



FOR THE WEEK ENDING FEBRUARY 18, 2022

PLEASE DO NOT DISTRIBUTE – THIS INFORMATION IS FOR VTFB MEMBERS

CONGRATULATIONS TO ORLEANS COUNTY FARM BUREAU!

A change in the date of their annual Legislative Breakfast from March to February seemed to do the trick for attendance this past Monday, as Orleans County Farm Bureau hosted Senators Starr and Ingalls as well as Representatives Higley, Strong, Labor and Page to the Irasburg Town Hall for pancakes and conversation. Farm Bureau members in attendance listened to action on bills in several committees and asked questions on a variety of issues. Farm Bureau supplied the zoom technology for those unable to attend in person. Thanks so much for connecting with your legislators!

ADDISON COUNTY FARM BUREAU SCHOLARSHIP REMINDER

Members met via zoom this week and – among other issues – discussed their scholarship and how to get the word out to anyone in Addison County interested in applying. The amount awarded has been \$500 to one recipient annually, but they have been known to offer scholarships to more than one applicant in a year. For more information or how to apply, please contact Bill Scott at wjscottjr@comcast.net.

CITIZENS ADVISORY COMMITTEE ON LAKE CHAMPLAIN'S FUTURE

This group stops by the Statehouse every year to outline their requests for action and – as many other groups – noted the “once-in-a-lifetime opportunity to make critical strategic investments to restore Lake Champlain”. This year’s requests include:

- Investment of ARPA dollars to build community and ecological resilience to climate change impacts (including the need to invest in agricultural and working lands management practices that improve resilience and clean water)

- Increase and improve public access with priority for non-motorized recreation on Lake Champlain (by allocating ARPA funds to expand shoreline and water access for all Vermonters and strengthen outdoor recreation business development)
- Increase grant resources and staffing for aquatic invasive species prevention and control programs
- Requiring VAAFMM to support farmers in transitioning to alternative models of agriculture and value-added products that are adaptive and resilient to stressors, including climate change and supply chain disruptions. (“The traditional commodity agricultural system will always require subsidies. Vermont must accelerate its diversification of value-added products . . .”)
- Consolidation of water quality enforcement which has suffered lack of enforcement from VAAFMM due to inadequate staffing, communication and poor coordination with DEC, leading to inconsistent enforcement and confusion among farmers.
- Funding of increased screening of pesticides and unregulated contaminants to enable early detection and response to emerging pollutant issues. (“Ag and industrial chemicals are routinely introduced into production processes without adequate research on their environmental and human health impacts.”)

Senators Brock and Bray and Representatives Dolan (Kari) and Ode represent the Legislature on this Advisory Committee, as well as other appointed positions that include Eric Clifford from Starksboro as the lone farmer voice. This report is an annual requirement of the Legislature. For more information, go to

<https://www.lcbp.org/about-us/how-we-work/citizen-advisory-committees/vermont-cac/>

JOINT HEARING ON S.268 RIGHT TO FARM PROPOSAL

Twenty witnesses stepped up to testify on language which would strengthen Vermont’s current Right to Farm bill. The Senate Judiciary Committee (where the bill resides) and the Senate Agriculture Committee (where Senators Parent and Starr sit and were sponsors with Senator Brock) started the morning listening to a walk-through of the bill by Legislative Counsel Michael O’Grady.

Senator Sears, chair of Judiciary, questioned the use of the word “nuisance” in the subject and the purpose of the bill and asked where the definition of that word was in the draft. It was deemed a very good question and noted there was no definition, but Mr. O’Grady would research and return with the answer.

Attorneys from the Vermont Bar Association, MSK Attorneys, Conservation Law Foundation and VT Natural Resources Council all dismissed S.268 as unnecessary and might even have unintended consequences which would make the law worse for farmers, particularly in the issue of ditching and subsurface drainage of farm fields which could lead to point source pollution and come under the auspices of the Clean Water Act.

Steven Collier, legal counsel for VAAFM, spoke forcefully about the need for this new language and stated on record that the Agency was in full support of S.268.

Ten farmers – including dairy, beef, Christmas tree, vegetables and watershed members – all spoke in support of the bill.

Farm Bureau ceded our place on the schedule to allow the farmers to speak, but was given time as the last speaker by Senator Sears. Our response was that this was an issue affecting all sizes and types of farms, not just dairy, and we would work to strengthen the Right to Farm statutes as long as we could determine no unintended consequences would develop from any changes.

Senator Sears noted the Judiciary Committee might take S.268 up next week, depending on the availability of Counsel O’Grady for more discussion and clarification.

FARMWORKER HOUSING REPAIR PROGRAM

Champlain Housing Trust in collaboration with UVM Extension will be facilitating a repair program using funds from VHCB allocated by the Legislature last year. The application will go live in early March and the deadline will be April 15. Loans of up to \$30,000 will be available, with 0% interest, and forgiven over 10 years as long as the improved housing continues to be used for farmworker housing. Repairs and improvements can include, but are not limited to:

Wastewater systems; air sealing and insulation; plumbing upgrades; noise mitigation measures; overcrowding relief; mold remediation; roof replacements; electrical upgrades and food prep and storage improvements.

Again, application deadline is April 15; if funds are available after that, applications will be accepted on a rolling basis.

For more information, please email Charlie Glasberg at cglasberg@getahome.org or call 802-810-8217.

