



FOR THE WEEK ENDING FEBRUARY 11, 2022

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REMINDER TO ORLEANS COUNTY MEMBERS

Please join the Orleans County Farm Bureau at the Irasburg Town Hall on Monday, February 14, 2022 at 10:00 for a delicious pancake breakfast and lively discussion with Orleans legislators on topics under the Golden Dome! For more information or to RSVP, please contact President Scott Birch at sbirch@poulingrain.com – see you there!

NEW BILLS IN HOUSE AG

H.704 was introduced by sponsor Rep. Kimbell and builds on the on-farm accessory language passed several years ago. It would prohibit regional and municipal plans from banning on-farm accessory businesses; remove the requirement for the business to be subordinate to the farm (provided gross sales don't exceed \$200,000 annually); exempt water from the calculation determining if products are principally produced and would limit the amount of land used by an accessory on-farm business to one acre and set the maximum size of new buildings to 4000 square feet. Rep. Kimbell noted he has heard from farms wishing to open a restaurant as an agritourism business and also wants the water exemption so that businesses such as whiskey producers could come under the agritourism exemptions. This language was offered as a stand-alone but the Rural Caucus Omnibus Bill (H.581) includes all of it within that bill.

H.705 was introduced by Rep. Leffler in response to animals running loose in Enosburgh. The bill would require livestock owners to have "sufficiently maintained fence composed of posts and rails, posts and palings, posts and planks or palisades, posts and wire, or rails alone." Owners of run-away livestock would be subject to a civil penalty of up to \$500 for first offense and \$1500 for subsequent offenses. It would give municipal law enforcement or public health officials the ability to enforce the

requirements and responsibility for all damages caused by loose livestock to be the liability of the owner of the animals.

H.696 was introduced by Rep. Birong and would amend the definition of accessory on-farm business to add "on-farm restaurants" as an option for farms, if, daily, the restaurant featured products produced on the farm. This would prohibit municipal bylaws from banning on-farm restaurants.

ATTENTION DAIRY FARMERS: SIGNUP FOR DMC EXTENDED

If you haven't contacted your FSA office to sign up for the Dairy Margin Coverage Program yet, the signup date has been extended to March 25, 2022. Milk prices are projected to be above \$20/cwt in 2022 but volatility in the marketplace can still occur. There is language in the Budget Adjustment Act in the Vermont statehouse that – if passed – would cover up to \$7500 of the premiums for 2022. Please consider how DMC can help your farm and sign up before March 25.

S.166 VOTED FAVORABLY OUT OF JUDICIARY

The Broadband language supported by Farm Bureau which focuses on enforcement of site cleanup by contractors and subcontractors using distribution poles was amended from its original offering and voted to the Senate floor, where it moved into Senate Finance. A walk-through of the bill was offered by Legislative Counsel and many questions were raised by committee members. Testimony will begin next week with invited witnesses to include Christine Hallquist (VT Broadband Council), VELCO, staff from the Public Utilities Commission and the AG's office. Concerns voiced included the perceived lack of broadness of the language and challenges with the subcontracting issues.

PROPOSED HEARING ON 2/18 REGARDING RIGHT TO FARM – S.268

Farm Bureau (among other organizations) has been asked to provide comments and witnesses for a combined hearing of Senate Judiciary and Agricultural next Friday, 2/18. The VT Dairy Producers Association worked with Senators Starr, Parent and Brock to develop language which can be found in S.268. The bill was remanded to Senate Judiciary but Senate Ag members walked through the language last week, even though they don't "own" the bill. A request for more information, including a side-by-side comparison of current statute and S.268, has not been received by VTFB. Senators Starr, Collamore and Parent want to move forward with this bill; Senators Pearson and Pollina are questioning the timing and want the reasons for the proposed changes.

Farm Bureau has not taken on a position on S.268, although our policy states "commercial farms encroached on by suburban areas should not be subject to regulation under nuisance or noise laws and all existing regulatory exemptions for on-going farm operations should be maintained." Also, we support "legislation to strengthen Vermont's Right to Farm Law to protect farmers and farmland whose use has been modified yet still stays within Vermont's definition of farming (10 V.S.A. Section 6001(22)).

If you are interested in testifying, please let us know. We are also hoping that Senator Starr will lead the discussion on this at the Orleans County meeting on February 14.

H.626 BANNING OF NEONICOTINOIDS

The House Agriculture Committee has continued taking testimony from a variety of witnesses on this bill, which requires VAAF to prohibit the use of neonicotinoid pesticides until VAAF adopt rules for the sale, use or application of them. This would mean that no neonicotinoid pesticides could be used this year; and, if rules are not adopted by 1/1/24, a prohibition (ban) of these pesticides would become permanent.

Members of the organic community presented information indicating there is no known increase in yield by using these pesticides in corn or soybean; they promoted use of Integrated Pest Management (IPM) which may or may not be practical for large growers of these crops.

A request from Chair Partridge has gone out to Farm Bureau and others, asking for farmers who use neonicotinoids and disagree with lack of yield and ability to apply IPM management to testify in front of House Agriculture next week. If you are interested, please contact Jackie at 802-426-3579; this could be a zoom interaction for convenience.

H.606 BIODIVERSITY BILL

Testimony from organizations supporting this bill – 30% of Vermont land will be conserved by 2030 and 50% by 2050 – visited with House Natural Resources. The legislation still leaves the work of determining HOW to meet these goals up to a "conservation plan" which is due 1/15/23. Chair Sheldon asked for active GIS maps of all conserved lands and an index. More discussion will be heard today.

