

Protect Our Soils Coalition

Recommended Amendments to H501 -as submitted by Rural Vermont testimony 2/11/22

The coalition supports the strike all amendment of H. 501 with the language from S.282 and suggests:

- a. **Affirm source separation** is the Law in Vermont; direct ANR to clearly communicate this and provide oversight of this, including:
 - i. Communicating to haulers and organics processors that they cannot knowingly accept contaminants.
 - ii. Establishing clear guidance on, and specifically, immediately ban all synthetic inorganic products from lists of acceptable materials for composting and digestion.
 - iii. Developing a strategic plan to promote and incentivize source separation and the organics management hierarchy;
 - iv. Ensuring that recyclable materials are being recycled and not being landfilled or incinerated as a result of depack.
- b. **Immediate guardrails on depack** - specifically and immediately, in the short term - ban the following from depackaging facilities (to be later informed and updated through item d, below):
 - i. Non-packaged materials
 - ii. Post-Consumer materials so that these are source separated by default
 - iii. Easily unpackaged materials
- c. **Establish short term guardrails on application of product** coming out of depack facilities. Ban application on agricultural fields, garden soils, and ecologically sensitive locations until contamination limits can be established through the study committee (item d) – apply precautionary principle.
- d. **Set up a process to inform future legislation and rulemaking**, and convene a study committee to recommend:
 - i. Guidance to protect human, soil and ecological health from pollutants, plastic and otherwise. Identify pollutants of concern in food packaging, the pathways by which these could make it into soil, the best mechanisms for preventing this, and the safe tolerances for them in soil.
 - ii. The most rigorous standards for contaminant threshold, like microplastics and PFAS, in materials that will be land-applied.
 - iii. Ways to ensure transparency for farmers, gardeners and other consumers utilizing compost, digestate or other end products that may contain pollutants.
 - iv. Guidance for when depackaging is appropriate for separation.

The study committee should also:

- v. Evaluate how jurisdictions with contamination standards, domestically and internationally, are testing soil amendments to determine contamination levels.
- vi. Prioritize source separation and create provisions that promote this and reward practitioners who achieve high standards.
- vii. Be scientifically focused and include a variety of independent experts, ANR staff, and other stakeholders necessary to ensure that industry priorities are not driving the findings.