



FOR THE WEEK ENDING FEBRUARY 25, 2022

PLEASE DO NOT DISTRIBUTE – THIS INFORMATION IS FOR VTFB MEMBERS

NOTE TO MEMBERS: DUE TO THE TOWN MEETING BREAK FOR THE VERMONT LEGISLATURE, THE NEXT UTGD WILL BE ON MARCH 11

CORRECTION TO CONTACT INFO FOR FARM LABOR HOUSING

With apologies to Charlie, last week a typo on his name and contact information occurred in the UTGD. For more information on the application process for funds to be made available to fix farm labor housing, please contact Charlie Glassberg at cglassberg@getahome.org.

IN THIS ISSUE: WATER WITHDRAWAL, CURRENT USE, LAND CONSERVATION, BROADBAND, TREATED SEEDS, FUNDINGS ASKS, ACCESSORY ON-FARM BUSINESS, FORESTRY CONCERNS, RIGHT TO FARM, AVIAN INFLUENZA – CLICK TO READ MORE!!!

HIGHLY PATHOGENIC AVIAN INFLUENZA (HPAI) NEAR VERMONT

VAAFM and Dept. of Fish & Wildlife would like all Vermonters to be on the alert for HPAI. Multiple cases of the bird virus have been detected in Canada and as near as New Hampshire involving both domestic flocks and migrant waterfowl. Most recently, the virus has been detected in domestic turkeys in Indiana, broiler chickens in Kentucky, wild ducks in New Hampshire and a backyard flock of mixed species birds in Virginia. Anyone involved with poultry production – from the small backyard coop to the large commercial producer – should review biosecurity activities. Report sick birds or unusual bird deaths to VAAFM at 802-828-2421 or USDA at 1-866-536-7593.

Finding birds on a farm can result in a quarantine of the entire property, not just where the birds were located. This could have adverse effects on your business! Please be aware of bird behavior and report to the proper authorities listed above!!

RIGHT TO FARM S.268 IN SENATE JUDICIARY

Committee members asked Counsel O'Grady and lawyers from Conservation Law Foundation (CLF) and VT Natural Resources Council (VNRC) and a representative from Farm Bureau to attend the meeting for further discussion on the Right to Farm language. Senator Sears expressed gratitude to the farmers who testified on Friday and noted the passion they brought to the table. However, a number of the members questioned why this new draft was necessary, given the current litigation in Addison County and the fact that there have been only 2 lawsuits brought to trial in 20 years under the current Right to Farm statute. Mr. O'Grady again noted S.268 actually strengthened the law and moved Vermont closer to more stringent Right to Farm laws in other states.

Senator Sears was concerned the new language would lessen enforcement on farmers regarding water quality issues and mentioned his understanding of the lack of cooperation between ANR and VAAF in dealing with this. Farm Bureau expressed concern over the list of "agricultural activities", noting that an unintended consequence could be something not included in that list which would require amending the new law.

CLF was concerned with the removal of the "rebuttable presumption" from the new language and felt that was the strongest legal coverage for farmers.

Senator Sears decided to end discussion after one hour and indicated he may schedule S.268 after Town Meeting week, but made no actual commitment.

FORESTRY STUDY BILL – H.566

Language requiring a study by the VT Sustainable Jobs Fund (VSJF) into the opportunities, challenges and needs of the forestry industry was voted out of House Ag and into House Ways and Means this week. This report is due to the Legislature by July 1, 2024, and will include policy recommendations, costs and other information to decide the future direction and needs. An appropriation of \$250,000 for FY23 included in the language is dedicated to costs of completing the report to VSJF. The industry was not in agreement about supporting this proposed study and many loggers testified in House Ag that they would prefer H.581, the Rural Caucus Omnibus Bill that was more action based. (H.581 is still in House Natural Resources.)

PRESIDENT TISBERT TESTIFIES ON H.581 ACCESSORY ON FARM BUILDINGS

Sections 16 and 17 in H.581 were under discussion in House Agriculture, even though this committee does not have possession of the bill. Changes to the accessory on-farm business include that the total area of improvements associated with the business does not exceed one acre; that the farm meets all RAPs requirements; that gross sales by the business may exceed those of the farm but shall not exceed \$200,000 gross annually and that a new structure shall not exceed 4,000 square feet.

Chair Partridge requested a different draft from Legislative Council which would indicate new proposed language and current statute, as it was difficult to tell from H.581 as introduced in Sections 16 and 17 which was which.

