

1 H.731

2 Introduced by Representative Smith of New Haven

3 Referred to Committee on

4 Date:

5 Subject: Agriculture; residuals management; agricultural plastics; food

6 residuals; biosolids; waste tires; dietary supplements

7 Statement of purpose of bill as introduced: This bill proposes to authorize the
8 establishment of a residual management program at the Agency of Agriculture,
9 Food and Markets. The bill would authorize the Secretary of Agriculture,
10 Food and Markets to establish by rule requirements or criteria for the
11 collection and recycling of agricultural plastics. The bill would also establish
12 requirements for the importation and use of food residuals and biosolids on a
13 farm. In addition, the bill would authorize the Secretary of Agriculture, Food
14 and Markets to adopt by rule requirements for the use and management of
15 waste tires on a farm. The bill would require the registration of dietary
16 supplements to commercial feed that are distributed in the State. Registration
17 fees would be used to fund the residuals management program that would be
18 established by the bill.

19 An act relating to establishing a residuals management program at the
20 Agency of Agriculture, Food and Markets

1 It is hereby enacted by the General Assembly of the State of Vermont:

2 Sec. 1. 6 V.S.A. chapter 218 is added to read:

3 CHAPTER 218. AGRICULTURAL RESIDUALS MANAGEMENT

4 § 5131. PURPOSE

5 The purpose of this chapter is to establish a program for the management of
6 certain residual wastes generated, imported to, or managed on a farm in
7 Vermont.

8 § 5132. DEFINITIONS

9 As used in this chapter:

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

11 (2) “Agricultural plastic” means all rigid plastic and film plastic used on
12 a farm for farming. Film plastic used for farming includes dairy silage bags;
13 row crop covers; bunker silo covers; bale wrap; seed, feed, and fertilizer bags;
14 and greenhouse and hoophouse covers. Rigid plastic used for farming includes
15 discarded irrigation tubing, nursery pots, nursery lug trays, bale net, polytwine,
16 maple tubing, irrigation drip tape and tubes, tarps, bird netting, dairy chemical
17 and pesticide containers, and beehive bodies and frames.

18 (3) “Biosolids” means sludge or septage that has been subjected to a
19 treatment process for the reduction of pathogens and has been shown to meet
20 the applicable requirements for contaminant concentrations, vector attraction
21 reduction, and pathogen indicator organism density as necessary for the

1 intended use, such as application to the land under a site-specific permit or
2 marketing and distribution to the general public for unregulated use.

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

7 (5) “Exceptional quality biosolids” means biosolids that have been
8 subjected to an advanced pathogen reduction treatment process and meet the
9 vector attraction, pollutant concentration, and pathogen indicator organism
10 density standards established by the Agency of Natural Resources such that
11 they are no longer classified as a solid waste and may be marketed and
12 distributed to the general public for use without a site-specific permit.

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

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

17 (8) “Food processing residuals” means the remaining organic material
18 from a food processing plant and may include whey and other dairy, cheese
19 making, and ice cream residuals or residuals from any food manufacturing
20 process excluding livestock or poultry slaughtering and rendering operations.

1 “Food processing residuals” do not include food residuals from markets,
2 groceries, or restaurants.

3 (9) “Food residuals” means source separated and uncontaminated
4 material that is derived from processing or discarding of food and that is
5 recyclable or compostable. “Food residuals” may include preconsumer and
6 postconsumer food scraps. “Food residuals” includes meat and meat-related
7 products when the disposition of the products is managed on a farm.

8 (10) “Motor vehicle” means all vehicles operated in the State that are
9 propelled or drawn by power other than muscular power.

10 (A) “Motor vehicle” includes:

11 (i) “all-terrain vehicles,” which has the same meaning as in
12 23 V.S.A. § 3501(5).

13 (ii) “motorcycles,” which has the same meaning as in 23 V.S.A.
14 § 4(18);

15 (iii) farm tractors and farm trailers;

16 (iv) “motor-driven cycles,” which has the same meaning as in
17 23 V.S.A. § 4(45);

18 (v) lawn mowers; and

19 (vi) specialized construction vehicles, such as motorized highway
20 building equipment, a road-making appliance, a tracked vehicle, and an aircraft
21 pushback tractor.

1 (B) “Motor vehicle” shall not mean:

2 (i) an “electric personal assistive mobility device” as defined in
3 23 V.S.A. § 4(66); or

4 (ii) a motorized electric powered bicycle or tricycle.

5 (11) “Secondary residuals” means wood ash, short paper fiber, sludge
6 produced by the biological treatment of nonpathogenic dairy wastes, and
7 sludge produced by the treatment of drinking water supplies.

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

9 (13) “Septage” means the liquid and solid materials pumped from a
10 septic tank or cesspool during cleaning.

11 (14) “Sludge” means any solid, semisolid, or liquid generated from a
12 municipal, commercial, or industrial wastewater treatment plant or process,
13 water supply treatment plant, air pollution control facility, or any other such
14 waste having similar characteristics and effects. “Sludge” includes Class A
15 and Class B sewage sludge, as those terms are defined under 40 C.F.R.
16 part 503.

17 (15) “Tire” means a continuous solid or pneumatic rubber covering
18 encircling the wheel of a motor vehicle.

19 (16) “Waste tire” means a tire that has been removed from a motor
20 vehicle and is no longer suitable for its original purpose because of wear, tear,
21 damage, defect, or other reason.

