario, Oswego, Otsego, Tioga, Tompkins, Saint Lawrence, Schuyler, Seneca, Steuben, Wayne, Wyoming, and Yates Counties to the BTM quarantines previously established in Eerie, Niagara, and Orleans Counties in New York, and



d) establishes quarantines in Butler, Clermont, Hamilton, and Warren Counties in Ohio, as well as the portions of Montgomery County, Ohio, to the south of Interstate 70; and the portions of Greene County that are west of SR 68 to the north of Xenia, and west of interstate 42 to the south of Xenia in Ohio. This Federal Order supersedes DA-2022-13 and DA-2023-18, to include these new areas and to incorporate changes to the requirements for interstate movement of regulated articles.

Boxwood plants may only be moved interstate from a quarantined area from an establishment operating under a compliance agreement, and only if accompanied by a certificate issued by a State Agricultural Authority certifying that the requirements of this Federal Order and the compliance agreement have been met. These requirements will prevent producers and distributors of boxwood from moving infested plants interstate. State Agricultural Authorities may prescribe additional safeguards and protocols.

All other regulated articles of boxwood, including plant parts, pieces, cuttings, clippings, debris, and any portion of the plant, alive or dead, except for decorative purposes, are prohibited from movement. Additional information about BTM is located on the [APHIS box tree moth webpage](#). or contact: Allen Proxmire, National Policy Manager (480) 392-8754 allen.proxmire@usda.gov

###


**USDA ISSUES RFI
FOR THE GCSA**



The U.S. Department of Agriculture (USDA) is seeking information from the public on protocols that may be considered for inclusion in a new Greenhouse Gas Technical Assistance Provider and Third-Party Verifier Program, the main program of the Growing Climate Solutions Act (GCSA). The input is being collected through a [Request for Information](#) (RFI) and will be considered in the preparation of a proposed rule to establish the program. Agriculture Secretary Tom Vilsack announced the release of the Request for Information at an event at the Johns Hopkins University Bloomberg Center in Washington, DC this morning entitled, "Advancing a Low-Carbon American Economy Through High-Integrity Voluntary Carbon Markets and Industrial Strategy."

According to Sec. Vilsack, "High-integrity voluntary carbon markets offer a promising tool to create new revenue streams for producers and achieve greenhouse gas reductions from the agriculture and forest sectors. However, a variety of barriers have hindered agriculture's participation in voluntary carbon markets and we are seeking to change that by establishing a new Greenhouse Gas Technical Assistance Provider and Third-Party Verifier Program."

The program is authorized under the Growing Climate Solutions Act (GCSA), part of

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the Consolidated Appropriations Act of 2023. As part of USDA's implementation of the GCSA, in October 2023 the Department published [A General Assessment of the Role of Agriculture and Forestry in the U.S. Carbon Markets](#) (PDF, 1.7 MB), a comprehensive look at current market activity, barriers to participation, and opportunities to improve access to high-integrity carbon markets for farmers, ranchers, and private forest landowners.

Establishing the new Greenhouse Gas Technical Assistance Provider and Third-Party Verifier Program is the next step in implementing the GCSA. The new program would facilitate better technical assistance by providing a list of qualified technical assistance providers and third-party verifiers who work with producers to generate credible carbon credits, enabling USDA to share trusted information and reduce market confusion. USDA would also list widely accepted voluntary carbon credit protocols designed to ensure consistency, reliability, effectiveness, efficiency, and transparency.

"By adopting science-based practices to reduce emissions or sequester carbon on their land, farmers, ranchers, and private forest landowners can access a new income stream through carbon credit sales while also combatting climate change," said USDA Under Secretary for Marketing and Regulatory Programs Jenny Lester Moffitt. "USDA is now seeking to gather information about the protocols used in carbon credit markets as we work to best support the agricultural industry's participation in carbon credit programs. Public input will be invaluable as we develop the structure of these new resources."

