

**Vermont Department of Environmental Conservation**

Waste Management & Prevention Division, Solid Waste Program

One National Life Drive, Davis 1 802-828-1138

Montpelier, VT 05620-3520 [VTrecycles.com](https://dec.vermont.gov/waste-management/solid)

Main Group Participants as Outlined in Act 170:

Michael Casella Casella Waste Systems

Steven Cash Vermont Department of Agriculture, Food & Markets

Billy Connelly Vanguard Renewables (not in attendance)

Jenna Evans Ben and Jerry’s

Tom Gilbert Black Dirt Farm

Dan Goossen Green Mountain Compost

Erin Sigrist VT Retailers and Grocers Association

Other Group Participants:

Susan Alexander Lamoille Solid Waste District

Christine Beling EPA

Peter Blair Just Zero

John Brabant Vermonters for a Clean Environment

Shannon Choquette Northeast Kingdom Waste Mgmt. District

Craig Coker Coker Composting and Consulting

Holden Cookson Agricycle

Nick D’Agostino Vermont Compost Company

Natasha Duarte Compost Association of Vermont

Marcie Gallagher VT Public Interest Research Group

Caroline Gordon Rural VT and Protect Our Soils

Emily Johnston Addison County Solid Waste Mgmt. District

Matt McMahon MMR

Sarah Lillibridge Lamoille Solid Waste Mgmt. District

Emma Shouldice Shouldice and Associates

Mark Shea Rutland County Solid Waste Management District

Ted Siegler DSM Environmental Services

 1(802)345-5285

ANR Participants:

Ben Gauthier VT ANR – Solid Waste Management Program

Josh Kelly VT ANR – Solid Waste Management Program

Mia Roethlein VT ANR – Solid Waste Management Program

Josh Kelly shared statute and definitions from the [Universal Recycling Law 6605K](https://legislature.vermont.gov/statutes/section/10/159/06605k)- specifically text for food residuals and the management hierarchy.

There was discussion of the definition of generator. Generator status does not transfer to the hauler. Generator refers to any person, business, institution, entity that generates any amount of food residuals.

Tom Gilbert asked about whether the hauler would become responsible if there were food scraps knowingly disposed of. Josh provided an explanation of the enforcement process and that the main focus is on the generator and also via communication with the hauler to ensure a separation option was provided. Ben Gauthier and Josh referenced prior compliance actions taken on mandated recyclables and a hauler combining recyclables with trash.

Tom requested a reading of mandated recyclables statute.

Tom requested a folder be set up with all pertinent information. It will be posted on the website and in a shared folder via an online ANR file share.

Caroline Gordon read statute definitions of food residual and source separated and then referenced the [ANR policy guidance](https://dec.vermont.gov/sites/dec/files/wmp/SolidWaste/Documents/Universal-Recycling/DSG.Packaged%20Food%20Residuals%20Policy%20January%202020.pdf) shared on January 2020 on the interpretation of the hierarchy.

*(31) "Food residual" means source-separated and uncontaminated material that is derived from processing or discarding of food and that is recyclable, in a manner consistent with section 6605k of this title. Food residual may include preconsumer and postconsumer food scraps. "Food residual" does not mean meat and meat-related products when the food residuals are composted by a resident on site.*

*(32) "Source-separated" or "source separation" means the separation of compostable and recyclable materials from noncompostable, nonrecyclable materials at the point of generation.*

Josh reminded all about the charge of the group from statute.

*(a) On or before July 1, 2022, the Secretary of Natural Resources shall convene a collaborative stakeholder process to make recommendations on the proper management of packaged organic materials, including: (1) recommendations on whether the organics management hierarchy in 10 V.S.A. § 6605k should apply to each generator of organic waste; (2) whether the Agency of Natural Resources should modify its existing policy surrounding the source separation of organic wastes; and (3) any recommendations on the proper use of depackagers in the management of organic waste.*

Mike Casella spoke to the various waste sheds in VT and that “one size fits all” won’t work. Over regulation will prevent the organics sector from being able to do business.

Tom modified agenda a bit to include discussion on what a successful organics system would look like and consider that there are aspects of the organics system that go beyond depackaging including the practices of source separation and feeding animals.

Some participants commented that there could be unintended consequences of diverting food scraps to animal feed (that isn’t up to standard for animal feed) if the requirements for source separation are so stringent.

There was discussion about providing access to food residuals to chickens only and not to cattle or swine.

There was clarification between food processing residuals and food residuals.

Food Processing Residuals are usually sole source from the production of a specific product.

Food Residuals can mean all types of food scraps.

Josh referenced a food manufacturer who stopped providing whey to a pig farmer because they couldn’t guarantee food processing residual/whey was safe.

Tom started a discussion on whether the group is basing interpretation of the hierarchy on the definitions of statute and whether or not evaluations are being made on the basis of existing science and data.

The group developed a check list of evaluating criteria.

The group must adhere to the legal interpretation of statute and the group has the ability to make recommendations to the legislature as to what changes might be made to statute.

Tom asked what are the filters that group wants to run any recommendations through? The group recommended:

1. Interpretation of Statute- look at UR and related laws in solid waste and agricultural.
2. Human health and safety
3. Environmental impact/ecological protection- some comments specific to this that this criteria needs to balanced in order to not hinder the organics industry from moving forward on diversion of organics.
4. Resource Value-Acknowledge that there are resources used in producing food. Optimal resource management and reuse. Highest and best use of the food residuals.
5. Transportation Impacts-look at carbon impact. Population density (combine with logistical considerations)
6. Practicality and logistical considerations- Any determinations made need to be flexible to accommodate for weather issues, or emergency situations. Discussion of where transportation should fall or should it stay its own criteria

Tom brought the discussion back to the agenda specifically *Item 3-Clarify Shared Goals and Values*

And asked the group where do we want the organics system in VT to be in 20 years?

