



STATE OF VERMONT
GENERAL ASSEMBLY

April 8, 2020

Secretary Julie Moore
Agency of Natural Resources
1 National Life Drive, Davis 2
Montpelier, VT 05620-3901

Dear Secretary Moore:

We are writing on behalf of the Senate Committee on Agriculture and the House Committee on Agriculture and Forestry (Committees) regarding pending regulation by the Agency of Natural Resources (ANR) of the use of food residuals on farms for compost production. As you know, the Senate Committee has reviewed S.265, an act relating to the use of food residuals for farming. The Senate Committee proposed an amendment to S.265 that allows small poultry farms that import food residuals for composting to continue to be regulated by the Agency of Agriculture, Food and Markets (AAFM) and to retain the legal classification as “farming.”

The Senate Committee believes that its S.265 amendment would establish a reasonable regulatory scheme that protects the environment while allowing certain farms importing food residuals to continue to be considered farming. The House Committee, as always, will need to review the proposed amendment before any final legislative action, but we are living in an extraordinary time where normal processes and practices, including the legislative session, cannot be presumed to customarily occur. The House Committee is uncertain whether it will have the opportunity or time to review the proposed amendment. In fact, as the pandemic continues and Governor Scott’s emergency order remains in effect, we do not know when the General Assembly will convene next to address bills that are unrelated to the pandemic. Thus, the Committees request that you delay by one year the required notification of ANR by farms importing food residuals to ensure the opportunity for General Assembly review.

The uncertainty of when the General Assembly will next address non-COVID-19 legislation is an important point in the context of S.265. In April 2019, ANR informed¹ farmers importing food residuals for compost production that they are required to submit by May 1, 2020 either a notice of intent to seek a compost facility certification or notice that the farm will no longer import food residuals. S.265 would directly address this requirement, but it is unlikely that the General

¹ See Letter to Farmers from Cathy Jamieson, Department of Environmental Conservation, Solid Waste Program Manager, Waste Management and Prevention Division, April 22, 2019.

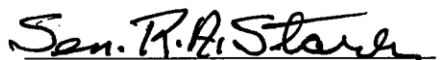
Assembly will reconvene to address non-COVID-19 bills before May 1, 2020. Similarly, it is almost certain that the the House Committee will not have adequate time to review the Senate Committee amendment by May 1, 2020.

If the notice of intent is not delayed, farmers likely will be placed in the unfortunate situation of initiating compliance with the ANR Solid Waste Management Rules only to learn in 2021 that the General Assembly required farms importing food residuals to continue to be regulated by the AAFM. This would cause farmers unnecessary time, effort, and expense. ANR also would expend administrative staff, time, and effort that could be better dedicated to other activities.

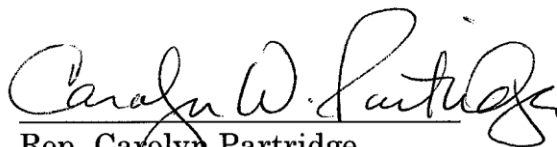
A one-year delay in application of the ANR Solid Waste Management Rules to allow General Assembly review is necessary only due to limitations imposed by the pandemic. The requested delay will allow for full legislative review, avoid unnecessary expense and administrative burden by farms, and allow ANR to better use staff and resources. We believe that it is the best alternative for all parties at this time.

Please feel free to contact either or both of us if you need additional information or have questions.

Sincerely,



Sen. Robert Starr
Chair, Senate Committee on
Agriculture



Rep. Carolyn Partridge
House, Chair Committee on
Agriculture and Forestry

CC: Governor Philip Scott
Secretary of Agriculture, Food and Markets Anson Tebbetts