USDA's Request for Information [was scheduled to publish in the Federal Register](#) on May 29, 2024 and is seeking feedback on provisions of the GCSA including:

- Options for interpreting and applying criteria used to evaluate protocols that are designed to ensure consistency, reliability, effectiveness, efficiency, and transparency.
- Information pertaining to specific protocols to be evaluated for inclusion in the program.
- Qualifications needed by covered entities who provide technical assistance to farmers, ranchers, or private forest landowners.
- Qualifications needed by covered entities who serve as third party verifiers of processes described in protocols for voluntary environmental credit markets.

Interested parties may submit comments during the 30-day public comment period at www.regulations.gov. Following this request for information USDA will also seek industry participation in an advisory committee to further inform the development of this and related programs. For more information about the Greenhouse Gas Technical Assistance Provider and Third-Party Verifier Program, visit www.ams.usda.gov/services/GCSA or contact Sasha Strohm, Program Manager, at sasha.strohm@usda.gov or 202-720-5705.

###

HR Q&A: BATHROOM BREAKS



Q. What can we do about an employee who is taking too many restroom breaks?

A. Start by asking yourself if the employee's restroom breaks are *genuinely* causing problems. Focus on the employee's productivity and performance (as well as any coverage issues) rather than the amount of time spent in the restroom. If the employee is getting their work done and productivity is not negatively impacted, we'd suggest not addressing this subject at all.

If the employee's bathroom breaks are causing issues with productivity, performance, or coverage, you should talk with the employee to find out what's going on. However, the laws below may come into play, so keep them in mind:

you know if they feel they're experiencing any backlash because of their complaint.

This Q&A does not constitute legal advice and does not address state or local law.

Consult a lawyer or HR professional in your area for advice.

###

NEW REG: **Pregnant Workers** **Fairness Act (PWFA)**



The [final rule](#) for the Pregnant Workers Fairness Act (PWFA), which applies to employers with **15 or more employees**, has been published and **takes effect June 18, 2024**.

Some Accommodations Are Presumptively Reasonable

The following accommodations for pregnant employees are presumed to be reasonable, meaning an employer will need an *exceptionally* good rationale for denying them based on undue hardship:

1. Allowing an employee to carry or keep water near and drink, as needed
2. Allowing an employee to take additional restroom breaks, as needed
3. Allowing an employee whose work requires standing to sit and whose work requires sitting to stand, as needed
4. Allowing an employee to take breaks to eat and drink, as needed

So for instance, if a pregnant employee tells you they need more bathroom breaks or to sit on occasion, you should allow it. You'll want to document the conversation so you have a record of saying yes, but there shouldn't be a protracted back and forth with the employee about whether their request can be granted. If you believe any of these accommodations *do* create an undue hardship, we recommend speaking with an attorney before denying them.

Requests for Documentation Are Limited

Employers can only ask for documentation to support a request for accommodation when it's *reasonable under the circumstances*. Blanket policies that automatically require documentation aren't permitted.

In the following situations, seeking supporting documentation is considered unreasonable and *isn't allowed*:

1. When the limitation and accommodation needed are obvious
2. When the employer already has sufficient information to determine that the employee has a limitation and needs an accommodation because of it
3. When a pregnant employee requests one of the presumptively reasonable accommodations listed in the section above
4. When the employee requests an accommodation related to pumping at work (or nursing, if feasible)
5. When the requested accommodation is available to employees with a non-PWFA limitation *without* providing documentation

When collecting documentation *is* permitted, employers can only request the minimum amount that confirms the employee's condition, verifies that it's related to pregnancy, childbirth, or a related condition, and describes the adjustment that the employee needs.

The Definitions Are Broad (and Might Surprise You)

Known limitations that must be accommodated can be modest, minor, or episodic and don't need to rise to the level of a disability—they also include medical care, meaning you need to allow time off for appointments. *Pregnancy and childbirth* include (among other things) infertility, fertility treatment, and the use of contraception. And *related medical conditions* (among *many* other things) include termination of pregnancy, including by miscarriage, stillbirth, or abortion.



Employers Can't Require "Magic Words" or Special Forms

An employee's request for accommodation can be made orally, in writing, or by any other effective means. Employers can't require that it be in a specific format or use specific language for them to acknowledge the request. Employers also can't require that supporting documentation be on a specific form.

