

1 H.830

2 Introduced by Representatives Troiano of Stannard, Anthony of Barre City,
3 Campbell of St. Johnsbury, Carroll of Bennington, Conquest of
4 Newbury, Demrow of Corinth, Fegard of Berkshire, Gannon of
5 Wilmington, Hill of Wolcott, Hooper of Randolph, Houghton of
6 Essex, Kimbell of Woodstock, LaLonde of South Burlington,
7 Morris of Springfield, Nicoll of Ludlow, Noyes of Wolcott, Ode
8 of Burlington, Page of Newport City, Pajala of Londonderry,
9 Patt of Worcester, Rogers of Waterville, Sibiliala of Dover,
10 Townsend of South Burlington, White of Hartford, and
11 Yantachka of Charlotte

12 Referred to Committee on

13 Date:

14 Subject: Agriculture; commercial feed; farming; food residuals; poultry

15 Statement of purpose of bill as introduced: This bill proposes to require the
16 Agency of Agriculture, Food and Markets to regulate compost foraging as
17 farming. The bill would amend the definition of “farming” under Act 250 and
18 the Required Agricultural Practices to include compost foraging. In addition,
19 the bill would exempt food residuals imported onto a farm for use for compost
20 foraging by poultry from the requirements to register as a commercial feed.

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(7) “Feed ingredient” means each of the constituent materials making up a commercial feed.

(8) “Label” means a display of written, printed, or graphic matter upon or affixed to the container in which a commercial feed is distributed, or on the invoice or delivery slip with which a commercial feed is distributed.

(9) “Labeling” means all labels and other written, printed, or graphic matter upon a commercial feed or any of its containers, or the wrapper accompanying the commercial feed, or advertisements, brochures, posters, and television and radio announcements used in promoting the sale of the feed.

(10) “Manufacture” means to grind, mix, or blend, or further process a commercial feed for distribution.

* * *

(21) “Compost foraging” means a system or practice that incorporates source separated food residuals, manure, other farm residuals, high carbon bulking agents, other forest materials, and other organics into a blend sufficient to support composting activity that is provided for poultry to forage on.

(22) “Food residuals” has the same meaning as in 10 V.S.A. § 6602.

(23) “Poultry” means all domesticated birds of all ages that may be used as human food or that produce eggs that may be used as human food and shall

1 include chickens, turkeys, geese, pheasant, Chukar partridge, and Coturnix
2 quail.

3 Sec. 2. 6 V.S.A. § 324 is amended to read:

4 § 324. REGISTRATION AND FEES

5 (a) ~~No~~ Except as provided under subsection (f) of this section, a person
6 shall not manufacture a commercial feed in this State unless that person has
7 first filed with the Vermont Agency of Agriculture, Food and Markets, in a
8 form and manner to be prescribed by rules by the Secretary:

9 (1) the name of the manufacturer;

10 (2) the manufacturer's place of business;

11 (3) the location of each manufacturing facility; and

12 (4) any other information which the Secretary considers to be necessary.

13 (b) A person shall not distribute in this State a commercial feed that has not
14 been registered pursuant to the provisions of this chapter. Application shall be
15 in a form and manner to be prescribed by rule of the Secretary. The
16 application for registration of a commercial feed shall be accompanied by a
17 registration fee of \$105.00 per product. The registration fees, along with any
18 surcharges collected under subsection (c) of this section, shall be deposited in
19 the special fund created by subsection 364(e) of this title. Funds deposited in
20 this account shall be restricted to implementing and administering the
21 provisions of this title and any other provisions of the law relating to fertilizer,

1 lime, or seeds. If the Secretary so requests, the application for registration
2 shall be accompanied by a label or other printed matter describing the product.

3 (c) No person shall distribute in this State any feed required to be registered
4 under this chapter upon which the Secretary has placed a withdrawal from
5 distribution order because of nonregistration. A surcharge of \$10.00, in
6 addition to the registration fee required by subsection (b) of this section, shall
7 accompany the application for registration of each product upon which a
8 withdrawal from distribution order has been placed for reason of
9 nonregistration, and must be received before removal of the withdrawal from
10 distribution order.

11 (d) A person who generates and distributes food residuals for use for
12 compost foraging by poultry is not required to register the food residuals as a
13 commercial feed under this section provided that the food residuals are
14 distributed to a farm subject to the Required Agricultural Practices.

