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Perfect Circle Farm
1170 Airport Rd,
Berlin VT, 05641
3/20/19

Re: Testimony about Feeding Food Residuals to Poultry.

Preamble: Planning and Stating Our Poultry Operation-

In 2015 I began the planning to start a egg laying operation at my farm using food residuals as the principle feed source for my birds.

- This seemed like a win/win operation with lots of pieces to the puzzle coming into play-
- Act 148 mandating the removal of organics from the landfill,
- Organized and reliable delivery of food residuals to the farm by Grow Compost
- Moving to a new farm in Berlin,
- Needing soil fertility improvement,
- Access to wood chips for bulking agent.
- The continued and expanded raising and feeding of chickens to produce eggs

I had observed Karl Hammer, Tom Gilbert and others with similar operations for many years. I believed this would be a wonderful way to:

1. Improve the soil of my impoverished farm
2. Provide another segment of profitability to my diverse farm program.
3. Help with diverting organics from the landfill
4. Provide locally produced food to the community
5. Teach my children Animal Husbandry and Poultry farming

I based the legality of my operation on a letter sent to Vermont Compost Company, dated November 29th 2007, signed by Kathy Jamieson, Solid Waste Program Manager, of the ANR This memo contains the following text :

During the meeting, one of the operations of the Vermont Compost Company, Inc. (VCCI) was discussed. VCCI has a chicken farm and composting operation located on upper Main Street in Montpelier. Food wastes are brought to this location and used as feed for hundreds of chicken. ANR does not regulate food waste that is fed to animals. With respect to the composting operation, it is our understanding the food wastes are not directly incorporated into the composting piles. Manure that is composted would also not be regulated by ANR provided the manure and finish product are not “disposed” or dumped. It is our understanding the finished product would be used as soil enrichment or similar products.

(The entire letter attached at the end of this testimony.)

The most important part for me being-”**ANR DOES NOT REGULATE FOOD WASTE FED TO**

ANIMALS”. This seemed quite clear at the time. From this letter and my observations of the general practice taking place on multiple farms, I decided to proceed.

Changes are Announced

In May 2018, I received two memos (also attached at the end of this testimony). One from the Diane Bothfeld of the Agency of AAFM that was addressed to Cathy Jamison of ANR, and one from Kathy Jamieson, Solid Waste Program Manager, of ANR. While I received these on the same day, the one from AG precedes the one from ANR by 26 days. It should be noted here that AAFM made no effort to reach out to the Farmers affected by their Memo.

From my perspective, these were crafted to “get around” the long held policy that ”ANR DOES NOT REGULATE FOOD WASTE FED TO ANIMALS”.

Here is the first troubling language from the AAFM memo:

It is important to note that importing “food residual[s]”² is not “farming” as defined in Section 2.16 of the RAPs and therefore AAFM does not have authority to regulate nuisance (e.g. nuisance wildlife, odors, traffic, noise, vectors, flies, rats, birds) associated with their importation to a farm.

From this I can conclude that feeding food waste to chickens, by omission, is farming.

Section 2.16 noted in the Required Agricultural Practices (RAPs) reads as follows:

Farming means:

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

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

(c) the operation of greenhouses; or

(d) the production of maple syrup; or

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

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

(g) the raising, feeding, or management of four or more equines owned or boarded by the farmer, including training, showing,

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and providing instruction and lessons in riding, training, and the management of equines.

This section is entirely silent on the importation of food residuals. How AG has determined that the of importation of food residuals is not farming form reading this Section escapes me entirely. From my reading of this section, Poultry is specifically listed. I find it hard as a yeoman farmer to make any negative linkage form RAPs Section 2.16 to the conversation at hand.

When I look to the RAPs to see if my farming activities are included in the RAPs I find the following:

Section 3.1c Required Agricultural Practices Activities:

(d) is raising, feeding, or managing at least the following number of adult livestock on a farm that is no less than 4.0 contiguous acres in size:

- (1) four equines;
- (2) five cattle, cows, or American bison;
- (3) 15 swine;
- (4) 15 goats;
- (5) 15 sheep;
- (6) 15 cervids;
- (7) 50 turkeys;

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- (8) 50 geese;
 - (9) 100 laying hens;

I have 300 laying hens, which would mean that my activities should be covered and regulated by the Agency of AG.

I invite you all to read the Memo from ANR attached here to see the remedy they are going to require.

