

NEWS, NOTES & QUOTES



National Newsletter of the Mulch & Soil Council

FEBRUARY 2021

1ST QTR BOARD MEETING REPORT

On January 27, the MSC Board of Directors met in Orlando for the first quarterly meeting of 2021. Continuing the Council's use of "hybrid" events, 7 directors and 4 observers participated in person with Associate Executive Director Shelli Williams on site while 5 directors, Certification Administrator Carol Ledbetter and Executive Director Robert LaGasse participated by Zoom.

President Jim Weber called the meeting to order and welcomed all participants. After approving the minutes of the October Board meeting, the Board re-elected its officers for a second, one-year term through 2021. The next item of business was a report by the Executive Director on activities of the office since the last meeting followed by a review of the December 31, 2020, year-end financial statement. As it does each year, the statement will now be audited by the independent CPA firm chosen by the Board at its last meeting and the results of the audit will be reported to the membership at the next annual membership meeting.

The next item of business was a line-by-line review of a proposed operating budget for calendar year 2021. The budgeted income for the year was projected at \$584,824 with projected expenses of \$540,870 for a budgeted surplus of \$45,122. The Board then heard a presentation by Andrew Haliday of Bailey & Haliday Financial Advisors regarding opportunities to maximize earnings of cash assets. The Board requested the Executive Committee work with the advisors to formulate a plan for Board approval.

The Board then reviewed the MSC Committee chairs, charges and membership for 2021. A copy of the committees and participants is available for review [CLICK HERE](#). Any member interested in participating on an MSC committee should contact the [Executive Director](#) to be added to the list.

Each committee then reported on the results of their meeting on the day prior to the Board meeting. (See article on committee meetings below.)

Executive Director Robert LaGasse reported that staff will be participating in the AAP-FCO virtual winter meeting in February. The State Legislative Monitoring program was undergoing some revisions with the service supplier and should be upgraded with more information resources by the end of February.

Kimberly Rygielski volunteered to serve as Program Chair for the 50th MSC annual meeting at The Peabody Hotel in Memphis, TN, on September 21-23. Bob LaGasse presented a proposed program budget for the event and Shelli Williams reviewed the sponsor and exhibitor program proposal for the meeting. After approving the budget and sponsor/exhibitor proposals, the Board discussed potential program topics for Memphis.

As is customary, the 2nd quarterly meeting of the Board will be an April 21 teleconference. The 3rd meeting of the year was tentatively set for July 23 in Key West, FL, and the 4th meeting will be September 22 at the annual meeting in Memphis.



MSC active and standing committees typically meet the day prior to the Council's 1st, 3rd and 4th quarter Board of Directors meetings and whenever necessary in between. Here are brief summaries of each committee meeting held on January 26 in Orlando, FL:

Certification Committee: After approving the minutes of the last committee meeting, Certification Administrator Carol Ledbetter reviewed the program statistics for the past quarter. There are presently 289 certified products including 175 mulches, 56 landscape soils and soil amendments, 52 premium growing media, 4 standard growing media and 2 specialty soils. A total of 32 products have been decertified and 21 new products were certified over the past year. Presently, there are 3 new product applications pending approval. Additionally, growth tests are being conducted in the greenhouse on 34 certified soil product samples.

The committee then reviewed the year-end financial report on the certification program and the proposed budget for the 2021 program operations. Under other business, it was noted that the certification program will continue to conduct product label reviews following NIST HB130 with all volume testing following NIST HB133. The Certification Audit Team has received their vaccinations against Covid-19 and is returning to the field in March.

Standards Committee: After approving the minutes of the last meeting, Executive Director Robert LaGasse congratulated the committee on its successful completion of a 2-year project to revise, update and harmonize the Uniform Voluntary Product Guidelines (UVPG). The membership has voted to accept all amendments as drafted by the committee.

In November, a teleconference was held with Dr. Judd Michael at Penn State regarding his article published in the Journal of Wood and Fiber Science titled, "New Protocol for Species Mix Testing in Retail Mulch Samples." There were two points made in the paper that everyone agreed upon which were:

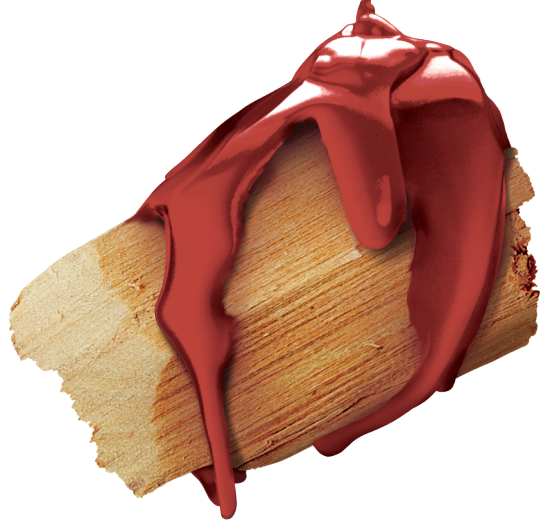
- 1.) No past test has ever existed to identify the percentage of mixed wood species materials in a wood mulch that is accurate, practical or economic, and
- 2.) The new protocol described in the PSU research paper clearly states that it is also not accurate, economic or practical.

That leaves the Standards Committee on its continued search for a workable, accurate test protocol to determine the percentage of wood species in a mixed wood mulch blend between 100% and 0%. Unless an acceptable test protocol is found, there are no further business or technical items pending before the committee.

Transportation Committee: After the committee approved the minutes of the January 2020 meeting, Bob LaGasse reported that over 20 comments had been submitted by MSC members to the Federal Motor Carrier Safety Administration (FMCSA) open docket item on the Interim Final Ruling (IFR) making horticultural products an agricultural commodity which was outstanding given the docket closed on December 24 with less than a weeks notice. That IFR action qualified mulch and soil products as "farm supplies" exempt from regulations under 49 CFR Part 395 on Hours of Service (HOS) regulations for all shipments less than 150 air miles from the point of origin.

With the IFR in effect since December 9, 2020, Transportation Committee efforts to enact the Agricultural Trucking Relief act of 2019 (S.2025 & H.R.1673) were deemed unnecessary. The committee will drop that effort.

Next steps are to monitor FMCSA for any change or push-back on mulch & soils as a farm supply and ask members to inform the Council if they have any acceptance or rejection by DOT inspectors for classifying our industry products as farm supplies under FMCSA regulations. To assist and inform state and federal inspectors, the committee will produce a 1-page explanation of the regulation for drivers to give to inspectors in the field during any highway or station stops.



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**COMMITTEE
REPORTS
(Continued)**

Legislative & Regulatory (L&R) Committee: This new committee will focus on emerging state and federal laws and regulations that may have a positive or negative impact on our industry or our customers. The first issue raised was the proposed increase in the Federal minimum wage to \$15/Hr. While some companies reported their minimum wages already exceed \$15/Hr, others did not, but even if companies paid more now, the doubling of the minimum would likely put pressure on all lower-end labor rates to increase in a ratcheting effect throughout the industry. How much impact that might have would require a better understanding of the compensation rates for labor categories in the mulch & soil industry. That is information the Council does not have; so, the Industry Statistics Committee was requested to conduct an industry compensation survey to help determine what position the Legislative & Regulatory Committee should take on the minimum wage issue.

