



**S.260**

**Senate Natural Resources Committee**

**Commentary on proposed Lake Carmi Pilot Project**

February 12, 2018

Sen. Bray and the Senate Natural Resources Committee,

Thank you for the offer to meet with you to discuss S. 260 and specifically our concerns with respect to the Lake Carmi Pilot Project. For the time being, we will present our testimony in written form, however we are available for further discussion and / or clarification going forward.

Rural Vermont understands the urgency of the environmental problems (in particular pollution of water) occurring in the Lake Carmi watershed, as well as the understood relationship of proximal agricultural operations to these problems. The idea of creating a pilot watershed project to explore more dramatic and impactful policies or strategies with respect to mitigating agricultural pollution (as well as other forms of pollution), adapting agriculture to changing climate and ecological standards and economies, and transforming the impact of the working landscape from one of a net loss of environmental integrity (in particular water quality) - to one of a net generator of ecological integrity, could be a useful tool in determining and implementing effective approaches to these problems more broadly in VT. However, as written, the Lake Carmi Pilot Project has many very concerning aspects which we question and list here.

This is the passage of primary concern in the suggested Pilot Project:

*5 (b) Moratorium. Prior to January 1, 2019, a person shall not import, transport, offer for sale, sell, or otherwise supply one or more of the following in or into the watershed of Lake Carmi:*

- (1) mixed or unmixed fertilizer containing phosphorus;*
- 2) commercial feed containing phosphorus;*
- (3) custom formula feed containing phosphorus; or*
- (4) manure.*

**Concerns:**

- *“Commercial feed” and “custom formula feed”:*



- The ban on Commercial Feed (as per the definition cited) includes feed for household pets, backyard or homestead scale poultry or other animals used to produce food, as well as feed for larger agricultural operations. **Is this the intention of this legislation, and is this understood by those advocating for more substantial policy to affect the water pollution in Lake Carmi?**
- Rural Vermont has concerns with **animal welfare** relating to this provision. People already have these animals that require a particular amount of feed in their given home or farm system to remain healthy. If people are no longer allowed to “import, transport, or otherwise supply” the needed feeds, they will have to determine a way to get rid of all of their animals (and likely their entire farms) in a very timely manner - and likely at a significant financial and emotional distress to them. If they are unable to, those animals may suffer in circumstances with inadequate feed and nutrition until they can be found a new home because the State has banned their access to feed given their location. This would not just affect larger farms, but also homeowners who have backyard laying flocks, who raise their own meat birds or other animals, or who have household pets like cats and dogs which they will need to find new homes for.
- It is unclear whether or not it is the intention of this legislation to include hay, straw, silage, etc. as a banned feed (whether to be imported, generated, or transported). This would have a significant impact upon the livelihoods of anybody harvesting these products and selling them, feeding them out, or distributing them, as well as the people depending on these supplied products for smaller home scale agricultural operations.
- Any business (hardware store, grocery store, farm store, etc.) which currently sells any of these products (pet food, hay, straw, chicken feed, etc.) will no longer be able to carry, transport, or distribute these products within the watershed. Is this an accurate reading of the proposed legislation?
- *“Fertilizer” and “manure”*
  - **Does this include, as can be interpreted from the cited provision, potting soil, compost, garden and household plant amendments of various sorts generally?** Does this effectively ban the ability of people to transport, apply, or generate amendments for their home gardens?