15 Sec. 3. 6 V.S.A. § 325 is amended to read:

16 § 325. LABELING

17 (a) A commercial feed, except for a customer-formula feed or food
18 residuals distributed to a farm under subsection 324(d) for compost foraging by
19 poultry, shall be accompanied by a label bearing the following information:

20 (1) the net weight;

1 (2) the product name and the brand name, if any, under which the
2 commercial feed is distributed;

3 (3) the guaranteed analysis as required by rule in section 329 of this
4 title;

5 (4) the common, usual name or collective term of each ingredient used
6 in the manufacture of the commercial feed;

7 (5) the name and principal mailing address of the manufacturer or the
8 person responsible for distributing the commercial feed;

9 (6) adequate directions for use for all commercial feeds containing drugs
10 and for such other feeds as the Secretary may require by rule as necessary for
11 their safe and effective use; and

12 (7) precautionary statements required to assure the safe and effective use
13 of the commercial feed.

14 (b) Customer-formula feed shall be accompanied by a label, invoice,
15 delivery slip, or other shipping document, bearing the following information:

16 (1) name and address of the manufacturer;

17 (2) name and address of the purchaser;

18 (3) date of delivery;

19 (4) the name of each commercial feed and each other ingredient used in
20 the mixture;

1 (3)(A) “Development” means each of the following:

2 * * *

3 (D) The word “development” does not include:

4 (i) The construction of improvements for farming, logging, or
5 forestry purposes below the elevation of 2,500 feet.

6 * * *

7 (22) “Farming” means:

8 (A) the cultivation or other use of land for growing food, fiber,
9 Christmas trees, maple sap, or horticultural and orchard crops; or

10 (B) the raising, feeding, or management of livestock, poultry, fish, or
11 bees; or

12 (C) the operation of greenhouses; or

13 (D) the production of maple syrup; or

14 (E) the on-site storage, preparation and sale of agricultural products
15 principally produced on the farm; or

16 (F) the on-site storage, preparation, production, and sale of fuel or
17 power from agricultural products or wastes principally produced on the farm;
18 or

19 (G) the raising, feeding, or management of four or more equines
20 owned or boarded by the farmer, including training, showing, and providing
21 instruction and lessons in riding, training, and the management of equines; or

1 (b) the raising, feeding, or management of livestock, poultry, fish, or bees;

2 or

3 (c) the operation of greenhouses; or

4 (d) the production of maple syrup; or

5 (e) the on-site storage, preparation, and sale of agricultural products

6 principally produced on the farm; or

7 (f) the on-site storage, preparation, production, and sale of fuel or power

8 from agricultural products or wastes principally produced on the farm; or

9 (g) the raising, feeding, or management of four or more equines owned or

10 boarded by the farmer, including training, showing, and providing instruction

11 and lessons in riding, training, and the management of equines; or

12 (h) the practice of compost foraging, including the importation of food

13 residuals by a farm for use for compost foraging by poultry.

14 * * *

15 2.44 “Compost foraging” means a system or practice that incorporates

16 source separated food residuals, manure, other farm residuals, high carbon

17 bulking agents, other forest materials, and other organics into a blend sufficient

18 to support composting activity that is provided for poultry to forage on.

19 2.45 “Food residual” means source separated and uncontaminated material

20 that is derived from processing or discarding of food and that is recyclable, in a

21 manner consistent with 10 V.S.A. § 6605k. Food residual may include

1 preconsumer and postconsumer food scraps. “Food residual” does not mean
2 meat and meat-related products when the food residuals are composted by a
3 resident on site.

4 Sec. 6. 6 V.S.A. chapter 218 is added to read:

5 CHAPTER 218. AGRICULTURAL RESIDUALS MANAGEMENT

6 § 5131. PURPOSE

7 The purpose of this chapter is to establish a program for the management of
8 food residuals or food processing residuals imported by or managed on a farm
9 in Vermont.

10 § 5132. DEFINITIONS

11 As used in this chapter:

12 (1) “Agency” means the Agency of Agriculture, Food and Markets.

13 (2) “Compost” means a stable humus-like material produced by the
14 controlled biological decomposition of organic matter through active
15 management, but shall not mean sewage, septage, or materials derived from
16 sewage or septage.

17 (3) “Compost foraging” means a system or practice that incorporates
18 source separated food residuals, manure, other farm residuals, high carbon
19 bulking agents, other forest materials, and other organics into a blend sufficient
20 to support composting activity that is provided for poultry to forage on.

