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Lawmakers Hold Micro-Distillery Bill Amid Environmental and Enforcement Concerns

Despite backing from DPNR and industry advocates, lawmakers cited unresolved wastewater disposal concerns, limited environmental enforcement capacity, and conflicts with agricultural zoning protections before voting to hold Bill 36-0211 for further review

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Legislation that would allow micro-distilleries and micro-breweries to operate on land zoned for agricultural and residential use was placed on hold Thursday after lawmakers raised concerns about environmental safeguards, enforcement capacity, and whether the proposal was sufficiently developed for approval.

The Committee on Disaster Recovery, Infrastructure and Planning voted to hold Bill 36-0211, effectively pausing the measure and opening the door to amendments or a complete rewrite.

Introduced by Senator Milton Potter at the request of Governor Albert Bryan Jr., the bill seeks to permit small-scale distilleries and breweries in certain zones, subject to public notice and approval by the Department of Planning and Natural Resources. According to Sen. Potter, the legislation is intended to support agricultural entrepreneurs who want to “take their sugar cane, their local crops, their creative vision and produce something of value.”

“What stands in their way is not ambition, it is zoning... This bill is about potential economic diversification, tourism appeal and cultural preservation,” Sen. Potter said, later clarifying that his office did not author the bill.

The proposal drew significant public opposition ahead of Thursday’s hearing. A petition circulated by People Protecting Places urging lawmakers to reject the bill had collected 941 signatures before the meeting convened.

Despite that opposition, DPNR supported the measure. Commissioner Jean Pierre Oriol testified that Bill 36-0211 “aligns with our vision for updating the Zoning Code, specifically our agricultural zones and their permitted uses.” He said the legislation “seeks the revitalization of agriculture and spirits production in the Virgin Islands, particularly on St. Croix.”

Under the bill, DPNR and the Department of Agriculture would be required to promulgate rules and regulations, and applicants would be subject to environmental performance standards. Mr. Oriol requested that lawmakers amend the measure to delay its effective date by two years, allowing DPNR to conduct public hearings, establish production thresholds, and adopt environmental standards.

The measure also received support from Attorney Kevin Rames. Initially, it was unclear whether Mr. Rames was appearing as a private attorney or on behalf of Prosperity Farms Distillery. Lawmakers noted that he had opposed similar legislation approximately four years ago and questioned whether his affiliation with the distillery influenced his current support. Mr. Rames denied that assertion, but maintained that expanding distilling opportunities would benefit the territory. He pointed to Martinique as an example of a Caribbean island with a thriving rum industry.

Opposition testimony came from Alice Charles, speaking on behalf of People Protecting Places. She argued that A-1 and A-2 agricultural zones were created to protect limited farmland and said that expanding alcohol production in those areas would undermine food security.

“At a time when we talk about resilience and disaster preparedness, agricultural land should primarily be used to grow food, not more industrial alcohol,” Ms. Charles testified.

She also raised concerns about the environmental impact of rum production waste. She told lawmakers that if wastewater known as vinasse is not properly treated, it can “harm soils, guts, groundwater, and coastal waters because of the large amount of bacteria and other contaminants.”

Referring to photographic exhibits, Ms. Charles alleged that Prosperity Farms Distillery was responsible for a toxic discharge that flowed to Prosperity Beach, rendering the area temporarily unsafe for swimming. Attorney Rames repeatedly denied those claims.

Ms. Charles further argued that the bill violates the Comprehensive Land and Water Use Policy, a claim Commissioner Oriol rejected. He said the legislation removes the need for use variances and instead provides an additional permitted use as a matter of right, in line with efforts to streamline the table of land uses.

Still, Ms. Charles testified that “much of the push for these changes is coming from outside corporate interests and wealthy landowners who see our island as a playground or an investment, not as a home they must protect.”

Lawmakers wrestled with balancing environmental protection and economic opportunity. Senator Marvin Blyden described the measure as “a good bill, but I don't think it's ready for prime time at this time,” and said he anticipated multiple amendments. Senator Carla Joseph expressed “grave concerns” about potential environmental impacts.

Senator Angel Bolques Jr. pressed Commissioner Oriol on DPNR's environmental enforcement capabilities and questioned how brewery and distillery waste treatment would be handled. Those concerns were not substantially addressed. “These are all the things that I believe we are missing in order for us to make a data-driven decision that would balance between the economic opportunities and the environmental challenges,” Sen. Bolques said. While acknowledging the potential economic benefits, he added that the “environmental component outweighs all of that.”

Senator Kurt Violet characterized Bill 36-0211 as “poorly constructed,” saying it “doesn't restrict or have real good environmental protections to the people of the Virgin Islands.” He suggested the measure be “totally rewritten” to address concerns raised during testimony, including proper wastewater disposal. “We have to legislate it,” Sen. Violet said, emphasizing the Legislature's role in crafting enforceable standards.

“We have to make sure that we protect the soil and the water, but we also have to make sure that we expand the economy. It could both be done,” he stated.

Senator Kenneth Gittens echoed the need for stronger oversight, saying “we have to be serious on regulations and enforcement.” Later in the hearing, Sen. Potter joined calls for additional “safeguards.”

Throughout the day-long session, discussion frequently blurred the line between the proposed legislation and the legality of operations at Prosperity Farms Distillery. Senator Marise James, the committee chair, repeatedly sought clarification from Attorney Rames regarding the farm's activities and whether regulatory gaps were being exploited. Mr. Rames denied all such assertions.

After recessing to deliberate, the committee ultimately voted to hold Bill 36-0211, pausing its advancement and leaving room for revisions or a complete rewrite.

Their decision followed Ms. Charles' admonition that lawmakers “don't let the governor make all you commit suicide on all you career.”