

## Recommended Amendments to H501 - Protect Our Soils Coalition

3/16/2022

- 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, all of which should be source separated at the point of generation (to be later informed and updated through item d, below):
  - i. Non-packaged materials
  - ii. Easily unpackaged materials
  - iii. Post-Consumer 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. Define enumerative list of permissible uses.
- 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.

The study committee should also:

- iv. Prioritize source separation and create provisions that promote this and reward practitioners who achieve high standards.
- v. Be scientifically focused and include a variety of independent experts, including a soil ecologist, an agronomist, a non-governmental toxicologist and others to ensure that industry priorities are not driving the findings.
- vi. Assess permitting and fee structures associated with depackager facilities, as well as compliance of out-of-state operations with Vermont law.