1 § 5133. AGRICULTURAL PLASTICS COLLECTION PROGRAM

2 (a) Authorization; collection. The Secretary is authorized to adopt by rule
3 requirements for the collection and recycling of agricultural plastic in the State.
4 The rules may address requirements or criteria for the collection of agricultural
5 plastics including:

6 (1) collection of agricultural plastic;

7 (2) methods or convenience of collection;

8 (3) the cleanliness or contamination of agricultural plastics collected;

9 and

10 (4) plastics or products to be excluded from collection due to lack of
11 recyclability, lack of markets, or other factors preventing collection;

12 (5) standards for sites in the State collecting agricultural plastics; or

13 (6) standards for service provider collecting agricultural plastics.

14 (b) Public participation.

15 (1) In developing rules authorized under subsection (a) of this section,
16 the Secretary shall consult with interested persons, including: owners or
17 operators of farms; persons who sell, distribute, or manufacturer agricultural
18 plastics; solid waste management entities in the State; environmental recyclers,
19 collectors, and retailers; agricultural advocacy groups; and environmental
20 advocacy groups.

1 (2) Prior to pre-filing a rule authorized under subsection (a) with the
2 Secretary of State under 3 V.S.A. § 837, the Secretary shall shall make the
3 proposed Collection Plan available for public review and comment for at least
4 30 days and shall submit a copy of the proposed rule to the House Committee
5 on Agriculture and Forestry and the Senate Committee on Agriculture.

6 § 5134. FOOD RESIDUALS

7 (a) Food residuals delivered to a farm for use as feed shall comply with the
8 requirements of chapter 26 of this title.

9 (b) A person importing food residuals to a farm for the purpose of
10 producing compost, for disposal, or for other disposition shall obtain from the
11 Agency of Natural Resources the relevant composting registration, composting
12 facility certification, or solid waste certification unless the person is importing:

13 (1) 100 cubic yards or less of food residuals annually; or

14 (2) 1,000 cubic yards or less of food processing residuals annually in
15 compliance with the Required Agricultural Practices.

16 § 5135. BIOSOLIDS

17 (a) A person shall not land apply septage or sludge on a farm in the State,
18 except for exceptional quality biosolids. A person may only apply exceptional
19 quality biosolids on a farm under a solid waste permit from the Agency of
20 Natural Resources, provided that:

1 (1) the application of the exceptional quality biosolids under the solid
2 waste permit is included in the nutrient management plan for the farm; and

3 (2) the application of exceptional quality biosolids complies with the
4 requirements of the Required Agricultural Practices for application of fertilizer
5 and nutrients.

6 (b) A person disposing of secondary residuals on a farm shall obtain a solid
7 waste certification or other relevant approval from the Agency of Natural
8 Resources.

9 § 5136. WASTE TIRES

10 The Secretary may by rule adopt requirements for the use and management
11 of waste tires on a farm. The Secretary may adopt the rules authorized under
12 this section as part of the Required Agricultural Practices or as individual rules.

13 Sec. 2. 6 V.S.A. § 323 is amended to read:

14 § 323. DEFINITIONS

15 When used in this chapter:

16 * * *

17 (2) “Commercial feed” means all materials except whole seeds unmixed
18 or physically altered entire unmixed seeds, when not adulterated within the
19 meaning of subsection 327(a) of this title, which are distributed for use as feed
20 or for mixing in feed. The Secretary by regulation may exempt from this
21 definition, or from specific provisions of this chapter, commodities such as

1 hay, straw, stover, silage, cobs, husks, hulls, and individual chemical
2 compounds or substances when such commodities, compounds, or substances
3 are not intermixed or mixed with other materials, and are not adulterated
4 within the meaning of subsection 327(a) of this title.

5 * * *

6 (4) "Distribute" means to offer for sale, sell, exchange, or barter
7 commercial feed or to supply, furnish, or otherwise provide commercial feed.

8 (5) "Distributor" means any person who distributes commercial feeds.

9 * * *

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

12 * * *

13 (20) "Ton" means a net weight of 2,000 pounds avoirdupois.

14 (21) "Dietary supplement" means any substance that is added to or used
15 in conjunction with a commercial feed, either directly or indirectly, to improve
16 the nutritive balance or performance of the commercial feed and that is
17 intended to be:

18 (A) fed undiluted as an addition to other commercial feed; or

19 (B) offered freely to the animal with other parts of the ration
20 separately available.

1 Sec. 3. 6 V.S.A. § 337 is added to read:

2 § 337. DIETARY SUPPLEMENTS; REGISTRATION AND FEES

3 (a) A person shall not distribute in this State a dietary supplement that has
4 not been registered in a form and manner to be prescribed by the Secretary.

5 The registration form shall require:

6 (1) the name of the distributor;

7 (2) the distributor's place of business;

8 (3) the brand or name of each dietary supplement distributed; and

9 (4) any other information that the Secretary considers to be necessary.

10 (b) If the Secretary requests, the registration required under this section
11 shall be accompanied by a label or other printed matter describing the dietary
12 supplement.

13 (c) The application for registration of a dietary supplement shall be
14 accompanied by a registration fee of \$105.00 per product. The registration
15 fees shall be deposited in the special fund created by subsection 364(e) of this
16 title. Fees collected under this chapter that are deposited in the fund created
17 under subsection 364(e) of this title shall be restricted to use for implementing
18 and administering the residuals management program established under
19 chapter 218 of this title.

1 Sec. 4. EFFECTIVE DATES

2 (a) This section and Sec. 1 (residuals management program) shall take
3 effect on passage.

4 (b) Secs. 2 and 3 (dietary supplements; fees) shall take effect on July 1,
5 2021.