

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

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 15, 2026

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

Date: January 15, 2026

To: Senator Russ Ingalls, Senate Committee on Agriculture
Senator Anne Watson, Senate Committee on Natural Resources and Energy
Representative Amy Sheldon, House Committee on Environment
Representative David Durfee, House Committee Agriculture, Food Resiliency, and Forestry

From: Zach Szczukowski, Agrichemical Program Manager, Division of Plant Industry, 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

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., most of these farms principally use the compost on-site per 10 V.S.A. § 6001(22)(H)(i). It is possible that the additional farms covered under 10 V.S.A. § 6001(22)(H) are not covered in Table 1.

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

It is the opinion of VAAFM that the best course of action for rulemaking under 6 V.S.A. § 5133 continues to be adoption of the rules as part of the Required Agricultural Practices Rule (RAPs). Adoption under the RAPs will provide consistent requirements for farms producing compost in addition to enabling

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.



VAAFM more robust investigative and enforcement capabilities. Ultimately, VAAFM seeks to create a pragmatic and enforceable rule to the benefit of both the regulated community and the public.

However, some of the benefits VAAFM seeks to obtain by inclusion within the RAPs are no longer certain as a result of a decision issued by the Vermont Supreme Court regarding municipal regulation of farms. VAAFM is currently weighing the possibility of promulgating a stand-alone rule, outside the RAPs, in the event that further clarity regarding the municipal regulation issue cannot be resolved this legislative session.

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

VAAFM received only one complaint against a farm producing compost under 10 V.S.A. § 6001(22)(H) since the last report. The complaint was identical to the previously reported complaint in our 2024 report to the committees and concerned odors drifting to a neighboring property. VAAFM spoke with the operator along with members of the town selectboard and conducted an inspection for compliance with both the Required Agricultural Practices Rule and the Solid Waste Management Rules. With regards to the latter, no violations were found and VAAFM is continuing to work with the operator to implement practices that may further mitigate odors to prevent future complaints.

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

No further information.



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) | Approximate Amount of Food Residuals Imported (Cubic Yards) (2024) | Approximate Amount of Food Residuals Imported (Cubic Yards) (2025) | Small farm raising or managing poultry | Compost principally used on-site |
|----------------------------------|-------------|--|--|--|--|--|----------------------------------|
| Hudak Farm | Swanton | 700 | 1,500 | 1,000* | 1,600 | Yes | Yes |
| Kingdom View Compost | Lyndonville | 1,250 | 920 | 1,040 | 1,000 | No | Yes |
| Mar-Jo Acres Compost | Irasburg | 1,800 | 1,150 | 1,800 | *1,800 | Yes | Yes |
| Sunrise Farm | Hartford | 300 | 150 | 90 | 300 | Yes | Yes |
| Black Dirt Farm | Stannard | 1,000 | 930 | 950* | 1,600 | Yes | No |
| Clouds Path Farm | Sheffield | 960 | 960 | 960 | 960 | Yes | Yes |
| Dog River Farm | Berlin | 26 | 26 | 26 | 26 | Yes | Yes |
| Vermont Compost Company | Montpelier | 1,500 | 1,029 | 1,100 | 1,100 | Yes | No |
| Firefly Farm | Burke | <20 | <20 | <20 | <20 | Yes | Yes |
| VT Youth Conservation Corps Farm | Richmond | 150 | 0 | 0 | 3 | Yes | Yes |
| Music Mountain Compost | Rochester | - | 1,000 | 1,000 | 514 | No | Yes |

*projected

