

ANNUAL REPORT ON IMPORTATION OF FOOD RESIDUALS FOR FARMING

2021 Act No. 41

Submitted to the:

Senate Committee on Natural Resources and Energy

House Committee on Environment and Energy

Senate Committee on Agriculture

House Committee on Agriculture, Food Resiliency, and Forestry

By the:

The Vermont Agency of Agriculture, Food & Markets

Public Health and Agricultural Resource Management Division

January 12, 2024

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Re: Act 41 Section 8, REPORT ON IMPORTATION OF FOOD RESIDUALS FOR FARMING

Date: January 12, 2024

To: Senator Bobby Starr, Senate Committee on Agriculture
Senator Christopher Bray, Senate Committee on Natural Resources and Energy
Representative Amy Sheldon, House Committee on Environment and Energy
Representative David Durfee, House Committee Agriculture, Food Resiliency, and Forestry

From: Zach Szczukowski, Agricultural Resource Management Specialist, Public Health and Agricultural Resource Management Division, VAAFM

Introduction

The Agency of Agriculture, Food and Markets (VAAFM) respectfully submits this report as required under Section 8 of Act 41 enacted on May 20, 2021, addressing the importation of food residuals for farming as defined in 10 V.S.A. § 6001(22)(H).¹ Specifically, this report addresses the following:

- (1) an inventory of the operators of farms that are producing compost under 10 V.S.A. § 6001(22)(H), including the estimated volume of food residuals imported onto farms;
- (2) a status report on the rulemaking required under 6 V.S.A. § 5133 and any subsequent amendment to those rules;
- (3) an accounting of any complaints regarding or enforcement actions brought against a farm producing compost under 10 V.S.A. § 6001(22)(H); and
- (4) any additional information that the Secretary determines is relevant to the administration of compost production under 10 V.S.A. § 6001(22)(H)

(1) Inventory of the operators of farms that are producing compost under 10 V.S.A. § 6001(22)(H), including the estimated volume of food residuals imported onto farms

Using information gathered in the previous year, VAAFM has compiled a list of farms producing compost under 10 V.S.A. § 6001(22)(H) (Table 1). Of the farms listed in Table 1, a majority principally use the compost on-site. VAAFM is aware that the list provided in Table 1 may be incomplete but, is actively working to identify additional farms covered under 10 V.S.A. § 6001(22)(H).

(2) Status report on the rulemaking required under 6 V.S.A. § 5133 and any subsequent amendment to those rules

Over the past year VAAFM has continued to assess the logistics of compost production under 10 V.S.A. §6001(22)(H) and how the activity best fits into existing regulatory constructs. After discussions with counsel VAAFM determined that the best course of action for rulemaking under 6 V.S.A. § 5133 is to adopt the rules as

¹ (H) the importation of 2,000 cubic yards per year or less of food residuals or food processing residuals onto a farm for the production of compost, provided that: (i) the compost is principally used on the farm where it is produced; or (ii) the compost is produced on a small farm that raises or manages poultry.



part of the Required Agricultural Practices Rule (RAPs). Adoption under the RAPs will provide consistent requirements for farms producing compost in addition to enabling VAAFMM more robust investigative and enforcement capabilities. Ultimately, VAAFMM seeks to create a pragmatic and enforceable rule to the benefit of both the regulated community and the public. In doing so, VAAFMM seeks to address:

- How to delineate commercial scale operations from traditional farm scale operations.
- How to best reduce physical contaminants being imported onto a farm via food residuals.
- How to best address chemical contaminant concerns.

Nonetheless, VAAFMM continues to gather input from various entities who are actively involved in the on-farm composting arena through outreach and site visits. A timeline of VAAFMM's engagement can be found in Table 2.

(3) Accounting of any complaints regarding or enforcement actions brought against a farm producing compost under 10 V.S.A. § 6001(22)(H).

VAAFMM received only one complaint against a farm producing compost under 10 V.S.A. § 6001(22)(H) since the last report. The complaint concerned piles of frozen meat in close proximity to a public road in Orleans County. The matter was resolved with coordination with the Department of Environmental Conservation (DEC). VAAFMM staff also sent an inquiry to DEC staff regarding any complaints against farms producing compost under 10 V.S.A. § 6001(22)(H). DEC staff replied they had received only two complaints relevant to the reporting period – one being the same reported to VAAFMM in Orleans County, and another in relation to a discharge to the waters of the state in Franklin County. DEC investigated the latter complaint, and determined there was no violation.

(4) Additional information that the Secretary determines is relevant to the administration of compost production under 10 V.S.A. § 6001(22)(H).

The duality in the regulation of compost creates an inherent problem for both the regulators and the regulated community. This is especially true as compost operations might grow or change in size resulting in a change in regulatory jurisdiction from VAAFMM to DEC. VAAFMM and DEC continue to collaborate, sharing information and experience, with a focus on minimizing the regulatory burden that transferring from one Agency to another might create. VAAFMM has also received some indication that DEC's current regulatory framework works well for the regulated community. In the coming year, VAAFMM will undoubtedly gather more information through field visits in order to reduce regulatory uncertainty.

VAAFMM is also currently under contract with a consultant for sampling and analysis of PFAS and microplastics in soils where food residuals are applied and finished compost that is comprised of food residuals. VAAFMM anticipates further research into this field will better inform policies moving forward.



Tables

Table 1. Farms Importing Food Residuals for the Production of Compost

Farm	Town	Approximate Amount of Food Residuals Imported (Cubic Yards) (2022)	Approximate Amount of Food Residuals Imported (Cubic Yards) (2023)	Small farm raising or managing poultry	Compost principally used on-site
Hudak Farm	Swanton	700	1500	Yes	Yes
Kingdom View Compost	Lyndonville	1,250	920	No	Yes
Mar-Jo Acres Compost	Irasburg	1,800	1150	Yes	Yes
Sunrise Farm	Hartford	300	150	Yes	Yes
Black Dirt Farm	Stannard	1,000	930	Yes	No
Clouds Path Farm	Sheffield	960	-	Yes	Yes
Dog River Farm	Berlin	26	26	Yes	Yes
Vermont Compost Company ²	Montpelier	1,500	1,029	Yes	No
Firefly Farm	Burke	<20	<20	Yes	Yes
Ascutney Harvest	Windsor	<10	0		
SUSU Community Farm	Newfane	-	1	Yes	Yes
VT Youth Conservation Corps Farm	Richmond	150	0	Yes	Yes

Table 2. Timeline of Engagement

Action	Time
VAAFAM attended the Vermont Organics Recycling conference	May 2, 2023
VAAFAM attended NRCS on-farm compost workshop	September 14, 2023
VAAFAM attended ANR certified compost operator training	September 15, 2023
VAAFAM created an Agricultural Food Residuals Management webpage .	August 22, 2023
VAAFAM has had several meetings with both Natasha Duarte, Compost Association of Vermont (CAV), and James McSweeney, Compost Technical Services, to discuss on-farm compost rules.	
VAAFAM is also a steering committee member for a USDA Rural Utility Services Solid Waste Management Grant funded project being led by CAV. Partner farms for the grant include Ascutney Village Farm, SUSU Community Farm, Firefly Farm	

² Vermont Compost Company also operates a Certified Medium Categorical Composting Facility located on Vincent Flats in East Montpelier.