Industry Survey Committee: The committee reported that it has completed 4 surveys in 2020 including the 1) Pandemic Travel Policies Survey, 2) 2020 Fork-lift Survey, 3) 2020 Sales Growth (Pandemic Impact) Survey, and 4) Plant Managers Course Evaluation. Results of surveys 1-3 were reported in the NNQ newsletters. A new survey on industry compensation will be conducted in support of the L&R Committee.

**Call For
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 memorial 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.

Call For Nominations

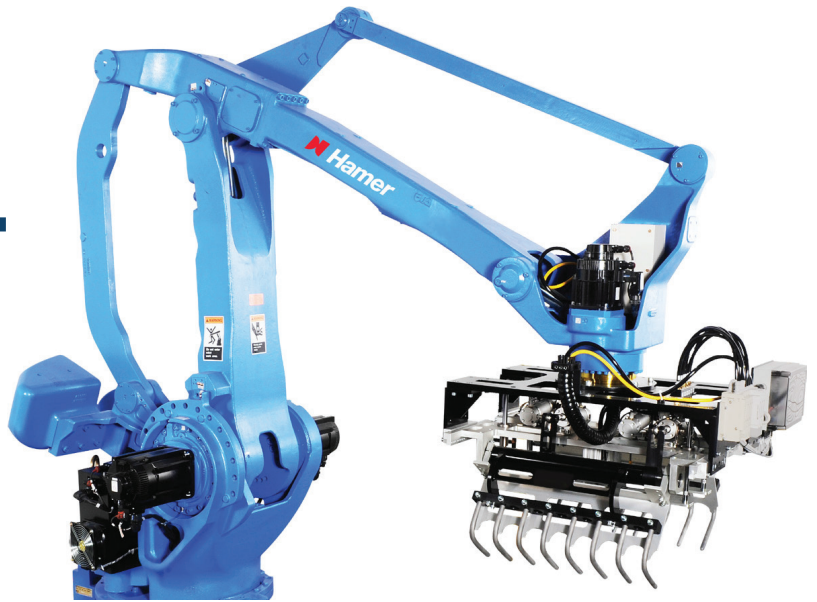
Eligibility: Nominations are open to individuals or organizations who are members of the Council at the time of nomination.

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.

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Call (Continued)

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, including a statement on why the person or organization is being nominated, should be submitted to membership@mulchandsoil-council.org by April 9, 2021.

MSC Officers Re-Elected

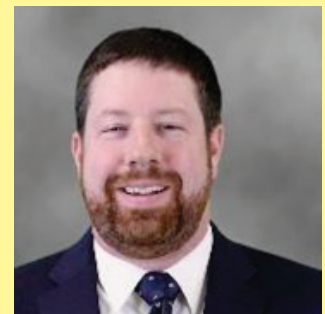
Officers of the Mulch & Soil Council Board of Directors are chosen annually from among the 12 elected directors of the Board. The election is held at the first regular meeting following the annual meeting. In support of the leadership provided to the Board for the past year, the Board of Directors has unanimously re-elected the incumbent officers to serve a second, 1-year term for 2021 as follows:



Jim Weber, President
Ohio Mulch
Columbus, OH



Byron Morgan, V.P.
Mountain West
Rexberg, ID



Joe Ertel, Sec./Treas.
Oldcastle Lawn & Garden
Sauget, IL



The CROW Political Report

By David Crow
DC Legislative &
Regulatory Services

Now that the 117th Congress has been sworn in and the Biden Administration has taken office, there is much interest around what could happen with respect to climate change issues in 2021.

What to expect from the Biden Administration:

President Biden has made public statements about the need to incentivize farmers to plant cover crops and put land into conservation, CRP, and related programs to mitigate climate change and sequester more carbon in the soil. The incentives being considered could include direct payments to farmers who engage in these types of practices and other related incentives.

Former Secretary of Agriculture Tom Vilsack, who has been nominated again to serve as Secretary at USDA, is optimistic that he can make progress through dialogue with growers on this topic. In his time at USDA he had made headway with farmers when the topic was focused on how to adapt to a changing climate. Those conversations could help open the door for conversations related to CRP and cover crops.

A big component of the federal government's climate response will involve a plan called Climate 21 which will task each agency with evaluating its potential impact. Following that, each agency will be tasked with developing plans to help achieve climate goals. Lead agencies will likely be: White House, EPA, USDA, DOE and Interior. Other agencies will be involved including State, Transportation, Justice, NOAA and Treasury.

Climate Czar Gina McCarthy will play a leading domestic role while John Kerry will lead international discussions with Paris Agreement and related international agreements.



The CROW Political Report

The [Climate 21](#) Project will:

- Recognize climate smart practices, including: conservation tillage, cover crops, improved nutrient management, reforestation, improved forest management, methane digesters for livestock, among others.
- Promote natural climate solutions and build resilience by using existing authorities to create a Carbon Bank to incentivize and reward carbon sequestration activities by farmers, ranchers, and forest landowners.
- Leverage the nation’s crop insurance programs to encourage climate-smart agriculture practices
- Establish a Wildfire Commission to establish and implement a comprehensive approach to addressing the growing threat of wildfires, particularly in Western states.

Executive Orders:

Since taking office, on January 27th, President Biden signed an Executive Order focused on climate change. It includes important provisions related to conservation, agriculture and reforestation.

The order:

- Commits to the goal of conserving at least 30 percent of our lands and oceans by 2030 and launches a process for stakeholder engagement from agricultural and forest landowners, fishermen, Tribes, States, Territories, local officials, and others to identify strategies that will result in broad participation.
- Calls for the establishment of a Civilian Climate Corps Initiative to put a new generation of Americans to work conserving and restoring public lands and waters, increasing reforestation, increasing carbon sequestration in the agricultural sector, protecting biodiversity, improving access to recreation, and addressing the changing climate.
- Directs the Secretary of Agriculture to collect input from farmers, ranchers, and other stakeholders on how to use federal programs to encourage adoption of climate-smart agricultural practices that produce verifiable carbon reductions and sequestrations and create new sources of income and jobs for rural Americans.

Going forward, there are several other potential actions the Biden Administration and USDA could take that would impact agriculture and we will follow those as they evolve.

What to expect from Congress:

On a related point to the Carbon bank, mentioned above. We expect the Growing Climate Solutions Act (GCSA) to be reintroduced this year. It was first introduced in June of 2020. The bipartisan bill, led by Sens. Mike Braun (R-IN) and Debbie Stabenow (D-MI),

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would create a certification program at USDA to help solve technical entry barriers to farmer and forest landowner participation in carbon credit markets. Now that we know that Debbie Stabenow will be the Senate Agriculture Committee Chair, we expect this bill and/or similar legislation to have a much higher chance of passage or inclusion in a larger legislative bill. The bill would:

- Establish a *Greenhouse Gas Technical Assistance Provider and Third-Party Verifier Certification Program* through which USDA would be able to provide transparency, legitimacy, and informal endorsement of third party verifiers and technical service providers that help private landowners generate carbon credits through a variety of agriculture and forestry related practices.
- Ensure that these assistance providers have agriculture and forestry expertise, which is a gap in the current marketplace. As part of the program, USDA will administer a new website, which will serve as a “one stop shop” of information and resources for producers and foresters who are interested in participating in carbon markets.
- Help connect landowners to private sector actors who can assist the landowners in implementing the protocols and monetizing the climate value of their sustainable practices. Third party entities, certified under the program, will be able to claim the status of a “USDA Certified” technical assistance provider or verifier.
- Instruct USDA to produce a report to Congress to advise about the further development of this policy area including: barriers to market entry, challenges raised by farmers and forest landowners, market performance, and suggestions on where USDA can make a positive contribution to the further adoption of voluntary carbon sequestration practices in agriculture and forestry.