1 (4) “Farm” means a parcel or parcels of land owned, leased, or managed
2 by a person and devoted primarily to farming that meets the threshold criteria
3 for regulation under the Required Agricultural Practices.

4 (5) “Farming” has the same meaning as in 10 V.S.A. § 6001(22).

5 (6) “Food processing residuals” mean the remaining organic material
6 from a food processing plant and may include whey and other dairy, cheese
7 making, and ice cream residuals or residuals from any food manufacturing
8 process excluding livestock or poultry slaughtering and rendering operations.
9 “Food processing residuals” do not include food residuals from markets,
10 groceries, or restaurants.

11 (7) “Food residuals” mean source separated and uncontaminated
12 material that is derived from processing or discarding of food and that is
13 recyclable or compostable. “Food residuals” may include preconsumer and
14 postconsumer food scraps. “Food residuals” include meat and meat-related
15 products when the disposition of the products is managed on a farm.

16 (8) “Secretary” means the Secretary of Agriculture, Food and Markets.

17 (9) “Source separation” has the same meaning as in 10 V.S.A. § 6602.

18 § 5133. FOOD RESIDUALS; RULEMAKING

19 (a) The Secretary shall regulate the importation of food residuals or food
20 processing residuals onto a farm for compost foraging by poultry.

1 (b) The importation of food residuals or food processing residuals onto a
2 farm for compost foraging by poultry shall not require a certification or other
3 approval from the Agency of Natural Resources under 10 V.S.A. chapter 159.

4 (c) The Secretary shall adopt by rule requirements for the management of
5 food residuals and food processing residuals on a farm. The Secretary may, in
6 his or her discretion, adopt the rules required by this section as part of the
7 Required Agricultural Practices.

8 Sec. 7. 10 V.S.A. § 6602 is amended to read:

9 § 6602. DEFINITIONS

10 As used in this chapter:

11 (1) “Secretary” means the Secretary of Natural Resources or his or her
12 duly authorized representative.

13 (2) “Solid waste” means any discarded garbage, refuse, septage, sludge
14 from a waste treatment plant, water supply plant, or pollution control facility
15 and other discarded material, including solid, liquid, semi-solid, or contained
16 gaseous materials resulting from industrial, commercial, mining, or agricultural
17 operations and from community activities but does not include animal manure
18 and absorbent bedding used for soil enrichment; high carbon bulking agents
19 used in composting; or solid or dissolved materials in industrial discharges
20 which are point sources subject to permits under the Water Pollution Control
21 Act, chapter 47 of this title.

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(10) “Facility” means all contiguous land, structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of waste. A facility may consist of several treatment, storage, or disposal operational units.

* * *

(13) “Waste” means a material that is discarded or is being accumulated, stored, or physically, chemically, or biologically treated prior to being discarded or has served its original intended use and is normally discarded or is a manufacturing or mining by-product and is normally discarded.

* * *

(25) “Compost” means a stable humus-like material produced by the controlled biological decomposition of organic matter through active management, but shall not mean sewage, septage, or materials derived from sewage or septage.

* * *

(31) “Food residual” means source separated and uncontaminated material that is derived from processing or discarding of food and that is recyclable, in a manner consistent with section 6605k of this title. Food residual may include preconsumer and postconsumer food scraps. “Food

1 residual” does not mean meat and meat-related products when the food
2 residuals are composted by a resident on site.

3 * * *

4 (50) “Compost foraging” means a system or practice that incorporates
5 source separated food residuals, manure, other farm residuals, high carbon
6 bulking agents, other forest materials, and other organics into a blend sufficient
7 to support composting activity that is provided for poultry to forage on.

8 (51) “Farm” means means a parcel or parcels of land owned, leased, or
9 managed by a person and devoted primarily to farming and that meets the
10 threshold criteria as established under the Required Agricultural Practices.

11 (52) “Poultry” has the same meaning as in 6 V.S.A. § 323.

12 Sec. 8. 10 V.S.A. § 6605 is amended to read:

13 § 6605. SOLID WASTE MANAGEMENT FACILITY CERTIFICATION

14 (a)(1) No person shall construct, substantially alter, or operate any solid
15 waste management facility without first obtaining certification from the
16 Secretary for such facility, site, or activity, except for sludge or septage
17 treatment or storage facilities located within the fenced area of a domestic
18 wastewater treatment plant permitted under chapter 47 of this title. This
19 exemption for sludge or septage treatment or storage facilities shall exist only
20 if:

21 * * *

1 (5) Food residuals imported onto a farm for compost foraging by
2 poultry.