H.606 BIODIVERSITY BILL – CONSERVATION OF VT LANDS

A new draft of H.606 (the bill to conserve 30% of Vermont by 2030 and 50% by 2050) was presented to House Natural Resources last Friday. Added language includes:

- The Conservation Plan will be an actionable conservation plan establishing how the goals will be achieved, using the Vermont Conservation Design as a guide. It will focus on the permanent conservation of 30% of the land base by 2030 and a broad suite of conservation tools to achieve 50% by 2050.
- The Plan will require the Secretary of ANR to convene a stakeholder group for input; the group shall include representatives from land conservation organizations, environmental organizations, the VHCB, working lands enterprises, outdoor recreation groups, indigenous groups, regional planning commissions and relevant State and federal agencies.
- Funding discussions will include assessment and evaluation of the costs of acquisition, the stewardship work and the capacity work.

H.626 NEONICOTINOID PROPOSED BAN

The House Agriculture Committee continues to struggle with balancing the needs of the farms growing corn and soybeans with the challenges of maintaining bees and hives. Members from dairy farms testified to the reduced use of chemicals on their fields and how a ban on products would decrease yields. Beekeepers are adamant in requesting an outright ban on these products, comparing loss of dairy cows to loss of bees. An agronomist working with farms in the northeast (including CT, NY and MA) noted that there had been no significant research into soils in this area and that most of the research quoted has been done in other states with different soil types. In a compromise strike all of H.626 presented by an advocacy group, the proposal is to allow the VAAFMS Secretary to authorize the use of a neonic pesticide OR treated article seeds upon determination requiring an Integrated Pest Management protocol that determines a threat to the crop exists and no other management tool would be effective. The draft also requires the Agriculture Innovation Board to adopt rules for the sale, use or application of neonics, to include required IPM to be used PRIOR to sue of neonics or treated seeds, adopting Best Management Practices on neonics that are toxic to bees, birds and wildlife, requiring buffers of at least 50 feet from pollinator foraging sites, restrictions of use of neonics when wind could cause drift, statewide prohibition of neonics on ornamental plants, requirements for reporting the use of neonics and requirements for equipment applying neonics. A report shall be submitted to the Legislature by January 15, 2023, with these rules.

In the meantime, Chair Partridge is interested in finding someone to do research in Vermont on all these competing claims and is hoping to find some resolution. The committee does not support the ban on using neonics this planting season, citing the fact that most farmers have already purchased their seeds and would not be able to replace them at this date.

The Committee members had not been able to read through this strike-all and will continue discussion next week.

H.466 WATER WITHDRAWAL FROM SURFACE WATERS

This bill passed through the House Natural Resources Committee with no testimony from any agricultural businesses and passed the House and on to the Senate Natural Resources. Farmers who use irrigation on their crops called members of the Senate Ag Committee over the weekend to express dismay that their voices were not heard. Although Senate Ag does not have possession of the bill, they listened to several excellent witnesses this week, including Bill Scott, Justin Rich and Joseph Dutton. They all spoke to the challenges they would face if the minimum 5,000 gallons withdrawn per 24 hours for reporting would remain in the bill, noting that as inadequate amounts for irrigation. These would include increased paperwork, increased monitoring and possibly the need to purchase equipment. There was a suggestion that the data collection should be decoupled from the regulation and permitting piece and whether it would make sense to determine the risk to each waterway rather than monitor every farm. Senator Starr urged the witnesses to get in touch with Senator Bray from Senate Natural Resources Committee and ask to testify; he also noted this bill would probably not be taken up for consideration until after crossover on March 11.

If any other Farm Bureau member would like to testify on their irrigation requirements and how this bill would adversely affect your farming operation, please let us know at crkdbrks@aol.com.

S.234 REWRITE OF ACT 250 IN SENATE NATURAL

Because of budget implications from significant changes in S.234, Joint Fiscal Office was asked to determine what the cost of the changes could be and determined they did not have enough information from agencies to offer an opinion.

Current estimates include \$20,000 for the 17 member advisory board and at least 16 new positions across ANR, the Natural Resources Board and the Department of Public Service. All these could total \$3 million per year. Other appropriations including \$300,000 for a temporary judge on the superior court would be additional costs. The

committee decided to move forward with the bill regardless of total cost estimates being unavailable.

Many committee members are not sold on the current exemptions written in to Act 250 but may keep them in to appease the Administration's lack of support for the road rule. They are reviewing various alternatives for the forest block language; the "wood product manufacturer" definition and exemptions around fuel delivery and extended hours of operations on nights, weekends and holidays during the winter have the support of the members. State-owned airport exemption to mitigate loss for prime ag soils (primarily for Franklin County) is also supported. There is a report due next year surrounding an exemption for agricultural innovation centers, based on the Nordic Farm needs in Charlotte; this has full Committee support and will remain in.

This bill will continue to be discussed in Senate Natural Resources next week.

S.166 BROADBAND CLEANUP

Senate Finance listened to witnesses from the Broadband Council, the AG's office, the Public Utilities Commission and the Public Service Board in the first step towards deciding the fate of S.166. The Committee is trying to solve the challenge of the liability issue on insurance and has asked the Department of Financial Regulation and the Insurance Commission to testify next week. Farm Bureau has also been asked to speak. This is another bill that needs to move out of committee and on to the floor prior to crossover. Fingers crossed!

Housekeeping bills for both Ag Committees are moving along, and since they are very different you can plan on a committee of conference to work out a compromise.

One more full work week before Town Meeting – if you have any questions, please let us know and plan on visiting with your senators and representatives during Town Meeting break. Their emails are all available on the Vermont Legislative website, or we can supply them if necessary – crkdbrks@aol.com.

From the team – Joe, Gerry, Bridget, Jill and Jackie



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