

**UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT**

CHAMBER OF COMMERCE OF THE UNITED
STATES OF AMERICA, et al.,

Plaintiffs,

v.

JULIE MOORE, et al.

Defendants.

Civil Action No. 24-cv-1513 (MKL)

**DECLARATION OF ANDY JONES IN SUPPORT OF
MOTION TO INTERVENE**

I, Andy Jones, declare as follows:

1. I've been the manager of Intervale Community Farm in Burlington, Vermont since 1994. Intervale Community Farm is a member-owned, community-supported agriculture farm that has provided the greater Burlington community with an affordable source of high-quality, organic produce since 1990. We have over 700 member households and donate thousands of pounds of produce each year to area food banks.

2. Intervale Community Farm is a member of the Northeast Organic Farming Association of Vermont. I also previously served as a board member and board chair for the organization.

3. The entirety of our 55-acre farm, as well as those of our neighbors, lies within the 100-year floodplain of the Winooski River. Like all farmers, we're prepared for a certain amount of risk, and we've managed around spring floods for decades. But over the last 20 years, we have begun seeing much more regular floods during the summer, including floods that put over 95% of our farm underwater. Four of the top ten recorded floods since 1928 on our section of the

Winooski River have occurred in the last 14 years, and you have to look back to 1973 to find a notable flood in the summer months. These floods threaten the farm's survival.

4. Intervale Community Farm is one of six farms in the Intervale, a 360-acre campus along the Winooski River in Burlington. The Intervale is a special place and an important community resource. Its six farms mostly grow produce for the local community, and the campus is also home to a community of new American farmers who farm subsistence and small market plots. There are also trails, bike paths, and a large and growing community garden network. All of these resources are threatened by adverse impacts from climate change.

5. A key part of our mission is providing affordable, high-quality organic produce to our local community. I believe it should be everyone's mission to contribute to their community, and the best way for our farm to do that is to do what we do best—grow food. Most of what we grow goes to our community-supported agriculture members, who sign up in advance for a weekly share of what we grow. We offer a 33% discounted share to members who qualify based on income. We also donate tens of thousands of pounds of produce directly to local food banks and invite nonprofits to glean produce that would not otherwise be harvested from our fields.

6. Because our farm is located along the Winooski River and is in a floodplain, flooding has always been a part of our life. But until the mid-2000s, those floods typically happened in the spring, before the growing season, or after harvest was nearly or fully complete in the autumn. We knew how to manage around those floods. Now, because of climate change, the timing of severe flooding has shifted toward summer, making it nearly impossible to plan around.

7. When Hurricane Irene hit in 2011, it put nearly the entire farm underwater. We lost 13 acres of crops.

8. After Hurricane Irene, we started making changes to adapt to more frequent summer floods, including altering our crop mixes, moving more growing into raised beds and greenhouses, building a new flood-resistant produce storage facility, and elevating electrical and HVAC services above the 100-year flood level. These measures came at a cost: we've had to spend around \$100,000 on infrastructure upgrades that we wouldn't have needed without the increased threat from climate change. With annual sales of \$750,000-\$800,000 and capital expenses averaging \$30,000-\$40,000, that is a significant expense for a farm our size.

9. While these measures made us better prepared for the next flood, they haven't been enough. On July 12, 2023, 99% of the farm flooded, wiping out about \$200,000 worth of our crops and around \$500,000 of our neighbors' crops. And just one year later, in July 2024, our farm and our neighbor farms flooded catastrophically again.

10. Every growing season flood means crop loss. If the soil gets too wet, crops may stop growing and rot in the field. And once flood water touches crops, they're considered adulterated by the FDA and we can't sell them. So we have to destroy crops, even if they survive the flooding.

11. Because we're at the bottom of the watershed, we have a little warning that a flood is approaching, and we can try to harvest crops early before the flood comes. It's pandemonium: Hundreds of volunteers, sometimes in the pouring rain, racing the river to get crops out of the ground. We can save some crops this way, but not as many as if we had been able to let the crops fully mature. And it's always a risky calculation about when to harvest—if we start too early, and the flood doesn't come, we've lost out on crop yields for no reason.