Beyond this, we expect the House Democrats to pass a bill that includes many of their priorities as detailed in their report, released in June of 2020, titled, [Solving the Climate Crisis](#). As it pertains to agriculture, we expect the following:

- Congress to encourage investment in agriculture to create partnerships to solve the climate crisis. Similar to the Biden plan, this will include climate stewardship practices such as incentivizing no- and low-till farming, planting cover crops, diversifying crop rotations, improved nutrient management, reduce emissions, enhance carbon sequestration, and make soils more resilient to extreme weather.
- Congress to set climate stewardship practice goals across all U.S. farmland and expand Department of Agriculture resources and partnerships to encourage adoption of these practices.
- Congress to look for ways to strengthen the Renewable Fuel Standard by building upon it to transition to a low carbon fuel standard which could drive demand for high-octane, low carbon fuels.
- Congress will incentivize farmers to incorporate energy efficiency and renewable energy on farm.

Timing and Senators to Watch:

We expect the House Democrats to move more quickly in getting several climate bills drafted and introduced in the first 60 days of the new Congress. Specific agriculture bills will likely be introduced separately as stand-alone pieces that could then be included in a larger moving package. In the Senate we expect the process to be similar, but take a bit longer to get a bill introduced. Given the narrow majorities in the House and Senate, we anticipate any legislation will have to be significantly reduced in terms of scope and scale from what the House Democrats had proposed in June of 2020 otherwise they will risk losing a vote on a bill as they only have a handful of votes to spare. An even tighter margin in the Senate will give Senate moderates of both parties tremendous leverage in any final negotiations. Senators to watch in this regard include: Joe Manchin (D-WV), Jon Tester (D-MT), Krysten Sinema (D-AZ), Susan Collins (R-ME), Mitt Romney (R-UT) and Lisa Murkowski (R-AK).

Biden Impact on Transportation

Richard (Rick) Schweitzer is MSC's special legal counsel on transportation issues in Washington, DC. Rick recently summarized the impact of new Biden Administration appointees on the Department of Transportation (DOT) as follows:

- We should expect more regulation
- There will be more enforcement with less cooperation with industry,
- Expect much more emphasis on environmental issues and elimination of fossil fuels,
- Short haul rules may be revisited, and
- A variety of other program changes may be made that are not directly related to our industry but may have unintended consequences.

On the positive side, the mulch and soil industry is a green industry and the new government emphasis on climate change response should be very favorable to our industry. We will be searching for new ways we can be advantageously included in new programs.

APHIS New EAB Approach

The U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) is changing its approach to fight the emerald ash borer (EAB) infestation that has spread through much of the United States. The Agency is publishing a final rule that removes the federal domestic EAB quarantine regulations that have proved ineffective and will redirect resources to more promising methods.



Removing the quarantine regulations ends APHIS' domestic regulatory activities, which includes actions such as issuing permits, certificates and compliance agreements, making site visits, and conducting investigations of suspected violations.

The final rule and the response to the comments received were published in the Federal Register on December 15, 2020, and the rule became effective on January 14, 2021. Documents may be viewed online at <https://www.regulations.gov/docket?D=APHIS-2017-0056> upon publication.

APHIS is working with the National Plant Board on effective strategies to manage firewood movement, which is one of the ways the emerald ash borer spreads.

APHIS' goal is still to maintain ash in the North American landscape. We look forward to continued collaboration with our partners on this effort. Questions about the regulatory change for emerald ash borer can be directed to National Policy Manager Herb Bolton at 301-851-3594 or Herbert.Bolton@usda.gov

DOL Clarifies "Independent Contractor" Status

On January 6, the U.S. Department of Labor announced a final rule clarifying the standard for employee versus independent contractor status under the Fair Labor Standards Act (FLSA).



The Final Rule includes the following clarifications:

- Reaffirms an "economic reality" test to determine whether an individual is in business for him or herself (independent contractor) or is economically dependent on a potential employer for work (FLSA employee).
 - Identifies and explains two "core factors" that are most probative to the question of whether a worker is economically dependent on someone else's business or is in business for him or herself:
 - The nature and degree of control over the work.
 - The worker's opportunity for profit or loss based on initiative and/or investment.
- Identifies three other factors that may serve as additional guideposts in the analysis, particularly when the two core factors do not point to the same classification. The factors are:

DOL (Cont'd)

- The amount of skill required for the work.
- The degree of permanence of the working relationship between the worker and the potential employer.
- Whether the work is part of an integrated unit of production.
- The actual practice of the worker and the potential employer is more relevant than what may be contractually or theoretically possible.
- Provides six fact-specific examples applying the factors.

The rule will take effect 60 days after publication on the Federal Register, on March 8, 2021.

The Wage & Hour Division's (WHD) mission is to promote and achieve compliance with labor standards to protect and enhance the welfare of the Nation's workforce. WHD enforces federal minimum wage, overtime pay, recordkeeping, and child labor requirements of the FLSA. WHD also enforces the paid sick leave and expanded family and medical leave requirements of the Families First Coronavirus Response Act, the Migrant and Seasonal Agricultural Worker Protection Act, the Employee Polygraph Protection Act, the Family and Medical Leave Act, wage garnishment provisions of the Consumer Credit Protection Act, and a number of employment standards and worker protections as provided in several immigration related statutes. Additionally, WHD administers and enforces the prevailing wage requirements of the Davis Bacon Act and the Service Contract Act and other statutes applicable to Federal contracts for construction and for the provision of goods and services.

The mission of the Department of Labor is to foster, promote and develop the welfare of the wage earners, job seekers and retirees of the United States; improve working conditions; advance opportunities for profitable employment; and assure work-related benefits and rights.

EPA: Chlorpyrifos Comments

EPA is extending the public comment period on the draft risk assessments (DRAs) and proposed interim decision (PID) for chlorpyrifos to give the public and stakeholders more time to review and comment. The current comment period was set to close on February 5, 2021, and EPA is extending the comment period for an additional 30 days. Comments can be submitted through March 7, 2021, to the chlorpyrifos registration review docket number EPA-HQ-OPP-2008-0850 on www.regulations.gov.

EPA will use feedback received from the public comment period to determine next steps in the registration review process for chlorpyrifos. EPA will also follow the science and law in accordance with the Biden-Harris Administration's executive orders and the Federal Insecticide, Fungicide, and Rodenticide Act in reviewing the chlorpyrifos DRAs and PID to ensure they are protective of public health and the environment. [More information on chlorpyrifos, including the DRAs and PID, is on the Agency's website.](#)



EPA: New Fungicide

The U.S. Environmental Protection Agency (EPA) is proposing to register the new active ingredient picarbutrazox, which represents a new tool for managing resistant fungi.

Uses of picarbutrazox include seed treatment of corn and soybean to control *Pythium* and *Phytophthora* and turf treatment to control *Pythium* diseases. These fungi can cause foliar blight, damping-off, and root dysfunction, which in turn can cause significant yield losses. Picarbutrazox provides yield benefits comparable to registered alternatives.

EPA reviewed picarbutrazox and determined there are no human health risk concerns. To prevent misuse, the label recommends that professional applicators make residential turf applications.



EPA (Cont'd)

The proposed product label contains language to address potential ecological risks, including advisory language to prevent off-site movement to non-target areas due to runoff, and resistance management strategies to reduce the potential for fungicide resistance.