Accommodations Should Be Provided Without Delay

Once an employee makes a request for accommodation, the employer should do their best to provide it (or an interim accommodation) as soon as possible, even if supporting documentation will ultimately be required. The EEOC made it clear that they will frown upon delays, particularly with respect to simple or presumptively reasonable accommodations.

If You Want for More Knowledge

You can read and word-search the final rule [here](#). The first 87 pages are the EEOC giving background and explaining why and how they responded to public comments. The regulations start on page 88 of the PDF and the Interpretive Guidance, which includes 78 very helpful examples of how the law would be applied in real life, starts on page 94.

Action Items

Make sure your policy addressing the PWFA accurately reflects the regulations. You should also educate your managers (and anyone else likely to receive a request) on the *presumptively reasonable* accommodations, the limitations on asking for supporting documentation, and the importance of prompt accommodation. If you don't have high confidence in your managers' abilities to respond appropriately, you may want to require that anyone who receives a request immediately communicate it to HR.

###

INDUSTRY NEWS

**DRAX MOU FOR
BIO-FUELED SHIP**



Leading Japanese companies, NYK Line, NYK Bulk & Projects Carriers (NBP), TSUNEISHI SHIPBUILDING Co. Ltd. and British renewable energy business, Drax Group, have signed a new memorandum of understanding (MOU) to develop both the world's first biomass-fueled ship (bioship) and the technology that could power it. Biomass is playing a growing role in Japan's transition from fossil fuel power generation to low carbon and renewable electricity, and the country's demand for biomass pellets, **sourced primarily from North America** and composed of sawmill and forestry residues, is increasing.



Drax produces biomass pellets in both the U.S. South and Canada. The company has a longstanding relationship with NBP which transports its pellets to Japan.

These pellets are currently shipped through smaller handysize bulkers, which, due to the limited size of their fuel tanks, have proved challenging to switch to lower emission fuels, such as ammonia.

Through the MOU, which was signed at the British Embassy in Tokyo, the companies will initially conduct research to develop the new shipping technology, an on-board biomass fuel plant, which would be required to power a bioship. The four companies are exploring how other renewable technologies could be used to reduce both the emissions and fuel costs of shipping biomass.

DRAX (Cont'd.)

The biomass fuel plant would use a gasifier to combust biomass at high temperatures and create and contain gases including carbon monoxide, hydrogen, and methane. These gases would then be used to power a generator which could propel the bioship and also provide a proportion of its internal power.

The installation of a biomass fuel plant could see a 22% reduction in well-to-wake carbon emissions in bioships when compared to using fossil fuels. If this development is successful, the companies will jointly study the possibility of building a bioship by the end of 2029.

###

MORE DEMAND FOR WOOD FIBER



India's Ministry of Power on May 14 issued a revised policy on biomass cofiring, announcing it will now require certain coal-based thermal power plants to begin cofiring 5% biomass within one year. The requirement ramps up to 7% two years later. The new requirements update regulations first issued in 2017 and revised in 2021. According to documents published by the Ministry of Power, all coal-based thermal power plants owned by utilities that have bowl mills will be required to use a 5% blend of biomass pellets made primarily of agri-residues starting in May 2025. The obligation increases to 7% two years later.

Similarly, coal-based thermal power plants owned by utilities that have ball and race mills will be required to use a 5% blend of torrefied biomass pellets by May 2025, increasing to 7% two years later, while coal-based thermal power plants owned by utilities that have ball and tube mills will be required to use a 5% blend of torrefied pellets with a volatile content below 22% by May 2025.

The policy requiring biomass cofiring is scheduled to remain in place for 25 years, or until the end of the useful life of the thermal power plant, whichever is earlier. The policy also specifies that the minimum contract period for the procurement of biomass pellets by generating facilities shall be a minimum of seven years. The ministry said the procurement requirements aim to avoid delays in awarding contracts by generating companies while supporting the development of a long-term supply chain.