H.501 STANDARDS FOR CONTAMINANTS IN WASTE

After hearing from multiple witnesses that there is a lack of reliable testing methods and a lack of clarity around associated liabilities and costs for farmers, a strike all of the original language was offered which:

- Establishes a moratorium on ANR certifications for new or amended food depackaging equipment until ANR adopts rules in accordance with the amendment
- Requires ANR to develop a stakeholder process regarding the depackaging of materials, the chain of custody of these materials and an inventory of these facilities, among other things
- Directs ANR to establish rules in accordance with their findings

Stakeholders in the bill include composters, anerobic digesters, producers of food residuals, municipalities, haulers, depackagers and environmental organizations. It was suggested to add VAAFM to the list of stakeholders but no decision was made. It's also worth noting that no farmers are included in the stakeholder group.

S.234 CHANGES TO ACT 250

A new draft of S.234 in Senate Natural Resources now includes a study regarding on-farm business exemptions (Section 17) but also the agricultural exemptions in total. This requires the Natural Resources Board to return to the Legislature by 1/15/23 with a report on how agriculture should be considered un Act 250. Specifically, it asks the report to consider the establishment of "agricultural business innovation zones". It also would exempt VTrans from the requirement of prime ag soil mitigation when expanding or improving regional airports (same language in H.510).

VERMONT HOUSING CONSERVATION COALITION

Members of this coalition made the rounds of several committees this week, reminding legislators of the importance of their housing and conservation efforts and the need for continued funding. The Vermont Farmworker Housing Repair Loan Fund will be launched soon, aiming at repairs on farms but also geared to learning about future needs for farmers. Funds will be available to address critical health and safety repairs (including wastewater systems, plumbing upgrades, overcrowding relief, electrical is needs, etc.). A forgivable loan up to \$30,000 at 0% interest over ten years is available . There is \$500,000 in loan capital for up to 25 loans over the next 18 months. Applications may be open in March with an April deadline. The loan is forgivable and the principal reduces by 10% per year; no payments are due throughout the ten years and the principal disappears if the terms are fulfilled.

S.188 CANNABIS

The regulation of licensed small cannabis cultivation as farming was voted 5-0 out of Senate Agriculture and will go by rule to Senate Finance (it affects state revenues). The cultivation, processing, and manufacturing of cannabis by all cultivators shall comply with RAPs as administered and enforced by the Vermont Cannabis Board and shall not be considered an agricultural product. Growers shall still be regulated as “farming” and will be eligible for Current Use enrollment; they will also be exempt from retail sales tax. Conversation in the committee recognized the challenges created with the hemp law, which allowed saturation of the market and a collapse of prices to the farmers.

GOVERNOR’S COMMISSION ON THE FUTURE OF VERMONT AGRICULTURE ANNOUNCES ACTION PLAN

A multitude of actions and strategies can be found within the report, including the following:

- Establish a \$20 million VAAFMT Strategic Infrastructure Grant Program with \$10 million to storage, distribution and infrastructure to access out of state markets and \$10 million to meat processing and waste disposal of offal;
- Establish \$2.5 million annual fund (for 5 years) to a First-Time Farm Enterprise Owner Purchasing Assistance Program to provide matched down payment assistance and other support;
- Create an incentives program to support adoption of scale-appropriate agricultural technologies to increase operational efficiencies including broadband, GPS, robotics and blockchain, funded for five years at \$3 million;
- Establish a new full-time permitting, regulation and funding “navigator” (ombudsmen) position at VAAFMT to assist a range of farm and food businesses streamline their experience of government programs and resources;
- Initiate immediately a portfolio of high impact strategies from this Report that are already under discussion and/or broadly supported, such as a one-time allocation of \$250,000 to initiate a Strategic Brand Initiative, a long-term program to reimburse K-12 schools for purchasing local healthy foods beyond FY22, direct VAAFMT to endorse the NASA Diversity, Inclusion and Racial Equity Policy, provide \$3 million in annual base funding to the Working Lands Enterprise Fund, endorse the maintenance and strengthening of the Current Use Program

and further provide support and \$1 million in funding for a pilot program to the Payment for Ecosystem Services and Soil Health Working Group.

The Commission also suggested four “intersecting and mutually reinforcing high-level priorities for the future of Vermont agriculture:

1. All Vermonters benefit from healthy nutritious food and a robust local food system
2. Vermont fuels agricultural business entrepreneurship, growth, and sustainability, so that food producers and businesses are profitable across a range of sizes, stages and business models
3. Vermont attracts and supports the next generation of farmers
4. Vermont strengthens and supports its brand.

Please contact Farm Bureau at tommyvtfb@gmavt.net if you would like a copy of this report.

There seems to be a focus on several specific bills this time of year, as time speeds up and crossover is only 3 weeks away. As a reminder, crossover is the point in time that all policy bills (not necessarily money bills) have to get through all relevant committees and voted to the floor of their respective chambers if the bill will continue to be discussed. For example, S.234 (the Act 250 redux) has to be voted out of Senate Natural and to any other Senate committees and then to the floor, and then discussed and voted out of the Senate and to House Natural Resources in 3 weeks. Then the process begins again, and the bill needs to complete the process by adjournment either with or without a conference committee. If any of the bills in any of the UTGDs are of interest to a member and they wish to testify or send in comments, please let me know at crkdbrks@aol.com. Many thanks.

From the team – Bridget, Joe, Gerry and Jill

