

Vermont Sustainability Sub-Committee Meeting Minutes—September 27, 2021

Jacob Policzer calls to order meeting at 12:04 pm.

Attendees

Sub-Committee Members:

- Billy Coster
- Stephanie Smith

Cannabis Control Board:

- Kyle Harris
- Nellie Marvel

NACB:

- Jacob Policzer
- Gina Kranwinkel

Guests:

Anna Bourakovsky
Josh Kelly

5 Members of public

Minutes recorded by Meggan Hau.

Jacob Policzer entertains a motion to approve the minutes for the September 22 meeting. During discussion two clarification were note:

1. Stephanie Smith – comment regarding greenhouse lights at night was speaking generally not necessarily about cannabis.
2. Billy Coster- Rarely has light come up as an impact on wildlife habitat in regulatory context.

With those two amendments, Billy Coster motions to approve. Stephanie Smith seconds. All vote in favor of approving.

The subcommittee moderator Jacob Policzer moves to discuss waste and waste management and discuss what Vermont has that cannabis businesses will have to comply with.

Notable comment(s):

*Stephanie Smith- Currently, hemp generally allows composting of vegetative waste on site where cultivation occurred. Covered by RAPs. Relative to wastewater, my understanding is outdoor irrigation is exempt from Clean Water Act. I suspect if there is a non-point source pollution issue, it would be addressed by RAPs, then DEC and their programs. Relative to dealing with indoor cultivation, my understanding we would prevent facilities from creating point source or discharge.

*Jacob Policzer- Are there regulations of onsite composting limits?

*Josh Kelly- We would consider these crop (vegetative) waste, like other crop waste if landfill banned and compostable. Definition is written to interpret it broadly. Farmers manage what they produce on your land,

however this industry might be different. We do have composting network in state and have some stump dumps (more inactive composting), we have a pretty robust network, but I don't know if they are accepting this material now. I imagine onsite management and shipping offsite, mostly composting will be economically beneficial over disposal.

*Jacob Policzer- Almost every state has required a 50/50 mix of THC containing materials (flower, stalks, etc. be mixed with other material to render unusable and unrecognizable)

*Stephanie Smith- USDA and Hemp program as they envisioned it, allow for farm disposal of hemp that is noncompliant without using reverse distributor. They offer 4 or 5 different ways hemp growers could get rid of hot hemp, and we could use those for our recommendations.

*Josh Kelly- My information is anecdotal, from people I spoke with, tipping fees range from nothing to as much as \$60 a ton. With transportation cost being the highest cost. There are probably exceptions. We have sorting facilities, two recycling factories. *Josh shared Summary of Compost Cert Requirements from Vermont Agency of Natural Resources.

* Stephanie Smith- anything the CCB can recommend that would allow for someone who is cultivating to compost waste onsite of cultivation?

*Jacob Policzer- when going through regulations, CA defines cannabis waste as organic waste. Acceptable disposal is potentially dependent on how the regulations define waste.

*Stephanie Smith- considered vegetative waste, and we don't have to use the word farming.

*Josh Kelly- we don't have oversight over the word 'farm' but we have the definition of leaf and yard residuals. This exception could apply to vegetative waste. Also note, the document is updated.

*Billy Coster- Landscapers use this schema to dispose of those materials.

*Stephanie Smith- We have had a hemp program since 2013, I think we considered it 'farming' so onsite composting piece was always in place. From USDA, plowing under, discing, deep burial, etc. could be based on that individual growers' activities. Don't know if it needs to be documented.

*Anna Bourakovsky- universal waste rules. Part of hazardous waste rules. Not required to notify with us, but you would be subject to the proper management standards set in the rules. For lithium-ion battery, trying to come up with new guidance as it's a new waste stream and has to be handled differently. We will have more guidance coming out in next year. Flammable or ignitable solids, if they fail ignitability test, regulated as a hazardous waste. Depends on plant matter with residual solvent content. As of now, we don't have guidance on those limits. Up to generator of waste material, to determine whether plant material needs to be regulated as hazardous waste based on federal guidelines.

*Jacob Policzer – Discusses issue with limiting packaging waste and child-resistant packaging standards.

*Billy Coster- We would want to take path of least waste possible, but public safety may override that.

*Stephanie Smith- Health dept may have an opinion on that too.

*Josh Kelly- Regarding recycling, rule of 2—the MERFs, do not want any material under 2 inches in at least two directions. We generally look much higher of regulations and policies, we are in favor of recycling, but I don't think I can say today if we would require a specific industry to meet a specific standard.

*Jacob Policzer- what is able to be recycled (numbers of plastic) and is there guidance for the industry?

*Josh Kelly- We ban plastics 1 and 2 from food and beverages. Beyond that, we don't ban other plastics. Preferred plastics remain number 1, 2 and 5. If you use glass, those are recyclable.

*Billy Coster- if there are options for packaging materials, we can provide guidance on what is most preferable.

* Josh Kelly- we have 5 EPR programs (paint, batteries, electronics, mercury bulbs, and mercury thermostats). We encourage post-consumer content and reuse opportunities or take back programs.

*Anna Bourakovsky- In terms of packaging we work with generators to encourage them to use a more environmentally friend alternative. With extraction, it's dependent on the process. For us, we encourage

facilities to get a recycling system to reuse solvent and have minimal waste amounts. Don't have a program specifically.

*Stephanie Smith- CCB could require system to centrifuge out solvents for reuse. Potentially would help in reducing ignitability.

*Kyle Harris- On the issue of child resistant packaging, perspective that 164 was passed from youth prevention perspective. I'd imagine, the board will defer to youth prevention. If we can thread the needle, we should, but err on side of that perspective of youth prevention.

*Billy Coster- There is a ban on single use plastic bags in Vermont. People could get in the habit of bringing exit packages with them.

*Kyle Harris- Please note, we cannot make exceptions for small cultivators on sustainability issues so our language will have to keep that in mind.

*Stephanie Smith- I'd like to recommend we add that stalk can enter into commerce.

*Billy Coster- I support that.

Jacob Policzer opens the floor for public comment. Kyle Harris notes there are no public comments

Next steps:

*Kyle Harris- Will run the child resistant packaging/recycling idea through public health subcommittee – one of least waste or more consumer protection?

*Jacob Policzer- Get some language written out to present.

Following last thoughts, Jacob Policzer entertains a motion to adjourn. Meeting is adjourned at 1:05 pm.

Next Sustainability Subcommittee meeting is Thursday, September 30 at 12 ET.

Shared links from chat:

Compost Cheat Sheet for DEC Solid Waste Program:

<https://dec.vermont.gov/sites/dec/files/wmp/documents/solidwaste/COMPOST%20REGS%20CHEAT%20SHEET.pdf>

Information from Josh Kelly re: what would be considered landfill/disposal banned leaf and yard residuals banned as of July 1, 2016:

Based on the definition in state law below, cannabis/hemp waste, like other crop wastes that are compostable untreated plant/vegetative material would be considered landfill banned, however if composters won't or can't accept the material because it's been treated or is invasive, diseased, or may contain dangerous or hazardous substances, then it could be disposed (trash or landfilled) as a last resort.

“(30) “Leaf and yard residual” means source separated, compostable untreated vegetative matter, including grass clippings, leaves, kraft paper bags, and brush, which is free from noncompostable materials. It does not include such materials as pre- and postconsumer food residuals, food processing residuals, or soiled paper.”

Example of guidance produced for retailers on single use products and sustainable choices:

<https://dec.vermont.gov/sites/dec/files/wmp/SolidWaste/Documents/Sustainability-Tips-Food-Beverage-Containers.pdf>