###

US PELLET EXPORTS GROW

INDUSTRIAL WOOD PELLET MARKET



The U.S. exported 938,662.3 metric tons (~1.7 million yd³) of wood pellets in March, according to data released by the USDA Foreign Agricultural Service on May 2. The U.S. exported wood pellets to approximately 18 countries in March. The U.K. was the top destination for U.S. wood pellet exports at 554,934.5 metric tons (~1 million yd³), followed by the Netherlands at 129,622 metric tons (~240K yd³), Denmark at 94,706 metric tons (~175K yd³), Japan at 76,995.4 metric tons (~142K yd³), the French West Indies at 50,000 metric tons (~93K yd³) and Belgium-Luxembourg at 29,436.4 metric tons (~55K yd³). The value of U.S. wood pellet exports reached \$174.33 million in March or ~\$102/yd³.



###

MEMBER NEWS

New Member Welcome

The Mulch & Soil Council is pleased to welcome the following new company as a member:

Producer Member: *Timber Fiber, LLC*, Andrew Mondy, 1656 S Jackson St, Jacksonville, TX 75766, Email: amondy@timberfiber.com, Web: www.timberfiber.com

**OLDCASTLE BUYS
LOWE CO.**

Oldcastle APG, a CRH Company, has acquired the assets of Lowe Products Company including a facility located in Shepherdstown, WV, enhancing its Lawn & Garden capabilities in the Mid-Atlantic region.

The acquisition of the Lowe Product Company's bulk and bagged mulches, as well as soils and compost assets, reinforce Oldcastle APG's dedication to expanding its premier outdoor living solutions offering to customers in North America. The Shepherdstown facility provides an advantageous proximity to the Washington, D.C. market, enhancing the company's Lawn & Garden service levels in the region.

"We are delighted to welcome the Lowe Products Company business into our Oldcastle APG family as we continue to strengthen our ability to deliver top-tier service and high-quality products to our customers," said Tim Ortman, President, Oldcastle APG. "This move positions us well in one of the most attractive lawn & garden markets in the US while reinforcing our commitment to help customers Live Well Outside."

Lowe Products Company brings with it a strong reputation for meeting customers' needs and will fit seamlessly into Oldcastle APG's growing portfolio of end-to-end outdoor living solutions. This addition follows recent acquisitions that have bolstered the company's Lawn & Garden business in the Eastern and Central United States and opened new routes in the Mountain West.

Tim Ortman further emphasized, "Our mission at Oldcastle APG is to inspire endless possibilities for outdoor spaces where people connect, reflect and recharge. This acquisition supports the strategic growth and expansion of our Lawn & Garden business in North America." To learn more about Oldcastle APG, visit oldcastleapg.com.

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**PREMIER TECH
NEWS**

Premier Tech and MG Tech are pleased to announce a strategic and promising partnership that will shape the future of both companies. Drawing on their respective expertise, they will meet the evolving needs of manufacturers — in the nutrition, industrial, fast-moving consumer goods and parapharmacy industry — for packaging technologies with high-performance and innovative solutions.

The MG Tech Group is specialized in the design and production of complete end-of-line packaging equipment: from case shaping to automated palletizing machinery, including automated product packaging and intelligent logistics. Its robotic know-how allows it to provide packaging equipment with built-in functions and industrial robots.

The addition of Premier Tech to MG Tech's capital will allow the French group to fully leverage the global ecosystem of Premier Tech Systems and Automation and access an extensive network of products, services and technologies to support its growth in the American and international markets.

"With the integration of Premier Tech Systems and Automation to the MG Tech ecosystem, we will expand our footprint and further open ourselves to the world. We have built this partnership with a group sharing the values of MG Tech, with teams close to their customers. The establishment of our subsidiary in Canada confirmed that our end-of-line packaging equipment is perfectly designed for the North American market. We will come up, alongside Premier Tech, with new services and continue our international expansion," says Eric Gautier, president of the MG Tech group. For more information about MG Tech, visit: www.mgtech-group.com



It will also allow Premier Tech to expand its technological platform portfolio as well as its North American and global offer, while strengthening its European footprint. "With this strategic partnership, our group Premier Tech Systems and Automation lays strong foundations for its expansion in France. It gives us access to leading-edge technologies, strengthening our position as global leader," says Jean Bélanger, president and chief executive officer of Premier Tech.

