

**STATE OF VERMONT**  
**EXECUTIVE DEPARTMENT**  
**ADDENDUM 8 TO EXECUTIVE ORDER 03-23**  
**[REGULATORY RELIEF FOR FARM RECOVERY]**

**WHEREAS**, on Sunday, July 9, 2023, the Governor issued Executive Order 03-23, Declaration of State of Emergency, Guard Call-Out and Activation of Emergency Operations Plan for the State of Vermont in Response to Anticipated Storm-Related Damage (“Emergency Declaration”), declaring a state of emergency for the State of Vermont in response to the July 2023 severe storm (“Flood of 2023”); and

**WHEREAS**, on July 10, 2023, the President declared that an emergency exists in the State of Vermont; and

**WHEREAS**, once it became clear flood damage and mudslides from a storm in the Killington area July 7, 2023, and excessive rain, flooding, water runoff, erosion and resulting damages statewide during the period July 9-11, 2023, were not going to be isolated incidents, but rather part of series of events which would continue throughout the coming week, with widespread flooding, repeated flash flooding, water runoff, erosion and mudslides due to inundated soils and slope instability, statewide, the Governor, in consultation with the Federal Emergency Management Agency (FEMA), requested a Presidential Declaration of a Major Disaster for the period July 7, 2023, and continuing; and

**WHEREAS**, on July 14, 2023, the President issued a Major Disaster Declaration based on flooding beginning on July 7, 2023, through and including July 21, 2023 (the “Major Disaster Declaration”); and

**WHEREAS**, on September 5, 2023, the Secretary of the United States Department of Agriculture (USDA) recognized the severe impact to Vermont farmers from flooding and excessive rain and issued a natural disaster designation naming all 14 Vermont counties as primary natural disaster areas; and

**WHEREAS**, the scope and severity of the Flood of 2023 will likely exceed that of Hurricane Irene in 2011; and

**WHEREAS**, the Flood of 2023 struck during the heart of Vermont’s growing season and wiped out farmers’ crops and feed, caused tens of millions of dollars in farm damages, and saturated farm fields making them unusable during the ongoing emergency; and

**WHEREAS**, the natural nutrient cycle, where farmers regularly distribute manure and growing crops take up the nutrients, was significantly disrupted by field and crop conditions; and

**WHEREAS**, this significant disruption of the natural nutrient cycle as a result of the Flood of 2023, as well as saturating rains during the months of June, July and August statewide, left farmers with excess combined manure and rainwater (with diluted nutrient concentrations) and unworkable nutrient management plans (“NMP”); and

**WHEREAS**, the Secretary of the Agency of Agriculture, Food and Markets has existing regulatory authority to grant emergency exemptions to the winter spreading ban; and

**WHEREAS**, in light of the dramatic impact of the Flood of 2023 as well as ongoing saturating rain on numerous Vermont farms and the Secretary of USDA’s September 5, 2023 statewide natural disaster designation, I have determined, subject to the terms of this Order, to suspend all winter manure spreading and NMP requirements that may interfere with or limit any exemption the Secretary of the Agency of Agriculture, Food and Markets issues pursuant to this Order to both enable Vermont farmers to recover from the Flood of 2023 while continuing to produce food, and minimize any potential adverse environmental impacts.

**NOW THEREFORE**, pursuant to the authority vested in me as Governor of the State of Vermont by the Constitution of the State of Vermont, Chapter II, Section 20, and pursuant to the emergency powers set forth in 20 V.S.A. §§ 8, 9 and 11 and other laws, I hereby suspend all winter manure spreading and NMP requirements that may interfere with or limit any exemption the Secretary of the Agency of Agriculture, Food and Markets issues, subject to the terms of this Order:

**I HERBY DIRECT** the Secretary of the Agency of Agriculture, Food and Markets (“AAFM”) and the Secretary of the Agency of Natural Resources (“ANR”) as follows:


1. AAFM shall perform a general assessment of farms and their respective manure storage capacity as of December 1, 2023.
2. AAFM and ANR shall work together to develop and issue consensus recommended best practices to allow necessary manure spreading on fields after December 15, 2023, that restores winter storage capacity and prevents discharges to surface waters.
3. AAFM shall issue exemptions to the winter spreading ban as necessary to ensure sufficient manure storage capacity through the winter and to ensure compliance with NMPs to the greatest extent practicable. These exemptions shall incorporate the best practices developed by AAFM and ANR in accordance with Section 2 of this Order, as well as any additional restrictions or requirements agreed by ANR and AAFM with the approval of the Governor that may be necessary to address evolving field or weather conditions and prevent discharges to surface waters. At a minimum, these best practice shall ensure:
  - Farmers shall continue to use NMPs designed to prevent waste runoff but shall be permitted to land apply any manure they were unable to spread during this emergency without violating their NMP requirements.

- All manure applications made during an exemption granted under this Order shall be setback at least 100 feet from all surface waters and ditches.
  - Farmers shall be responsible for adhering to all other applicable laws and rules to ensure that runoff to surface water does not occur.
4. AAFM and ANR shall ensure compliance by farmers who require an exemption granted by AAFM in accordance with this Order.
  5. AAFM shall not issue an exemption under this Order to farmers with sufficient manure storage to meet the standard statutory winter spreading ban. Farmers with sufficient manure storage to meet the standard statutory winter spreading ban shall continue to comply with the winter spreading ban.
  6. Pursuant to the powers granted to the Governor in 20 V.S.A. §§ 8, 9 and 11 and other provisions of law, I shall from time-to-time issue recommendations, directives and orders as circumstances may require.

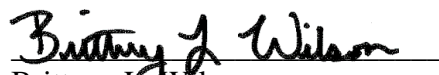
This Executive Order shall take effect upon signing and shall continue in full force and effect until the Governor, in consultation with DPS/VEM, shall assess the emergency and determine whether to amend or rescind this Order.



WITNESS my name hereunto subscribed  
and the Great Seal of the State of Vermont  
hereunto affixed at Montpelier this 14th day of  
December 2023.

  
Philip B. Scott  
Governor

By the Governor:

  
Brittney L. Wilson  
Secretary of Civil and Military Affairs