EPA is accepting public comments on this proposal via docket number [EPA-HQ-OPP-2017-0653](#) at www.regulations.gov for 15 days.

FMCSA Adds Underride to Safety Checklist

An underride rear guard installed on a Stoughton trailer. FMCSA said including rear impact guards in the periodic inspection requirements will call additional attention to the critical safety component.



The Federal Motor Carrier Safety Administration has issued a proposed rule amending federal safety regulations to specifically add rear impact guards as a required item on the list of annual inspections for motor carriers and roadside inspectors.

If finalized, the proposal, announced Dec. 29 in a Federal Register post, will mean that a check of truck rear underride guards will become a part of the CMV inspector process. Currently, motor carriers are required to maintain and annually inspect their underride guards, but some inspectors do not cite a trucker when they observe a damaged or loose rear guard. If the new regulation becomes final, inspectors will be required to take a closer look at underride guards.

Since 1952, most trucks and trailers have been required by regulation to install rear underride guards designed to withstand the force of a crash and prevent a car from sliding under a truck. FMCSA said that the new requirement would not significantly affect most motor carriers.

From 2008-17, there was an average of 219 fatalities in truck-involved underride crashes annually, about 5.4% of the total truck-involved crash fatalities each year.

FMCSA said that including rear impact guards and rear end protection in the periodic inspection requirements will call additional attention to the critical safety component and help ensure that each vehicle is checked at least once a year, improving compliance and helping to prevent fatalities and injuries when rear-end collisions occur.

2021 IRS Standard Mileage Rates

The Internal Revenue Service has issued the 2021 optional standard mileage rates used to calculate the deductible costs of operating an automobile for business, charitable, medical or moving purposes. Beginning on Jan. 1, 2021, the standard mileage rates for the use of a car (also vans, pickups or panel trucks) will be:



- 56 cents per mile driven for business use, down 1.5 cents from the rate for 2020,
- 16 cents per mile driven for medical or moving purposes for qualified active duty members of the Armed Forces, down 1 cent from the rate for 2020, and
- 14 cents per mile driven in service of charitable organizations, the rate is set by statute and remains unchanged from 2020.

The standard mileage rate for business use is based on an annual study of the fixed and variable costs of operating an automobile. The rate for medical and moving purposes is based on the variable costs.

It is important to note that under the [Tax Cuts and Jobs Act](#), taxpayers cannot claim a miscellaneous itemized deduction for unreimbursed employee travel expenses. Taxpayers also cannot claim a deduction for moving expenses, unless they are members of the Armed Forces on active duty moving under orders to a permanent change of station. For more details see [Moving Expenses for Members of the Armed Forces](#).

Taxpayers always have the option of calculating the actual costs of using their vehicle rather than using the standard mileage rates.

Taxpayers can use the standard mileage rate but must opt to use it in the first year the car is available for business use. Then, in later years, they can choose either the standard mileage rate or actual expenses. Leased vehicles must use the standard mileage rate method for the entire lease period (including renewals) if the standard mileage rate is chosen.

Notice 2021-02 contains the optional 2021 standard mileage rates, as well as the maximum automobile cost used to calculate the allowance under a fixed and variable rate (FAVR) plan. In addition, the notice provides the maximum fair market value of employer-provided automobiles first made available to employees for personal use in calendar year 2021 for which employers may use the fleet-average valuation rule in or the vehicle cents-per-mile valuation rule.

New Prop 65 Warning Changes



On January 8, 2021, the California Office of Environmental Health Hazard Assessment (OEHHA) issued a Notice of Proposed Rulemaking to amend the current Proposition 65 safe harbor "short-form" warnings. The amendments would change the content of the warnings and the method of use in significant ways. Comments on the proposed amendments are due on or before **March 8, 2021**.



Background on Prop 65 Warnings

Proposition 65 prohibits businesses from exposing California consumers to certain levels of chemicals identified by the state to cause cancer and/or reproductive harm, without a warning. The regulations specify "safe harbor" warning language that can be provided with a product to ensure compliance. In 2018, OEHHA's most recent amendments to the Proposition 65 warning regulations went into effect, which provided alternative "short-form" safe harbor warnings. These warnings allow the use of a cautionary symbol (exclamation point surrounded by a yellow triangle), the word "WARNING" in all capital letters and bold print, the end-point (cancer and/or reproductive harm), and the Proposition 65 warning website (www.P65Warnings.ca.gov). The following is an example of a compliant short-form warning:



WARNING: Cancer and Reproductive Harm – www.P65Warnings.ca.gov.

Notable Proposed Changes

In its notice, OEHHA alleges that it issued the amendments as a result of the "widespread use of short-form warnings in ways that were not intended and do not further the purposes of Proposition 65" and "numerous inquiries" about when the short-form warning could be used. Additionally, OEHHA was concerned that the short-form warnings were being added prophylactically by businesses without adequate consideration of the potential for exposure to Proposition 65-listed chemicals, which OEHHA believes to be inappropriate. OEHHA identified numerous examples of such warnings it believed were being used in this manner, demonstrating that OEHHA has been and will continue to scrutinize the adequacy and basis of warnings for consumer products sold in California. Below are some notable proposed changes to the current regulations that could go into effect.

Restrictions on Use of Warning: The new amendments only allow the use of short-form warnings on products with five square inches or less of label space, and where the package shape or size cannot accommodate the long-form warning. This is in con-



trast to the current regulations, which allow businesses to determine which warning they want to use, regardless of the size of the label, or size or shape of the package.

Content Changes: The amendments propose to change the content of the warnings. In addition to the cautionary symbol, "warning" language, and website address, the warnings must include at least one chemical in the product known to cause cancer or reproductive toxicity. The warning is also more descriptive, indicating to the consumer that there is a "cancer risk" and /or "risk of reproductive harm" from the chemical(s). For example, for exposures to both listed carcinogens and reproductive toxicants, the following warning would be required:



WARNING: Risk of Cancer from [Name of one or more chemicals known to cause cancer] And Reproductive Harm From [Name of one or more chemicals known to cause reproductive toxicity] Exposure – www.P65Warnings.ca.gov

Clarifications for Food Products: The amendments clarify how short-form warnings can be used for food products. Short-form warnings on food products are permissible only if the warning includes the word "WARNING" in all capital letters and bold print, the addition of at least one chemical in the product known to cause cancer or reproductive toxicity, and language indicating to the consumer that there is a "cancer risk" and /or "risk of reproductive harm" from the chemical(s). The warning must also identify a website address, www.P65Warnings.ca.gov/food, and must be set off from other surrounding information and enclosed in a box. For example, for exposures to both listed carcinogens and reproductive toxicants, the following warning would be required:

WARNING: Risk of Cancer from [Name of one or more chemicals known to cause cancer] And Reproductive Harm From [Name of one or more chemicals known to cause reproductive toxicity]
Exposure – www.P65Warnings.ca.gov/food

Internet and Catalog Warnings: The amendments eliminate the use of short-form warnings for internet and catalog warnings, which are permissible under the current regulations.

Phase-In Period/Sell-Through Period: There is a one year phase-in period for businesses that choose to use the short-form warnings, which starts to run from the date the amendments become effective. Further, in an attempt to avoid recalls, there is an unlimited sell-through period for products that contained Proposition 65-compliant warnings at the time of manufacture.