"This partnership opens the door to the global expansion of our secondary packaging operations, previously centered in North America. It sets the development of market segments with a broader range of products such as leading-edge case erectors and robotic case packers. Joining forces allows us to harness complementary strategic skills, delivering more value to our clients," says Simon Roy, president and chief operating officer of Premier Tech Systems and Automation.

###

CERTIFICATION REPORT

Certified Products Report for June 2024

Certified Product News

New Product Mulch

Austin Wood Recycling, Ltd.
Austin Wood Recycling, Ltd.
Austin Wood Recycling, Ltd.
Gardenscape, Inc.
Gardenscape, Inc.
Gardenscape, Inc.
Gro-Well Brands, Inc.
Gro-Well Brands, Inc.
Gro-Well Brands, Inc.
Markman Peat Corporation
Markman Peat Corporation
Markman Peat Corporation
Miller Companies, LLC
Miller Companies, LLC
Miller Companies, LLC
Oldcastle Lawn & Garden, Inc.
Oldcastle Lawn & Garden, Inc.
Oldcastle Lawn & Garden, Inc.
Seaside Mulch Inc.
Seaside Mulch Inc.
Seaside Mulch Inc.
Sims Bark Co.
Sims Bark Co.
Sims Bark Co.
The Mulch and Soil Company
The Mulch and Soil Company
The Mulch and Soil Company
Wallace Farm, Inc.
Wallace Farm, Inc.
Wallace Farm, Inc.

Sta-Green Premium Black Mulch by Austin Wood Recycling
Sta-Green Premium Brown Mulch By Austin Wood Recycling
Sta-Green Premium Red Mulch by Austin Wood Recycling
Sta-Green Premium Black Mulch By Gardenscape, Inc.
Sta-Green Premium Brown Mulch By Gardenscape, Inc.
Sta-Green Premium Red Mulch By Gardenscape, Inc.
Sta-Green Premium Black Mulch By Gro-Well Brands Inc.
Sta-Green Premium Brown Mulch By Gro-Well Brands Inc.
Sta-Green Premium Red Mulch By Gro-Well Brands Inc.
Sta-Green Premium Black Mulch By Markman Peat .
Sta-Green Premium Brown Mulch By Markman Peat Corp.
Sta-Green Premium Red Mulch By Markman Peat Corp.
Sta-Green Premium Black Mulch By Miller Companies, LLC
Sta-Green Premium Brown Mulch By Miller Companies, LLC
Sta-Green Premium Red Mulch By Miller Companies, LLC
Sta-Green Premium Black Mulch By Oldcastle
Sta-Green Premium Brown Mulch By Oldcastle
Sta-Green Premium Red Mulch By Oldcastle
Sta-Green Premium Black Mulch By Seaside Mulch Inc.
Sta-Green Premium Brown Mulch By Seaside Mulch Inc.
Sta-Green Premium Red Mulch By Seaside Mulch Inc.
Sta-Green Premium Black Mulch by Sims Bark
Sta-Green Premium Brown Mulch by Sims Bark
Sta-Green Premium Red Mulch by Sims Bark Co.
Sta-Green Premium Black Mulch By The Mulch & Soil Cop
Sta-Green Premium Brown Mulch by The Mulch & Soil Co.
Sta-Green Premium Red Mulch by The Mulch & Soil Co.
Sta-Green Premium Black Mulch by Wallace Farm
Sta-Green Premium Brown Mulch by Wallace Farm
Sta-Green Premium Red Mulch by Wallace Farm

New Product Premium Soil

Miracle-Gro Lawn Products, Inc. Miracle-Gro Organic Outdoor Potting Mix .09-.06-.06
Miracle-Gro Lawn Products, Inc. Miracle-Gro Organic Raised Bed Soil .09-.06-.06
Miracle-Gro Lawn Products, Inc. Miracle-Gro Organic Indoor Potting Mix .045-.018-.018