- Homes and businesses which may be producing manure, let alone selling it to people outside of the watershed (as compost or manure), will be affected significantly. **Is this to read that people cannot have animals (cattle, hogs, poultry, cats, dogs, etc.) that produce manure (as that would be supplying P into the watershed)? If people can keep animals they have - of any sort - does this mean that people will have to store manure on site?** If so, this could create an even greater issue with manure and phosphorus as it can no longer be transported off-site or spread on surrounding parcels.
- Any business which is located within, or currently relies on clients within this watershed - such as landscapers, garden supply stores, composting operations, gardeners, farmers, distributors, drivers, etc. - and which relies upon any “fertilizer” or “manure” to provide its services will be impacted financially and logistically with little to no warning or assistance.
- There is no monitoring program in the legislation:
  - **How will the program be monitored to know what impact it has and whether it is successful?**
  - This would help get an idea of how much P is legacy, how much is active, and how much active remains contributing from other sources.
  - Is there an example of a ban like this implemented anywhere that this Committee can cite and provide evidence for it having been successful in meeting its goals and the goals of this proposal?
- Economic Equity and Access: *“This act shall take effect upon passage”*
  - This legislation would substantially impact a number of area businesses, homes, communities, and cultural traditions (home gardening, animal husbandry, hay making, etc.), and **offers no transition time or framework, no financial or technical assistance in adjusting**, etc. to those affected. It offers little compassion for - or understanding of - the practices, science, or history of the working landscape in this region and the role of the State and Federal government in creating an ecologically destructive agricultural paradigm and cheap food system which impoverishes producers and landscapes by



externalizing costs on the many and internalizes profits to the few. People who have built their businesses in relationship to existing regulations and the

marketplace will be unjustly and without warning penalized significantly for their compliance with systems which have directed them to become what they are today.

- **If this does effectively ban people from producing their own food in gardens, or via animal husbandry / wivory by disallowing feed and amendments - then it is contrary to the some of the most basic of human rights, freedoms, and responsibilities: those of producing one's own food, sustenance, and nourishment from the land.** These basic rights should not be sacrificed for all unduly due to poor management - and systems facilitating poor management - by a few. It is not necessarily these products or relationships which in and of themselves have created the problems we wish to resolve - it is particular ways and means by which they have been used.

Suggestions for pilots: *An Integrative Approach: mitigation, adaptation, transformation*

There are a diversity of approaches which have been used globally to work on similar problems of agriculture and environmental degradation. They could be used individually or in combination in a pilot program to explore methods for justly transitioning our agriculture, homes, and businesses to meet the ecological needs of our watersheds and human communities while respecting the economic needs and investments of communities, and acknowledging the current and historical role of government and industry in creating the problems we now face. Putting together a reasonable and effective pilot will require substantial input from stakeholders of various communities: regulators, farmers, ecologists, water quality specialists, agroecologists, economists, etc.

Here is a list of a variety of potential approaches available:

- Limiting herd size
- Mycoremediation
- Phosphorus - and other nutrient - balancing
- Whole farm buyouts
- Transition frameworks (economic, agroecological, etc.) and processes
- Purchasing of riparian zones and sensitive areas for extended buffers and protective zones



Incentives and / or regulatory transition to:  
- Agroforestry practices implemented at broad scale  
- Growing soil organic matter

- Management intensive grazing practices
- Phasing out imported feed and / or grains being fed to ruminants
- Smaller scale farms, processing and distribution systems
- Funded frequent technical assistance and regulatory accountability (currently LFO's are visited once / year; MFO's once / 3 years; CSFO's once / 7 years).
- Enabling and supporting micro-dairies (raw and pasteurized) and other small scale agriculture in terms of regulations, policies, financial, and technical support facilitating smaller herds and better practices for better prices (institutional buying, state subsidizing difference in cost between commodity and what farmers need for right livelihood, pay farmers to grow soil, etc.)
- Seeking funding from those organizations and individuals who have profited immensely from the cheap food system vs. those who have been trying to survive as producers within it.

This is by no means an exhaustive list and we are happy to help you learn more about these methods and options. In general, we feel that any just transition must focus on mitigation, adaptation, and transformation and supporting people in getting there. It is not a matter of carrots and sticks, or of strictly mitigating at any expense; it is about comprehensive systemic approaches with equitable processes and outcomes. This water quality and environmental issue is a food systems issue, this food systems issue is an economic equity and social justice issue, this economic equity and social justice issue is a water quality and environmental issue.

Thank you for your time and consideration.

Graham Unangst-Rufenacht  
Rural Vermont