Potential Negative Impacts

Additional Compliance Costs: Businesses will incur additional costs to identify the specific chemicals present in the product and their endpoint, to update product packaging / labeling and internet websites / catalogs accordingly, and to notify any downstream customers of the changes.

Additional Litigation Costs: The changes to warnings will almost certainly spark additional litigation against businesses using the prior short-form warnings, adding to already significant litigation expenses.



Negative Publicity/Loss of Goodwill: Proposition 65 warnings and litigation can adversely affect public perception of the product, reduce sales and revenue, trigger additional legal concerns, and focus additional scrutiny on other products.

The Changes Are Unlikely to Have an Added Benefit to Consumers or Businesses

As OEHHHA indicates that these amendments are intended to "correct course" and align the short-form warnings with its original intent, the changes have been anticipated for some time. However, these amendments effectively make the short-form warnings, which are intended to be just that – short – useless, as there is little difference between the two warning options. The changes will be burdensome without helping the consumers or the regulated community. The new warnings are longer, but provide little additional information to identify the actual level of risk involved in handling or consuming the product. For businesses, the amendments remove one of the most straightforward aspects of the current regulations, and serve to make the compliance process even more complicated and expensive; once again, businesses will need to redesign and reprint labels and alter websites – where additional real estate is often hard to come by – at a significant cost. This may also further open the door to private enforcement actions, and costs passed down to the consumer – all without any added benefit to Californians. While the public comment period remains open, the amendments are expected to pass without issue.

NIST Package Labeling Guide

The Office of Weights & Measures (OWM) Laws and Metric Group at NIST has announced a new release for the NIST SP 1020, *Guide for Labeling Consumer Packaging by Weight, Volume, Count, or Measure (length, area or thickness)*. This single guide replaces the older four-series SP1020 that had once appeared on the NIST website and was used in training classes.

The SP 1020 is based on the Uniform Packaging and Labeling Regulation (UPLR) found in *NIST Handbook 130, Uniform Laws and Regulation in the Areas of Legal Metrology and Fuel Quality*. It provides a summary of labeling requirements for consumer products and commodities sold by weight, volume, count, or measure. This guide is not a replacement for the UPLR. The reader should refer to the UPLR to ensure that all requirements are met

This redesigned publication allows the user to see all information in one publication. In addition, OWM has added a Table of Contents, Indexing, Federal labeling links, and graphics to assist the user

To be environmentally friendly NIST is not offering printed copies but this publication is available free of charge from: <https://doi.org/10.6028/NIST.SP.1020>

NIST Promoting On-Line W&M Training to States

The page one headline article of the January issue of the NIST "Weights & Measures Connection" newsletter to state officials announces and promotes the new on-demand webinar on testing packages of mulch and soil labeled by volume. The training program was a joint venture of NIST and MSC to create uniform instructional materials for both industry and state inspectors. The 6 video modules cover: an introduction, method of sale, labeling requirements, test equipment, test procedure & demonstration, and evaluating test results.

As the mulch and soil industry enters the major sales season in march, we expect more states will take advantage of the new training programs. Industry manufacturers are encouraged to take advantage of the same W&M training offered by the MSC and expect a higher than normal inspection rate for the 2021 sales market. If you did not participate in the MSC *Plant Managers Training Course* last December, contact the MSC office to sign-up for on-line access to training, today.



New PennDOT Licensing Law

The Pennsylvania Department of Transportation recently commended a new state law related to licensing and credentialing that includes provisions associated with commercial driver license holders. Gov. Tom Wolf signed the law, called Act 131, in November. The provisions of the law that relate to commercial truck drivers will take effect early this year.



The law states a commercial motor vehicle driver holding a Pennsylvania-issued license who is cited, arrested or charged with violating a traffic control ordinance must notify his or her employer in writing within 30 days of the date of receiving the citation or being officially charged. An employer who receives timely notice from an employee on such a matter may not terminate the employee solely for providing the notice (unless the employee is convicted of the violation).

Additionally, the law outlines a situation in which a person who has not obtained a CDL may operate a truck. Specifically, it states that a driver who is 18 or older and employed by a "political subdivision" may operate a truck within the boundaries of the subdivision for the purpose of removing snow by plowing, sanding or salting, provided the properly licensed employee who ordinarily operates a truck for that purpose is unable to do so or the political subdivision determines that a snow emergency exists and requires additional assistance.

"The driver must have a certificate of authorization from the head of the political subdivision while operating the commercial motor vehicle," the text of Act 131 states.

The law also states PennDOT will disqualify an individual from operating a truck for life upon receiving a record of conviction indicating that person used a truck to commit a felony involving human trafficking. This provision is in line with a final rule the Federal Motor Carrier Safety Administration issued in 2019 that permanently banned CMV drivers who have been convicted of human trafficking.

SDS Reminder

The OSHA Hazardous Communications regulations for Safety Data Sheets (previously called MSDS sheets) exempt the following items from SDS reporting:

1910.1200(b)(6) : This section does not apply to:

1910.1200(b)(6)(iv) : Wood or wood products, including lumber which will not be processed, where the chemical manufacturer or importer can establish that the only hazard they pose to employees is the potential for flammability or combustibility (wood or wood products which have been treated with a hazardous chemical covered by this standard, and wood which may be subsequently sawed or cut, generating dust, are not exempted).

2021 Trucking Forecast

According to the publication *Transport Topics*, U.S. Xpress Enterprises CEO Eric Fuller on Jan. 20 detailed the findings of an economic report his company did on the trucking industry.

The *2021 U.S. Xpress Economic Forecast* highlighted several major trends for the year ahead. The report said there are expectations for a further reduction of truckload capacity, strong freight activity, rate increases and the impact of the coronavirus eventually being resolved.

"We'll be coming out of this pandemic," Fuller told *Transport Topics*. "Hopefully, at some point in 2021, there will be some semblance of normalcy. What that may look like is kind of still up for debate. What we saw in 2020 was a real shift in demand patterns, and it was really obviously related to social distancing."

The report projects that:

- Fewer drivers and more stimulus funding will continue to reduce truckload capacity.
- A reduction in CDL training and other factors have resulted in far fewer drivers as the industry entered the new year.



- Stimulus spending also could dissuade new drivers from entering the industry while keeping many current drivers at home.

The report noted that the recent uptick in Class 8 orders suggests additional truckload capacity will be realized soon. It cited ACT Research, which found November orders increased 33% from the prior month. But the report warned that driver shortages will persist for the foreseeable future.

"We've also had the schools that were shut down for a period of time," Fuller said. "Many schools didn't reopen, and the ones that did reopen are operating at kind of a half capacity. So fewer drivers overall in the market from that perspective."

The report noted that freight activity will remain robust, but economic growth is expected to cool. It noted the pandemic and a slower-than-anticipated vaccination rollout will temper growth for the first half of the year. But inventory replenishment efforts, holiday shopping returns and e-commerce will help support freight demand.

Too, the report said that as coronavirus cases are anticipated to slow down, a more steady recovery will take place in the second half of the year.

"I think the big question going into 2021 from a demand perspective is how does that demand change," Fuller said. "We believe that we're probably likely to see the effects of the pandemic well into early to mid fall. But hopefully at some point into that time period, we start to have a little bit of a turn to some sort of normalcy."

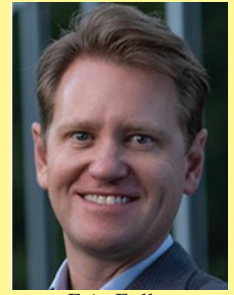
He added that the pandemic has created a big shift in buying patterns. People haven't been able to dine out, enjoy entertainment or travel as much as before. That drove outsized demand for products such as groceries. Fuller anticipates at some point there will be a pendulum swing in demand back toward services and experiences.