What should the report provide that is missing from conversation now?

The following are comments from the group:

Dan Goosen– Ensure that no edible food is wasted and that food residuals are put to highest use. In addition ensuring healthy and resilient soils in VT while also maximizing the processes for energy consumption/capture where relevant and sees space for all of them- meaning all can be achieved

Hopefully not exporting large quantities of food scraps out of state.

And that as VTers we have figured out how to fully utilize the nutrients we produce here in VT

VT retains the resource value for local benefit.

Mike asked what if there is not enough demand of the compost product in the state?

Would a composter still need to sell final compost product in MA or NY if not enough market in VT?

Group discussed priority of benefit. Sell to VT first and then go out to other markets.

Jenna Evans commented on supply and demand and that markets should not be limited to state boundaries.

Mike commented that a condition of success is to make thoughtful decisions and to go through this process methodically.

Tom commented on a culture of resource stewardship based on values that VTers share and pride themselves on as a state and a community.

Steve commented that there needs to be no impacts to agricultural land and livestock related to waste management. There needs to be a better nutrient balance overall.

VT should meet its own nutrient needs first and then any excess to go out of state while ensuring that contaminants were not being put on farms.

Steve also called for a better understanding of the lifespan of organics.

Caroline commented that in 20 years VT should be proud of having closed nutrient loops and successfully generating highly valued soil amendments.

Nutrients should be brought back to their farms to feed people and mitigate carbon production.

Tom commented that economic benefit should be provided to the largest number of people possible

and proud if VT has forethought to look upstream at the manufacturers and packaging they use.

All agreed to maximize diversion of edible food to human consumption.

Ben commented on constructing a resilient system in which generators, haulers and facilities of all types and sizes play important roles and Vermonters as a result are less dependent on global food systems, national waste management systems, or imported resources/fertilizers.

Natasha commented that system should provide resiliency and common benefit and significant more community composting and smaller scale composting should be considered.

Discussion followed on what the group does not want to happen to the organics system in VT in 20 years.

The following are comments from the group:

Mike highlighted not having the ability to move materials- inadequate infrastructure.

Dan mentioned backtracking and not sending large amounts of food waste going back to the landfill and generating methane and referenced Colorado and their complications with their organics law.

Jenna commented the hope that composting isn’t the most expensive therefore the least desirable option for diversion

Tom not wanting to leave a legacy of toxins that are irreversible or practically irreversible

Steve wanting to avoid contaminated land or contaminated animals. Nutrient load being out of balance or not being utilized.

Natasha commented on not wanting to shift management of organics to vulnerable areas or vulnerable populations and needing to keep environmental justice in the forefront.

Tom not wanting to lose edible food to non human consumption.

Mike highlighted the need to look at the whole system- it is not just composters versus depackagers.

All called for clear rules and guidance for all materials that are being collected and moved so state has those to reference for enforcement.

Discussion on how to provide a clear path if data won’t be available for 3 years.

Steve proposed using the information currently on hand and setting a path forward and then acknowledging that it is a work in progress.

Tom, Steve and Erin- discussed weighing risks and setting some rules and parameters. Consider setting parameters to go in the right direction and then timelines to check on where things are going.

What are the parameters and deciding as a group how to set parameters that everyone can live with to get to the ideal system?

Determine where risk is and assess the risk and group to come to agreement with where the line can be with human and environmental health.

Solid Waste Program is focusing on clean source separation and providing a clear expectation for generators and facilities.

In addition, the clean food scraps campaign and offering guidance/best practices to generators, haulers and facilities.

Next meeting topics and presenters to invite were discussed.

Ben offered to look into what other states have for a food recovery/management hierarchy and to reach out to Colorado, Maine, CT and other states. Chris Beling offered connections to other states.

Tom requested inviting Matt Chapman, Waste Management & Prevention Division Director to discuss ANR’s role in implementing the hierarchy and Peter Blair, Just Zero to offer legal interpretation of statute at the next meeting specifically on the food management hierarchy.

There was some discussion on the definition of generators and whether certain generators had exemptions. Josh clarified all generators are the same and the only exemption is the de-minimus exemption on a case by case basis.

The Agency has read the statute that a generator is encouraged to attempt to divert for food rescue and then down the hierarchy.

Other members of this group have read the statute as it is mandated that the generator divert for food rescue and then move down the hierarchy for other options.

A discussion followed on what exemptions there could be to the above and that other stakeholders who have a vested interest that might want the opportunity to present to this stakeholder group.

There was discussion on considering having guest participants/experts present at smaller Teams meetings for the group and record them in order to fit in more meetings on a tight timeframe and offer flexibility to guest speakers.

The group requested hearing from Solid Waste Program staff about the challenges and issues around enforcing the food management hierarchy.

At the next meeting all 7 main group participants will offer their background knowledge on food residuals management specific to the hierarchy and other stakeholders are also invited to offer comments.

Per Tom’s request, Ben to email main 7 participants asking them to submit questions related to all 3 charges by legislature by Friday to group. What experts can help answer these questions? If someone can’t think of a specific person they can provide an archetype- i.e. a person from the grocery sector

Also, if data or a report available related to participants responses, that information will be placed on a shared drive.

Save the date for next 3 meetings will go out by Friday and Mia to send out a schedule poll for a second meeting in October.