New Product Landscape Soil

Miracle-Gro Lawn Products, Inc. Miracle-Gro Organic Garden Soil 0.05-0.03-0.03
The Scotts Company Miracle-Gro Organic Desert Landscape Soil

-MORE-

Recertified Mulch

Amerigrow Recycling	Eco-Melaleuca Mulch
Austin Wood Recycling, Ltd.	Texas Native Black Label Mulch
Austin Wood Recycling, Ltd.	Texas Native Rojo Red Hardwood Mulch
Austin Wood Recycling, Ltd.	Texas Native Royal Black Colored Mulch
H&H General Excavating Co.	Vigoro Premium Wood Mulch Black
H&H General Excavating Co.	Vigoro Premium Wood Mulch Brown
H&H General Excavating Co.	Vigoro Premium Wood Mulch Red
Homer Industries, LLC	ColorScape Red Mulch
Margo State Line, Inc.	Black Mulch - Margo State Line
Oldcastle Lawn & Garden, Inc.	Professional Mulch Cypress Blend
Oldcastle Lawn & Garden, Inc.	Timberline Cedar Blend Mulch
Oldcastle Lawn & Garden, Inc.	Timberline Eucalyptus Mulch
Oldcastle Lawn & Garden, Inc.	Timberline Gold Mulch
Oldcastle Lawn & Garden, Inc.	Timberline Hemlock Blend Mulch
Oldcastle Lawn & Garden, Inc.	Timberline Pine Bark Mini Nuggets
Oldcastle Lawn & Garden, Inc.	Timberline Pine Bark Mulch
Oldcastle Lawn & Garden, Inc.	Timberline Pine Bark Nuggets
Oldcastle Lawn & Garden, Inc.	Timberline Shredded Hardwood Mulch
Oldcastle Lawn & Garden, Inc.	Vigoro Premium Black Mulch by Oldcastle Lawn & Garden
Oldcastle Lawn & Garden, Inc.	Vigoro Premium Brown Mulch by Oldcastle Lawn & Garden
Oldcastle Lawn & Garden, Inc.	Vigoro Premium Red Mulch by Oldcastle Lawn & Garden
Southern Mulch LLC	Black Mulch
Southern Mulch LLC	Brown Mulch
Southern Mulch LLC	Cypress Blend
Southern Mulch LLC	Red Mulch
The Scotts Company	Earthgro Decorative Groundcover Bark
Whittlesey Landscape Supplies	Texas Cut Hardwood Mulch
Whittlesey Landscape Supplies	Whittlesey Enriched Hardwood Mulch

Recertified Premium Soil

Kellogg Garden Products	All Natural Potting Mix — Premium Mix for Outdoor Containers - Organic Plus
Kellogg Garden Products	All Natural Raised Bed + Potting Mix - Organic Plus
Miracle-Gro Lawn Products, Inc.	Miracle-Gro African Violet Potting Mix 0.21-0.11-0.16
Miracle-Gro Lawn Products, Inc.	Miracle-Gro Cactus, Palm & Citrus Soil 0.13-0.03-0.07
Miracle-Gro Lawn Products, Inc.	Miracle-Gro Cactus, Palm & Citrus Potting Mix 0.06-0.02-0.04
Miracle-Gro Lawn Products, Inc.	Miracle-Gro Indoor Potting Mix 0.25-0.13-0.19
Miracle-Gro Lawn Products, Inc.	Miracle-Gro Organic Choice Potting Mix 0.10-0.05-0.05
Miracle-Gro Lawn Products, Inc.	Miracle-Gro Organic Choice Raised Bed & In-Ground Soil w/Compost 0.09-0.06-0.07
Miracle-Gro Lawn Products, Inc.	Miracle-Gro Organic Raised Bed & Garden Soil 0.05-0.03-0.05
Miracle-Gro Lawn Products, Inc.	Nature's Care Organic & Natural Potting Mix w/Water Conserve 0.15-0.13-0.15
Oldcastle Lawn & Garden, Inc.	Jolly Gardener Premium Potting Mix
Terrace Brands	Bonnie Harvest Select Raised Bed Soil 0.12-0.06-0.09
Terrace Brands	Whitney Farms Organic Raised Bed Mix1 0.09-0.08-0.09