U.S. Xpress also forecasts there will be continued contract and spot rate increases over the next year. The carrier expects the increased freight demand and reduced capacity will result in contract rates rising between 8% and 15%. Spot rates likely will trend upward until the fall months.

Fuller also noted there are political considerations. The Democrats gained the presidency and control of Congress, which means a new slate of priorities and likely increased spending. That could have wide-ranging repercussions for trucking.

"Along with the pandemic factors, you've got a couple of things that are going to probably play out over the next six months," Fuller said. "One being a big stimulus bill. Now that the Democrats have control of both Congress and the presidency, you're probably going to see a big number attached to that stimulus bill. It could be in the trillions of dollars. It's probably going to come with some big payments to consumers. That's going to drive more buying power."

Fuller added that will impact freight demand. He also sees a likelihood of a large infrastructure bill that could have an effect on demand closer to next year. Fuller also is hopeful that will be enough to offset any potential economic downturns later on.



Eric Fuller

2nd PPP Loan Summary

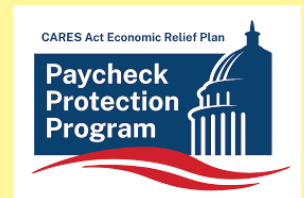
Eligibility for 2nd PPP Loan

Maximum loan amount of \$2MM

Eligibility for a 2nd loan requires:

1. **300 employees or less**
2. **If a 1st PPP loan was received, must have used or will use all funds prior to disbursement of a 2nd PPP loan**
3. **Had a reduction of 25% or more in gross receipts in any quarter of 2020 when compared with the same quarter of 2019. (Specific guidance provided for businesses which were only operating in certain quarters of 2019)**

Eligibility Clarifications



1. Businesses which were not in operation on February 20, 2020, are **NOT** eligible.
2. Entities that receive a grant under the Shuttered Venue Operator Grant Program are **NOT** eligible.
3. Ineligible entities include those entities listed in 13 CFR 120.110 except for those otherwise made eligible by statute or guidance.

Specifically excluded are:

- A. entities involved in political and lobbying activities including advocacy such as public policy and political strategy,
- B. entities affiliated with the Peoples Republic of China,
- C. registrants under the Foreign Agents Registration Act and
- D. entities receiving a grant under the Shuttered Venue Operator Grant Program.

Prohibition on Use of Loan Proceeds

Proceeds of a PPP loan **CAN NOT** be used for lobbying activities as defined by the Lobbying Disclosure Act, lobbying expenditures related to state or local campaigns, and expenditures to influence the enactment of legislation, appropriations, or regulations.

Eligible Expenses

New Eligible Expenses:

- **Covered Operations Expenditure** --defined as a payment for any business software or cloud computing service that facilitates business operations, product or service delivery, the processing, payment, or tracking of payroll expenses, human resources, sales and billing functions, or accounting or tracking of supplies, inventory, records, and expenses.
- **Covered Property Damage Cost**—defined as a cost related to property damage and vandalism or looting due to public disturbances that occurred during 2020 that was not covered by insurance or other compensation.
- **Covered Supplier Cost**—defined as an expenditure made by an entity to a supplier of goods for the supply of goods that are essential to the operations of the entity at the time at which the expenditure is made and is made pursuant to a contract, order or purchase order in effect at any time before the covered period with the respect to the applicable covered loan; or with respect to perishable goods, in effect before or at any time during the covered period with respect to the applicable covered loan.
- **Covered Worker Protection Expenditure**—defined as an operating or a capital expenditure to facilitate the adaptation of the business activities of an entity to comply with requirements established or guidance issued by the Department of Health and Human Services, the Centers for Disease Control, or the Occupational Safety and Health Administration, or any equivalent requirements established or guidance issued by a State or local government, during the period beginning on March 1, 2020, and ending on the date on which the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to the Coronavirus Disease 2019 (COVID-19) expires related to the maintenance of standards for sanitation, social distancing, or any other worker or customer safety requirement related to COVID-19.

May include—the purchase, maintenance, or renovation of assets that create or expand a drive-through window facility; an indoor, outdoor, or combined air or air pressure ventilation or filtration system; a physical barrier such as a sneeze guard; an indoor, outdoor, or combined business space; an onsite or offsite health screening capability; or other assets relating to the compliance with the requirements or guid-

ance described above. Other kinds of personal protective equipment, as determined by the Administrator in consultation with the Secretary of Health and Human Services. Does not include residential real property or intangible property. **Retroactive unless forgiveness funds have already been received.**

Eligible Group Insurance Costs — Description of eligible insurance costs included in payroll is updated by clarifying that group life, disability, vision, or dental insurance can be considered. **Retroactive for all PPP Loans**

Definition of a Seasonal Employer

Defines a seasonal employer as an eligible recipient if:

- 1) Operated for no more than 7 months in a year or
- 2) Earned no more than 1/3 of its receipts in any six months in the prior calendar year

Retroactive for all PPP loans

Maximum Loan Amount Calculations

At the election of the borrower:

The average total monthly payment for payroll costs incurred or paid during:

- 1) The 1-year period before the date on which the loan is made or
- 2) Calendar year 2019

Multiplied times 2.5 up to a maximum of \$2MM

Seasonal Employers

At the election of the borrower:

The average total monthly payments for payroll costs incurred or paid during:

- 1) Any 12-week period between February 15, 2019 and February 15, 2020

Multiplied times 2.5 up to a maximum of \$2MM

New Entities

The quotient obtained by dividing:

- 1) The sum of the total monthly payments for payroll costs incurred or paid as of the date on which the entity applies for the loans by the number of months in which those payroll costs were paid or incurred

Multiplied times 2.5 up to a maximum of \$2MM

NAICS 72 Entities (Accommodation and Food Services)

The average total monthly payment for payroll costs incurred or paid during:

- 1) The 1-year period before the date on which the loan is made or
- 2) Calendar year 2019

Multiplied times 3.5 up to a maximum of \$2MM

For existing PPP loans, the borrower may apply for a loan modification to increase their loan amount if updated rules result in a higher eligible loan amount if they have not already applied for forgiveness.

Covered Period

Allows the borrower to use the 8-week or 24-week covered period.

The borrower may also use a covered period:

Beginning on the date of loan origination, and Ending on a date after the end of the 8th week after loan origination and before the end of the 24th week after loan origination. **Retroactive to all PPP loans**

SNA Closes

The Southern Nursery Association (SNA) Board has made the decision to shut down the organization after 121 years of operation, citing the cancellation of the SNA Conference in February (the association's main source of income), as well as declining membership.

SNA was founded in 1899 to "to unite and advance" the Southern U.S. horticulture industry "through educational, research and marketing efforts," and the organization did much good in that time, including producing one of the industry's largest trade shows between 1950 and 2009, the SNA Research Conference from 1955 to 2020, and the SNA Plant Conference from 1991 to 2020.

Past SNA Executive Vice Presidents Danny Summers (1989 to 2006) and Karen Summers (2012-2020) have volunteered to maintain the sna.org website to house SNA's rich history, including SNA past presidents from 1899 to 2020, SNA Awards program winners from 1956-2020, SNA Research Conference Proceedings from 1991 to 2020, past Bryson L. James Student Research Competition winners, and the "Best Management Practices: Guide for Producing Nursery Crops." Additionally, an SNA Facebook page will be maintained to create a community for past SNA members, and for photos, memories and comments.

