



Caroline Gordon LL.M.
Policy Consultant | Rural Vermont
46 East State St
Montpelier, VT 05602
802-356-2805
caroline@ruralvermont.org

August 13, 2019

Rep. Charen Fegard
115 State St.
Montpelier, VT 05633-5301
802-828-2228
cfegard@leg.state.vt.us

Overview: Requested Public Records on Complaints against farmers foraging chickens on composted food residuals (Submitted by Rural Vermont, June 26, 2019)

Dear Rep. Fegard,

As promised, here's my overview of the records of complaints provided by ANR and AAFM in response to Rural Vermont's request for "all public records [...] regarding any received complaints about poultry farmers who practice chicken foraging on compost with food scraps in the state of Vermont." I have created a spreadsheet that lists all basic complaint information as derived from ANR's "Complaint Report Form" and AAFM's WS-8 "Non-Point Source Complaint/ Referral Investigation" submitted forms (see annex).

Amount of Complaints

In total there were 19 complaints received by ANR, while AAFM received no complaints within the "last five years" scope of our request. This equals 1 complaint every 3 months or about 4 complaints a year.

Notice, that in consultation with both agencies, the scope of the request was narrowed down to those complaints of the past five years. Even though this measure was taken to reduce the agencies workload, all the submitted complaint forms from AAFM (in total 9)

date further back than June 26, 2014. This leads to the conclusion that AAFM did not receive a formal complaint within the last five years. Via email, Cary Giguere explained that AAFM has received numerous complaint calls but does not keep a record of complaints that they don't respond to. A summary of the informal complaints AAFM received, but did not respond to, was emailed by Cary Giguere. Most of the complaints mentioned in Cary's email are reflected in ANR's submitted complaint forms. Only complaints that have found an entry in one of the agency's complaints forms have been taken into consideration, even though email threads were provided by both agencies that indicate that not every complainant notification has resulted in such an entry. It may be assumed that complaints that have not found reflection in any formal complaint form were determined by the Agency to be insignificant.

Two other submitted complaints by ANR were not counted as they were substantially outside the given scope. They related to a landfill and a farm trucking manure, not to "farmers who practice chicken foraging on compost with food-scrap."

Alleged Violators

Among the organized stakeholder group, 50-66% have not been subject to complaints within the past five years. Despite a single complaint regarding Dog River Farm, which was not investigated, all complaints regarded either Grow Compost or Perfect Circle Farm. The Poultry Farmers for Compost Foraging stakeholder group represents six farms: Vermont Compost, Perfect Circle Farm, Black Dirt Farm, Cloud's Path Farm, Grow Compost, and Dog River Farm. Notice that there is an unknown number of farms currently practicing chicken foraging on compost with food scraps who are not organized and that have not been subject to complaints either.

Complaint Description

Odor	Birds	Other
13	6	3

Most complaints related to an odor coming from Grow Compost or the closed and conflictual neighboring Moretown Landfill (thereto [VTDigger, May 30, 2018](https://vtdigger.org/2018/05/30/vermont-attorney-general-settles-moretown-landfill/)¹). In 4 of 11 complaints regarding odor coming from Grow Compost, it was expressly mentioned that it was unclear whether the odor originated at Grow Compost or the landfill. Another two complaints were filed in such proximity (complaints 15EC00451, 15EC00056 from the same day or day before) that the same possibility for origination at the landfill may be assumed. Interestingly there were no violations found regarding odor complaints about Grow Compost, while the falsely submitted complaint form about Moretown Landfill indicates that there were violations found that were referred to an outside prosecutor.

¹ <https://vtdigger.org/2018/05/30/vermont-attorney-general-settles-moretown-landfill/>

Most complaints related to wild birds concerned Perfect Circle Farm. Two of the complaints supposed the operation would cause possible aviation safety issues at the nearby airport. The description of the first aviation safety complaint of January 2018 by the nearby airport states they were “concerned about compost facilities near state airports attracting birds.” Perfect Circle Farm was not expressly mentioned. In the second aviation safety complaint (October 2018), it is the neighbor who documents and links the occurrence of crows to the nearby Airport. Not mentioned in the complaints form is the submitted subsequent email from Mr. Grearson (Aviation Maintenance Supervisor, Agency of Transportation) from the day after the complaint, with the statement that the bird amount at Knapp Airport would be “normal.” Among the remaining bird complaints, the same neighbor was the predominant complainant about large numbers of gulls and crows and sometimes rodents that are dropping food waste and droppings on his property. The farmer, Allan (Buzz) Ferver, continuously engaged cooperatively in voluntary corrective measures after being contacted. Conversations with him revealed that he was sometimes unaware of existing complaints and that a more direct and immediate communication among the affected parties could help to avoid conflicts.

Rural Vermont recognizes environmental justice issues such as odors can be a serious concern. We encourage legislators to solicit testimony from affected neighbors when legislative proposals that encourage compost foraging are being discussed during the legislative session. Simultaneously, we are convinced that good management practices, that include prompt mixing of food-residuals with other composting materials or the use of hoop houses, are capable of reducing odors and wild bird occurrence to an acceptable amount. It would be interesting to hear how Grow Compost and Perfect Circle Farm have evolved in this regard and what insights other practitioners can provide.

Other complaints were an alleged wetlands violation and stormwater runoff. The alleged wetlands violation could not be validated since the parcel in question was not classified as a wetland. The stormwater discharge could also not be validated according to the investigation report.

Redundancy

The odor complaints show redundancy within six separately filed complaints. They surround one or two instances reported from two complainants, who in one case complained together a third time. The first instance was reported twice by the same complainant on June 11 and 12, 2015 (15EC00451 & 15EC00453) and by the other complainant also on June 12, 2015 (15EC00454). The second instance was reported on July 3 (15EC00554), July 6 (15EC00555) and July 8 (15EC00569) of 2015 by the same two complainants (who complained together on July 8th). Since all the instances relate to the same complaint

reason and alleged violator within three weeks proximity it could be argued that all six files regard one single complaint by two complainants. It is questionable why ANR staff has not indicated any relation among the complaints in the accordingly provided field (“related complaints”) of the complaint form.

Later, ANR has made use of the related complaint field and indicated a relation between 18EC00799, 18EC00879, 18EC00880 and 18EC00881. Beyond the fact that they relate to complaints regarding the same farm, redundancy is not recognizable. These complaints differ in time, complainant, and complaint.

If the above-mentioned redundancy would be counted as two complaints (instead of 6), **the total complaint count equals 15 or 1 complaint every 4 months or 3 complaints per year.**

Please don't hesitate to contact me with questions and please share this information with whom it may concern, particularly with interested legislators.

Kind regards,

Caroline Gordon LL.M.
Policy Consultant | Rural Vermont
46 East State St
Montpelier, VT 05602
802-356-2805
caroline@ruralvermont.org