Recertified Landscape Soil

Kellogg Garden Products	All Natural Garden Soil for Flowers + Vegetables (Green)
Kellogg Garden Products	All Natural Garden Soil for Flowers + Vegetables - Organic Plus
Kellogg Garden Products	All Natural Planting Mix for Trees, Shrubs + Roses - Organic Plus
Kellogg Garden Products	All Natural Topper Soil for Lawns, Sod & Seed - Organic Plus
Miracle-Gro Lawn Products, Inc.	Miracle-Gro Garden Soil Roses .10-.09-.07
Miracle-Gro Lawn Products, Inc.	Miracle-Gro Garden Soil Vegetables & Herbs 0.09-0.05-0.07
Miracle-Gro Lawn Products, Inc.	Miracle-Gro Organic Choice Garden Soil 0.10-0.05-0.10
Miracle-Gro Lawn Products, Inc.	Nature's Care Organic Garden Soil w/Water Conserve 0.12-0.10-0.12
Oldcastle Lawn & Garden, Inc.	Jolly Gardener Premium Garden Soil

Recertified Speciality Soil

Miracle-Gro Lawn Products, Inc. Miracle-Gro Seed Starting Potting Mix 0.03-0.03-0.03

Withdrawn Standard Soil

Whittlesey Landscape Supplies Potting Soil
Whittlesey Landscape Supplies Rose Mix

CLASSIFIEDS

2020 Hamer Side Sealer

Manufacturer: Hamer

Year: 2020

Location: Cumming, GA

Price: \$9,000

Contact: equipment@garick.com

Info: s/n 982040108. Excellent working condition.
Only used for 1,000 bags.



Hamer Volumetric Feeder Model 300VF

Manufacturer: Hamer

Model: 300VF

Year: unknown

Location: Cumming, GA

Price: \$39,000

Contact: equipment@garick.com

Information: Hardly used.



2019 CAT 938M Wheel Loader

Manufacturer: CAT

Model: 938M

Year: 2019

Location: Reedsville, Pennsylvania

Price: \$235,00

Company Contact: Logan Metzler, 717-437-3347, logan.metzler@metzlerfp.com



Information: 998 Hours, Well maintained low hour loader. Comes with 6.5 Yard CAT Light Material bucket. 6.5 Yard Craig High Tip bucket available for extra cost.

CLASSIFIEDS

Amadas Semi-Automated Palletizer

Model: PL02

Year: 2015 or 2016 (2 available)

Price: \$35k or best offer

Location: Galivants Ferry, SC

Contact: Hackney Parker @ 305-393-4950 or hackney@seasidemulch.com

Information: Bag flattener and conveyors and optional 10 ton press



Lantech Q300 Wrapper

Model: Q300

Serial #: QM029512

Price: \$7.5k

Location: Galivants Ferry, SC

Contact: Hackney Parker @ 305-393-4950 or hackney@seasidemulch.com

Information: 120 V



Toshiba 3-Phase Induction Motor

Model No.: B2006VLF4B3

Serial No.: 80604369

Type: TIKK

Form: VBK1

HP: 200

RPM: 1175

Volts: 460

AMP: 246

Location: Fredericksburg Virginia

Price: \$15,000

Contact: Norfleet Quality, Joe Worth at 540-419-7384

Information: Restrung/ Motor reconditioned on 9/4/20. Less than 100 hours since



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- ERP - Choosing, Implementing and Lessons Learned
- Manufacturing Efficiencies Panel
- Sales & Operations Planning - 10 Keys Needed for Successful Planning

Keynote Speaker: Jeff Hoffman

*Award-winning Global Entrepreneur, Bestselling Author
Film, Grammy & TV Producer and Founder of Multiple Startups*

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