Additional historical memorabilia will be deposited with the Atlanta History Center's Cherokee Garden Library in the Southern Nursery Association Repository created in 1999 for SNA's 100th anniversary. The collection contains hundreds of administrative records, meeting transcripts, seed catalogs, research proceedings, trade show programs, photos and more.



Colorbiotics Launches Tote Recycling Program

Underscoring its unique environmental expertise Colorbiotics announced a new program that collects and recycles totes for future colorant distribution and storage. The *Tote Return Program* was created to make it easy for colorant customers to dispose of empty colorant totes, and to promote sustainability at their businesses. Totes, formally known as "intermediate bulk containers (IBCs)," are high-density polyethylene bins used for standardized shipping and storage. Colorbiotics ships over a hundred million pounds of colorant per year, which means countless totes are in the distribution stream and at customer facilities, leading Colorbiotics to devise a plan to reduce waste and free up storage space.

"We are proud to be the first colorant producer to establish a program like this," said Kent Rotert, Colorbiotics vice president. "We know our customers appreciate sustainability, but even beyond that, they have a practical need to discard used totes."

Typical colorant totes are too large to dispose of through traditional garbage streams, and are subject to certain governmental disposal regulations because they contained chemicals at one point.

"We developed a system that relieves our customers of any costs and hassle in disposing of totes," Rotert said. "We take care of everything, so it is a sustainable solution that is beneficial all around."

Other colorant producers take back used totes but cannot remove leftover colorant in the containers, making them difficult to recycle. Colorbiotics has the ability to clean out unused colorant and recycle the plastic tote using an innovative practice. One key is a safe disposal system at the Colorbiotics plant, which enables them to handle the natural, non-toxic product often left inside the totes before they are processed.

The Colorbiotics team had been considering a new recycling program for about three years. They took time to research the most efficient way to process totes, mak-



Colorbiotics is headquartered in Ames, Iowa, with a total footprint of 172,000 square feet. A plant expansion in 2020 provided the space needed to operate the Tote Return Program



Totes are cleaned using a safe disposal system, then broken down through a research-backed practice.

Tote Recycling (Continued)

ing it seamless and cost effective. And, after expanding into the asphalt business in late 2020, Colorbiotics built a new plant in Ames, Iowa, which produces Invigorate Rejuvenator™ and houses the tote recycling operation.

Because of Colorbiotics' comprehensive processing and recycling method, there is no need for customers to wash out totes before returning them, making it even easier. Totes should not have non-colorant debris or liquid in them, and the tote's exterior should be clean. Colorbiotics will take care of the rest, from collection of the totes through processing and recycling.

"This should have a tremendously positive impact," said Rotert. "Just recycling the totes alone will reduce a significant amount of plastic that is stored or may otherwise end up in landfills. We are proud to be good stewards of the environment in that regard."

For more information on the Tote Return Program, visit:

<https://www.colorbiotics.com/en/resources/business-solutions>.

Duravant Launches nVenia



Duravant LLC ("Duravant"), a global engineered equipment and automation solutions provider to the food processing, packaging and material handling sectors, announced today the introduction of nVenia, LLC, a new operating company within Duravant's Packaging Solutions Segment formed by combining Arpac, Hamer-Fischbein and Ohlson into a single entity.

Leveraging the strengths of Arpac, Hamer, Fischbein, and Ohlson, nVenia is positioned to be a leading equipment designer, manufacturer and integrator for primary, secondary and end-of-line packaging solutions. Arpac equipment includes shrink wrappers, tunnels and bundlers, tray and case formers and packers, and robotic and conventional palletizers. Fischbein equipment is the trusted brand for open-mouth bag sewing and sealing systems. Hamer equipment leads the market in industrial bagging automation, with a comprehensive portfolio of solutions including weighing, forming, filling, sewing, sealing and complete bag management. Ohlson equipment is recognized for rugged, highly accurate primary packaging lines to weigh, count and fill all types of packages, from flexible pouches to jars to rigid containers. All four of these names will continue to thrive as product brands within the nVenia product offering and will be prominently featured as such on nVenia equipment.

"The union of these four equipment brands reflects a new era, further strengthening Duravant's leadership position in the North American packaging industry," said Mike Kachmer, President and CEO of Duravant. "By bringing these brands together under one roof and one name, we are creating next-level packaging equipment, integration and innovation solutions for our customers."

nVenia will operate from a newly constructed, 256,000 square foot facility located in Wood Dale, Illinois, just minutes from Chicago's O'Hare International Airport; making travel convenient for global customers and partners. The facility is planned to open in April 2021 with nVenia's existing manufacturing sites transitioning into this single

location throughout the remainder of the year.

“nVenia’s new home is a world-class facility with a state-of-the-art Customer Experience Center, outfitted with demonstration, lab and training capabilities designed to welcome customers and guests to engage with the complete nVenia family of packaging brands,” said Thurman Melson, President of nVenia. “nVenia’s name comes from the Latin word *invenio*, meaning innovation. That word will be the driving force behind everything nVenia does while we persist to keep our customers’ needs at the forefront.”

nVenia’s customers will continue to depend on their existing Arpac, Hamer-Fischbein and Ohlson Packaging sales representatives, as well as SupportPro technicians for the sales, maintenance and service of their equipment. By combining these brands under one roof and utilizing lean deployment, nVenia’s customers will realize multiple benefits including increased quality, reduced lead times and improved service levels.

“Having worked in this industry for over 22 years, I can say that this is a truly exciting move for the entire Duravant family of operating companies,” said Rick Allegretti, nVenia Senior Vice President of Sales. “nVenia is a powerhouse in the market now, with the strength, recognition and longevity of Arpac, Hamer-Fischbein and Ohlson. We are positioned for incredible growth and look forward to better serving our customers with the same quality, service and relationship focus our customers have always counted on.”

**New Earth Compost
Acquired by Denali**

Denali Water Solutions, LLC, through its wholly-owned subsidiary, WeCare Denali, LLC, has acquired New Earth, Inc. with operations in San Antonio and Houston, Texas. WeCare Denali, LLC is focused on producing high-end compost, mulch, and soil products from recycled organic waste. WeCare Denali’s services and products are known for quality, consistency, and value throughout the landscaping, construction, and agricultural industries.

New Earth was established in 1997 in San Antonio, Texas. It started with a need to provide waste solutions to local waste producers. At the same time, New Earth provided quality soil, mulch, compost, and more from that organic waste. For more than 20 years, New Earth has leveraged technology and experience to create value for its extensive customer base.

“The acquisition of New Earth supports Denali’s strategy to grow our organic waste management business through composting and other beneficial use technologies,” stated Jeff LeBlanc, President of Denali Water Solutions. “Our strategy is achieved by adding the high-quality employees and operations at New Earth to the Denali team, which aligns with our company purpose and values. Our purpose is to make the world a better place by handling waste responsibly. We value a safe and thoughtful working environment for our employees, environmental sustainability, and the importance to have a little fun with each other along the way. It is an exciting time here at Denali.”

John Niedeken, Chief Operating Officer for New Earth, said, “Joining the WeCare Denali team is a logical fit, and we see multiple beneficial synergies for the customers and our companies. We share a similar vision in how we approach our people, customers, markets and look to continue bringing value to each of those groups we serve. Being part of such a diverse and growing company allows New Earth to make an even bigger impact for our customers. Our team is excited to move into the future with WeCare Denali.”