12. This crop loss strains the farm's economic model. We depend on our members to pay for their shares in advance, and it's horrible to feel like we're not going to be able to deliver

what we intended to our members. In 2023 and 2024, we were able to keep up with our shares by buying produce grown elsewhere. So far we've been able to find enough people to join, but the pace of our sales has slowed since the 2023 flood. If we keep experiencing this level of crop loss, I'm worried that we're going to start losing members beyond our ability to replace them.

13. Crop loss compromises other parts of our mission, too. In a good year, we are able to donate over 30,000 pounds of produce to food banks. But after the flood losses in 2023 & 2024, we were only able to donate around 10,000 pounds in each year.

14. Increased floods during the growing season is not the only adverse climate impact we're experiencing. More intense rainfall, even when it doesn't result in a flood, contributes to nutrient loss and promotes diseases that reduce crop yield. At the same time, we're also seeing increased drought and more oscillation in the Winooski River's level. This means we have to irrigate more, requiring more labor, equipment, and fuel.

15. We're also experiencing higher summer temperatures than we used to, which puts more strain on our crops. There are some crops, such as lettuce and broccoli, that we just don't grow in the summer anymore because of increased drought and higher temperatures. Heat also puts more physical demands on our farmworkers. There are more days when the heat means we send people home early to protect their health. The farm will pay for a few days and absorb the lost hours, but if the heat lasts too long the crew loses wages. And when we had bad wildfire smoke in the area a few years ago, that was another health threat to our workers.

16. We are prepared to adapt, but it's expensive. Farmers are optimists by nature—we've always dealt with a lot of risk and uncertainty. Agriculture, especially in Vermont, is full of resourceful and resilient people. In many ways, vegetable farms like ours are better prepared

to adapt to a changing climate compared to, say, the Iowa corn belt, because we already have a diversity of crops and growing practices.

17. I'm still an optimist even in the face of climate change, but my optimism is more guarded. The solutions we can pursue are costly and come with their own challenges. For example, we've started leasing land out of the valley so that not all of our fields are at a high risk for flooding. But because a big selling point for our members is that they can pick up their food ten minutes from downtown Burlington, we don't want to move too much production out of Intervale. Acquiring more land for the long term will be expensive, plus there are the costs of transporting produce grown there back to the valley.

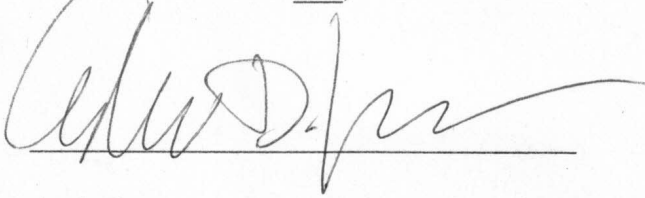
18. Even if we can keep fulfilling our member commitments, the costs are going to mean compromising on other parts of our mission. It's going to be challenging for us to keep paying our employees competitive wages, when it's already so difficult to find employees in an expensive area like Burlington. It's also getting harder for us to host school kids in the fall for harvest visits, since there's just less produce in the field. Exposing kids from the city to our farm has always been really important, and I hate that we could lose that. We've also frequently partnered with the University of Vermont to host research projects, but researchers are less interested in working with us after losing multiple research plots to flooding.

19. There's a lot we could do with more funding to keep adapting to climate change. For example, with more funding, we would buy more land outside the valley, build out more greenhouses to protect crops from flooding, upgrade more of our HVAC and legacy buildings to be flood resistant, and install backup generators for power outages. We also want to convert our current diesel-fueled irrigation system to electric to make it more resilient and sustainable, but that would cost \$100,000. We just don't have that money.

20. I support the Vermont Climate Superfund Law and testified in support of it before the state legislature. It's unique and courageous for Vermont to recognize that polluters should pay their fair share for the state to adapt to the conditions the polluters helped to create. Currently, taxpayers are on the hook to pay the costs of climate change and disaster relief. Somebody is going to end up paying for this—the question is, who should that be? It seems like it is fair for fossil fuel companies to contribute to help Vermont, and Vermonters, limit further harm from climate change.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 24, 2025.

A handwritten signature in black ink, appearing to read 'Andy Jones', written over a horizontal line.

Andy Jones