Composting Association of Vermont
Reclaiming Organics For Good

19 April 2021

RE: CAV position on Universal Recycling Law Legislative Review Request

Dear Representative Sheldon, Senator Bray, and members of the House and Senate Natural Resources Committees,

A letter requesting a legislative review of the Universal Recycling Law (URL) was submitted on February 16, 2021. It raises multiple concerns that deserve the attention of the legislature, the Agency of Natural Resources, and likely other agencies such as the Agency of Agriculture, Food and Markets. The Composting Association of Vermont (CAV) would like to be involved in these discussions.

CAV recognizes and celebrates the different methods utilized to address organics diversion statewide. From backyard systems to animal feeding operations, from community and commercial composting to anaerobic digestion, **all of these diversion tools play an integral role in facilitating the state and its vast array of organics diversion players in meeting their shared goals** of waste reduction, food security, landfill diversion, greenhouse gas reductions, soil building, and agricultural resiliency.

It is critical that different approaches be allowed – and encouraged – to coexist, especially as the needs in rural vs. more populated areas of the state differ. We recognize that there will always be some amount of competition for diverted organics amongst the processors in this arena. CAV believes that the state should prioritize the diversion pathways that the hierarchy established by the legislature and signed into law.

- Clarity on the enforceability of the hierarchy is necessary for businesses, farms, solid waste districts and other stakeholders in order to guide planning, investment and operational decisions. **We ask the legislature to address this issue.**

The composting industry defines **source separation** as "a system by which waste generators segregate compostable materials from other waste streams at the source for separate collection". CAV believes that this is, in fact, the intention of this language in the URL and we are concerned that ANR's interpretation of source separation does not hold to this standard.

Considerable investment of time and taxpayer funds have gone into the development of source-separation programs in Vermont. This work – over multiple years – has led to a higher quality resource captured for food rescue of edible food, diversion for animal feed, an increase in organics diversion, and lower contamination of feedstocks sent to composting facilities. This is an intended outcome of the URL.

As we recognize that contamination is still a significant issue for compost facilities throughout the state, CAV calls for clarity of messaging from the state and a strengthened commitment to outreach and education for source separation. Instead, large generators have been given the greenlight to co-mingle unpackaged organic residuals, that had been previously source separated, with packaged foods. This downgrades the potential beneficial use of the recovered materials and is in conflict with the URL due to materials not being recovered at the higher levels of the resource hierarchy.

- **CAV urges the legislature to enforce the separation of organics**, at minimum the separation of packaged from unpackaged foods.

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Approximately 38% of food residuals still being landfilled are packaged (2018 Waste Composition Study). CAV recognizes the opportunity to divert these ~29,000 tons of packaged foods and supports the utility of depackaging technology. It is often impractical to separate the organic residual fraction from many packaged goods. Depackaging equipment has been deployed in other states and countries, and has been shown to increase organic residual diversion rates from landfill disposal. Depackaging technology is a powerful tool that enables Vermont to divert a substantial portion of the solid waste stream that was previously landfilled.

However, we would like to raise concerns about the potential to over-rely on depackaging as a "quick fix", side-stepping source separation and focusing solely on increases in diversion capacity. This technology brings with it concerns over macro- and micro-plastic contamination. The efficacy of depackagers varies not only among make and model, settings, and volume of water and screens used, but also from one operator to another as well as from load to load, depending on content. It is important to note that they seem to be most effective at separating packaging from organic material when the loads are homogenous (e.g., whole loads of bagged or boxed organics, or beverages). This underscores the utility of separating unpackaged from packaged organics wherever possible.

Relative to other parts of the country where food waste composting is practiced at a larger scale, Vermont food wastes accepted by many facilities in the state have been "cleaner" than food waste streams accepted elsewhere. With the increase in participation with food waste diversion at all levels of generators, some facilities in Vermont have seen a significant increase in levels of contamination. There are instances where depackaging technologies could be utilized to substantially "clean up" contaminated organic streams to the point where the output material might produce a cleaner compost product than what would otherwise be possible. But even in these instances, relying on depackaging technologies to pre-process these contaminated streams should not be considered as the final solution, but rather be paired with continued education on the importance of source separation.

Many European countries that have adopted depackaging have concurrently adopted strict contamination rules or guidance for plastic content in compost and in agricultural soils, and some countries are, in fact, tightening these rules. The absence of this approach in Vermont creates a risk of contamination of compost products and soils in this state. Vermont is recognized as a food systems leader and soil health should be taken seriously as both a short- and long-term risk.

There is a deficit of research on the soil health, water quality and ecological impacts of greater plastic and especially microplastic contamination of soils. More research and consideration is needed to address the downstream impacts of output from depackaging in anaerobic digesters and compost facilities that ultimately have the end products applied to farm fields and home gardens.

- Criteria for acceptable contamination levels need to be established or the risk of highly variable outputs is significant. **CAV urges the legislature to learn from other countries experiences with depackaging equipment, and requests that a study group be formed to research best management practices for depackaging technologies and options for regulating this technology and the outputs they produce.**

In Summary:

- **CAV is supportive of the organics hierarchy as written into the URL** and feels that waste reduction, food recovery, feeding of animals, and soil building via composting are all critically important. CAV is supportive of depackaging as a technology in instances where these other priorities are not compromised.

- **CAV supports the industry definition of Source Separation, and urges that this be upheld in the URL.**
- **CAV supports Vermont's ongoing efforts to maximize food waste diversion in its many forms, and sees the need to improve understanding of the impacts of macro- and micro-plastics in organic processing streams**.
- **While generally supportive of depackaging as a helpful tool towards achieving shared goals, CAV would welcome regulation and standards to ensure an ongoing commitment to soil health in Vermont and beyond.** Vermont's soils are a resource that should not be degraded by adopting technologies without considering contamination risks and establishing practical rules and guidance for their use.
- Vermont is a leader in organics diversion and management. Other states continue to look to us to chart a responsible path forward that both recognizes the utility of depackaging equipment as well as the place that this technology has in utilizing organic residuals for their highest and best value.

Thank you for considering CAV's perspective on these important issues.

Sincerely,

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Submitted on behalf of the CAV Board of Directors

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