Denali Water Solutions is a specialty waste and environmental services company that believes in the collective responsibility of us all to protect the quality of water



New Earth (Continued)

and natural resources through recycling waste in sustainable ways, can be beneficially reused, and reduce or eliminate the use of landfills. Our vision is to meet this responsibility by offering innovative and economically effective solutions for the management, handling, disposal, and conversion of various organic waste materials through beneficial reuse, composting, and anaerobic digestion for the customers and communities we serve. For more information about Denali, please visit www.denaliwater.com and www.wecarecompost.com.

Oldcastle Acquires CST

Oldcastle APG has broadened its manufacturing footprint with the acquisition of CST, a leading regional manufacturer of lawn and garden products, including bagged and bulk mulches and soils.

Founded in 2010 and headquartered in Elk River, Minnesota, CST supplies lawn and garden products to retail and independent customers throughout the midwestern United States. As a co-packing partner, CST's product offerings fit seamlessly into Oldcastle's existing product portfolio, strengthening manufacturing capabilities and improving regional product availability.



"Our lawn and garden business has experienced exponential growth fueled by increasing demand in the home remodeling space," said Oldcastle APG President, Tim Ortman. "The acquisition of CST supports the strategic growth plans of our lawn and garden segment by enhancing our ability to meet the needs of customers throughout the Midwest region."

The acquisition was finalized in late December 2020 and follows several recent strategic purchases by Oldcastle APG, including midwestern mulch and soil manufacturers B and B Bedding and Buckeye Resources.

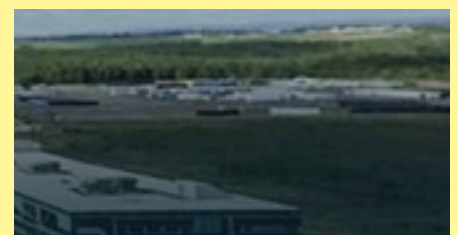
Premier Tech Brings Its HQ To You

Premier Tech is not one to refuse a good challenge. When it becomes impossible to travel, whether due to border closures or otherwise, we can now bring our offices to you. Launched during the 2020 PACK EXPO Connects, we are proud to reveal the Premier Tech Immersive Virtual Tour.

This new way of connecting now allows people from all over the world to visit our World Headquarters, located in Rivière-du-Loup, Qc, Canada, from the comfort of their homes and offices. Throughout their visit, the audience will witness the passion that drives our teams, and the heart that is put into the design and support of our technologies day after day.

This immersive visit gives you access to the Premier Tech experience as if you were there. You will meet some of our dedicated team members and visit our plants and offices by means of a 360-degree navigation. We will take you through our entire customer journey from Engineering to Manufacturing and Client Solutions. We have brought together several of our experts to support you throughout your visit with relevant information on our processes and what makes Premier Tech different.

These times require that we adapt, and we did. Visit the PT Immersive Virtual Tour [here](#)



WELCOME New Members

The Mulch & Soil Council is pleased to welcome our latest new member company and the first to be accepted for membership in 2021:

PRODUCER MEMBER

Wood Mulch Products

Shakir Wissa
2425 Lasso Lane
Lakeland, FL 33801
407.466.5522
swissa@woodmulchproducts.com
www.woodmulchproducts.com

New Certified Products

Austin Wood Recycling, Ltd.
Homer Industries, LLC
Homer Industries, LLC
Homer Industries, LLC
Homer Industries, LLC

Miracle-Gro Lawn Products, Inc.
Terrace Brands

Terrace Brands
Terrace Brands
Terrace Brands

Recertified Products

Austin Wood Recycling, Ltd.
Austin Wood Recycling, Ltd.
Maibec Inc.
Maibec Inc.
Maibec Inc.
Maibec Inc.
Maibec Inc.
Margo State Line, Inc.
Miracle-Gro Lawn Products, Inc.
Phillips Bark Processing Co., Inc.
Phillips Bark Processing Co., Inc.
Phillips Bark Processing Co., Inc.
Phillips Bark Processing Co., Inc.
Phillips Bark Processing Co., Inc.
Phillips Bark Processing Co., Inc.
The Scotts Company
The Scotts Company

Kellogg Garden Products
Kellogg Garden Products
Kellogg Garden Products
Kellogg Garden Products
KSI (Kellogg)
Miracle-Gro Lawn Products, Inc.
Miracle-Gro Lawn Products, Inc.

Mulch

Texas Native Contractor's Blend
ColorScape Blend Black Mulch
ColorScape Blend Brown Mulch
ColorScape Blend Gold Mulch
ColorScape Blend Red Mulch

Landscape Soils

Miracle-Gro Garden Soil All Purpose - For In-Ground Use 0.10-0.06-0.08
Southern Roots Gardening Organic Garden Soil 0.04-0.03-0.03

Standard Soils

Northern Naturals Gardening Organic Garden Soil 0.04-0.03-0.03
Northern Naturals Gardening Organic Potting Mix 0.06-0.04-0.05
Southern Roots Gardening Organic Potting Mix 0.06-0.04-0.05

Mulch

Vigoro Premium Black Mulch by Austin Wood Recycling, Ltd.
Vigoro Premium Red Mulch by Austin Wood Recycling, Ltd.
Cedar Mulch
Gold Cedar Mulch
Horizon Black Cedar Mulch
Nevada Brown Cedar Mulch
Yucatan Red Cedar Mulch
Professional Premium Red Mulch - Margo State Line
Miracle-Gro Garden Mulch
Gardenese Cypress Mulch Blend
Gardenese Pine Bark Mulch
Gardenese Pine Bark Nuggets
Vigoro Premium Black Mulch by Phillips Bark Processing Co.
Vigoro Premium Brown Mulch by Phillips Bark Processing Co.
Vigoro Premium Red Mulch by Phillips Bark Processing Co.
Earthgro Decorative Groundcover Bark
Earthgro Decorative Hardwood Mulch

Landscape Soils

All Natural Garden Soil for Flowers + Vegetables - Organic Plus
All Natural Garden Soil for Flowers + Vegetables (Green)
All Natural Planting Mix for Trees, Shrubs + Roses - Organic Plus
All Natural Topper Soil for Lawns, Sod & Seed - Organic Plus
Gardeners Chicken Manure
Miracle-Gro Moisture Control Garden Soil 0.09-0.05-0.07
Nature's Care Organic Garden Soil w/Water Conserve 0.125-0.08-0.125

Certified Product News

Certified Product News

Recertified Products

Swiss Farms Products, Inc.
Swiss Farms Products, Inc.
The Scotts Company
The Scotts Company

Miracle-Gro Lawn Products, Inc.
Miracle-Gro Lawn Products, Inc.

Withdrawn Products

Magic Dirt Horticultural Products

Magic Dirt Horticultural Products

Landscape Soils

Green Thumb Enriched Garden Soil 0.06-0.04-0.05
Vigoro All-Purpose Garden Soil 0.05-0.05-0.03
Osmocote Planting Soil 0.15-0.05-0.10
Scotts Turf Builder Lawn Soil

Premium Soils

Miracle-Gro Cactus, Palm & Citrus Potting Mix 0.07-0.03-0.05
Miracle-Gro Indoor Potting Mix 0.25-0.13-0.18

Landscape Soil

Magic Dirt Garden Soil

Premium Soil

Magic Dirt Premium Potting Soil