3 Sec. 10. 10 V.S.A. § 6605h is amended to read:

4 § 6605h. COMPOSTING REGISTRATION

5 Notwithstanding sections 6605, 6605f, and 6611 of this title, the Secretary
6 may, by rule, authorize a person engaged in the production or management of
7 compost at a small scale composting facility to register with the Secretary
8 instead of obtaining a facility certification under section 6605 or 6605c of this
9 title. This section shall not apply to a farm importing food residuals for
10 compost foraging by poultry

11 Sec. 11. 10 V.S.A. § 6605j is amended to read:

12 § 6605j. ACCEPTED COMPOSTING PRACTICES

13 (a) The Secretary, in consultation with the Secretary of Agriculture, Food
14 and Markets, shall adopt by rule, pursuant to 3 V.S.A. chapter 25, and shall
15 implement and enforce accepted composting practices for the management of
16 composting in the State. These accepted composting practices shall address:

17 (1) standards for the construction, alteration, or operation of a
18 composting facility;

19 (2) standards for facility operation, including acceptable quantities of
20 product or inputs, vector management, odors, noise, traffic, litter control,

1 contaminant management, operator training and qualifications, recordkeeping,
2 and reporting;

3 (3) standards for siting of composting facilities, including siting and
4 operation of compost storage areas, compost bagging areas, and roads and
5 parking areas;

6 (4) standards for the composting process, including rotation,
7 management of compost piles, compost pile size, and monitoring of compost
8 operations;

9 (5) standards for management of runoff from compost facilities,
10 including liquids management from the feedstock area, active composting
11 areas, curing area, and compost storage area; the use of swales or stormwater
12 management around or within a compost facility; vegetative buffer
13 requirements; and run-off management from tipping areas;

14 (6) specified areas of the State unsuitable for the siting of commercial
15 composting that utilizes post-consumer food residuals or animal mortalities,
16 such as designated downtowns, village centers, village growth areas, or areas
17 of existing residential density; and

18 (7) definitions of “small-scale composting facility,” “medium-scale
19 composting facility,” and “de minimis composting exempt from regulation.”

20 (b) A person operating a small scale composting facility ~~or operating a~~
21 ~~composting facility on a farm~~ who follows the accepted composting practices

1 shall not be required to obtain a discharge permit under section 1263 or 1264
2 of this title, a solid waste facility certification under chapter 159 of this title, or
3 an air emissions permit under chapter 23 of this title unless a permit is required
4 by federal law or the Secretary of Natural Resources determines that a permit
5 is necessary to protect public health or the environment.

6 (c) ~~The Secretary of Natural Resources shall coordinate with the Secretary~~
7 ~~of Agriculture, Food and Markets in implementing and enforcing the accepted~~
8 ~~composting practices. The Secretary of Agriculture, Food and Markets and the~~
9 ~~Secretary of Natural Resources may, after opportunity for public review and~~
10 ~~comment, develop a memorandum of understanding for implementation and~~
11 ~~enforcement of the accepted composting practices. [Repealed.]~~

12 (d) The Secretary shall not regulate under this section the importation of
13 food residuals onto a farm for compost foraging.

14 Sec. 12. 10 V.S.A. § 6605k(b)(2) is amended to read:

15 (2) arrange for the transfer of food residuals to a charitable food rescue
16 organization, farm, or other location that manages food residuals in a manner
17 consistent with the priority uses established under subdivisions (a)(2)-(5) of
18 this section or shall manage food residuals on site.

1 Sec. 13. 10 V.S.A. § 6605k(d) is added to read:

2 (d) A person conducting compost foraging on a farm shall be deemed to be
3 diverting food residuals for agricultural use, including consumption by
4 animals, consistent with subdivision (a)(3) of this section.

5 Sec. 14. APPLICATION OF SOLID WASTE MANAGEMENT RULE

6 Sections 6-1101 through 6-1110 of the Agency of Natural Resources'
7 Vermont Solid Waste Management Rules shall not apply to the importation of
8 food residuals onto a farm for compost foraging by poultry.

9 Sec. 15. EFFECTIVE DATE

10 This act shall take effect on July 1, 2020.