



POULTRY FARMERS FOR FOOD RESIDUALS MANAGEMENT

Beginning on July 1, 2020, the Vermont Universal Recycling Law (URL) will require every household to separate and recycle all of their food residuals (10 V.S.A. § 6605k). Pioneers in the management of food residuals are the Poultry Farmers for Compost Foraging (PFCF) - a group of six farms that collectively have been managing food residuals for over two decades. They import food residuals to incorporate into a compost foraging system while eliminating most of their feed costs (#1 expense in poultry production). With the support of Rural Vermont, the group is advocating to have their practice acknowledged as effectively supporting the URL's food residuals management hierarchy, which prioritizes the "diversion for agricultural use, including consumption by animals" ahead of regular composting that doesn't provide the added agricultural value of providing forage for poultry.

The Agency of Natural Resources (ANR) claims jurisdiction over this practice because they consider food residuals to be "solid waste" and handling it requires permitting by ANR. Meeting ANR's permitting requirements would adversely affect the viability of these farms. Farm viability for the PFCF practitioners is dependent on the many ways in which "farming" is regulated differently than other activities, including solid waste facilities. If an activity is considered "farming," there are multiple legal exemptions or presumptions that may apply in Vermont and under federal law. Ag-exemptions maintain the viability of the existing farmers and could encourage more poultry farmers throughout Vermont to incorporate food residuals into their operations, helping Vermont meet the goals of the URL. These farmers need and want to be regulated by the Vermont Agency for Agriculture, Food and Markets (VAAFAM). To confront the allegation that on-farm management of food residuals would cause a nuisance issue, Rural Vermont filed a public records request with both agencies about all related complaints of the past 5 years which revealed that both agencies received an average of 3 complaints per year. **We seek your support: Hire farmers to close the nutrient loop and ask your legislators to support S.265 and H.830!** For more information, please contact: caroline@ruralvermont.org; Kurt@vermontcompost.com.

Current Regulation

A huge part of this conflict between the agencies (ANR, VAAFAM) and PFCF is, that in 2017 VAAFAM changed its opinion on its jurisdiction over the practice. However, during the previous decade (since 2006) the VAAFAM accepted that this practice was "farming" as defined in 10 V.S.A. § 6001 (22). We believe VAAFAM's original interpretation is the correct one that meets their mission and supports the state's goals in the URL.

Both Agencies are concerned that allowing poultry access to food residuals would conflict with the provisions for "feed" in the Federal Food, Drug, and Cosmetic Act (FFDCA). This law incorporates animal feed under the standards for human food so that feeding adulterated materials, which food residuals typically are, is prohibited. In opposition thereto, the URL requires the state to create a recycling system for food residuals in which the diversion for agricultural use, including consumption by animals, is considered a public good. Notice also, VAAFAM does not currently have restrictions or guidelines for allowing poultry access to food residuals.¹

The Required Agricultural Practices and the ANR rules include exemptions from ANR regulations for a limited amount of cubic yards of composting food (processing) residuals on-farm. Similar limitations are non-existent for the composting of other agricultural materials (e.g. manure or silage), and farmers like Tom Gilbert (Black Dirt Farm) say they exceed these thresholds within weeks of their commercial on-farm management of food residuals.

¹ Addison County Solid Waste Management District, <https://www.addisoncountyrecycles.org/food-scrap/recovery/feed-animals> (as consulted 10.09.2019).

What we need is the exemption of farmers managing food residuals from ANR regulation, to help meet the requirements of the URL, and recognize this practice as part of the agricultural life-cycle and therefore be considered "farming."

**Testimony from affected farmers on the consequences of failure to pass legislation to resolve this conflict:
What are the consequences of ANR solid waste regulation for your operation and your farm's viability?**

"I would no longer make compost or raise eggs. This is a \$25k loss to my gross sales as well as a solid loss for Vermont as we truck this stuff out of state. Is this a green state or not???"

George Gross, Dog River Farm

"As organic haulers, we will struggle to find consistent outlets for food scraps in accordance with the URL hierarchy – we will be forced to depend upon out of state anaerobic digesters."

Lisa Ransom, Grow Compost of Vermont

"If we were to follow the recommendations of ANR we would need to designate a specific area as a solid waste facility which would remove the chickens' access to fresh pasture and the choice they have to forage for what each chicken needs to create healthy eggs. The economic impact to our small farm and our customers in the costs needed to implement ANR's regulations in the timeframe they have set forth is high and not practical."

Eliza Perreault and Samuel Carter, Cloud's Path Farm

"Vermont Compost Company would strongly consider moving away from food residuals. We've utilized food residuals to produce eggs and make compost for over 20 years now, but it's very clear DEC is not equipped to oversee this material in a poultry farm setting. With all of the other materials we use in our compost production exempt from DEC regulation, ending our work with food residuals and instead purchasing grain or other agricultural commodities to raise our chickens begins to make much more sense. This would be a clear loss for the community, especially with the landfill ban on residential food residuals right around the corner."

Kurt Ericksen, Vermont Compost

How Can You Help?

We are looking forward to extending our network of supporters for this important practice that provides a solution for the sustainable recycling of food residuals as required of all Vermonters by the URL.

- Reach out to your legislators and encourage them to support **S.265 and H.830**. Express that you find it important that Vermont manages to find a way to recycle all food residuals **on-farm** in harmony with the goals of the Universal Recycling law, by July 2020!!! Tell them, you don't understand why returning agricultural materials like food residuals to farms to enhance poultry production and improve soil health is not seen as "farming."
- We need to hear from you: If you are interested in or actively engaged in on-farm food residuals management, please give us feedback on the regulations and how the thresholds limit or work for your business model, let us know how you are affected and your ideas for improvements.
- Email caroline@ruralvermont.org and express your support! Mention that you would like to sign up for Rural Vermont's email list and volunteer to help promote this and/or other campaigns! Please also consider joining Rural Vermont as a dues paying member at www.ruralvermont.org.

HOW CAN WE HELP?

- We welcome your questions and are available to help you understand the complicated and confusing regulatory world around on-farm food residuals management.
- Contact Rural Vermont and ask us to email you related materials and resources.

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