President Tisbert testified with concerns from Farm Bureau about significantly changing the accessory on-farm business language, which seems to have worked well for farmers and the need to keep agritourism diversification for farmers as the focus of any changes. We have not heard of any challenges. Representative Kimbell testified earlier that restaurants were a good match for farms and requested some of the changes. Although the committee heard these comments, Chair Partridge later determined this was not about restaurants but allowing for more diversification on farms.

Karen Horn, testifying for VT League of Cities and Towns, was concerned about who would be the income police and noted checking tax forms was not part of the job of a zoning administrator. She did not support allowing a building of 4,000 square feet to be constructed without any local permits or an Act 250 permit; she questioned what would happen if such a building did not meet setbacks and – if the farm went out of business – would the building have to be torn down or required to apply for permits? She also mentioned the possibility of a cannabis establishment using this language and skirting local zoning requirements. (The committee noted cannabis is not currently considered an agricultural product and so that should not be a problem).

More testimony will be taken up after Town Meeting on these sections; if you have an accessory on-farm business and have encountered problems when expanding or building, please let us know at crkdbrks@aol.com. Many thanks!

HOUSE AGRICULTURE MAKES FUNDING REQUESTS

As is the custom, House Agriculture composed a letter to House Appropriations which asked for spending requests on behalf of constituents. The letter will include:

- \$15 million for Working Lands Enterprise from ARPA funds
- \$329,000 for Farm to School

- \$159,000 for a regional food plan dealing with food security
- \$2.1 million to the Conservation Districts to pay for a 3 year position of agricultural specialist
- \$248,000 to the Conservation Districts for capital equipment on farms
- \$90,000 to the Vermont Fairs and Field Days to return them to their original stipend amount of \$200,000

These are all one year funding requests and it will be up to House Appropriations to determine which if any they will approve.

H.626 MAJOR REWRITE IN HOUSE AGRICULTURE

This language began as an act relating to the sale, use or application of neonicotinoid pesticides in the House Ag committee and would have required a ban on use of neonics through July 2022 and then an outright ban on their use if VAAFM could not come up with rulemaking by July 2024.

After hearing significant testimony from a variety of witnesses, including beekeepers, dairy farmers, agronomists, UVM Extension and others, the committee struck the original language and amended it to give the VAAFM Secretary – based on recommendations of the Agricultural Innovation Board (AIV) – the requirement to adopt rules for best management practices relating to the sale, use, storage or disposal of treated articles which will have a hazardous or long-term deleterious effect on the environment, presents a likely risk to human health, or is dangerous. The AIV shall review establishment of threshold levels of pest pressure; availability of non-treated seeds, economic impact; human toxicity; surveillance and monitoring techniques; ways to reduce pest harborage and impact on conservation tillage practices and criteria for a system of approval.

A separate section requires monitoring for challenges to pollinator health but may be moved to the Apiary Section in statute, since it focuses on bee health specifically.

The bill would authorize two new permanent positions at VAAFM for FY23 for support of the AIV and the Residuals Management Program; these would be transferred and converted from existing vacant positions already in VAAFM.

A lobbyist from the Lake Champlain Committee offered to work with other advocacy groups to fine-tune the language and offer other suggestions. Chair Partridge indicated this bill would be taken up immediately after Town Meeting.

WORKSITE CLEANUP AT BROADBAND SITES – S.166

Senate Finance members heard from Amber and Scott Hoyt as well as Farm Bureau and a representative from the Dept of Financial Regulation/Insurance Division this week as they continued deliberations on S.166. The committee is working very hard to reach a solution that will protect private property owners from finding broadband wire and other debris on their property as the funding floodgates open and broadband expands into the state. Chair Cummings will ask a representative from either Consolidated Communications or ComCast to speak with the committee after Town Meeting on contracts and liability insurance.

Many thanks to the Hoyts for their continued willingness to speak to this issue; they are aware any new law will not be retroactive to their situation but are adamant about not wanting their situation to develop on another farm or business.

REVIEW OF RAPS MORPHS INTO HOUSEKEEPING BILL – S.258

After discussion in Senate Agriculture this morning with Laura DiPietro from VAAFM and an environmental lobbyist, members were satisfied that those groups would work together through the summer to understand the concerns from each and return in 2023 with a plan that would satisfy the Agency, the farmers and the environmentalists.

SO, the original language in S.258 which would have required an extensive and in-depth report by VAAFM about RAPs ended up being struck and S.258 became the Senate housekeeping bill. Minor changes to existing statute requested by VAAFM have been discussed in a previous report; the only addition to the language was a section requesting the extension of the Task Force to Revitalize the Vermont Dairy Industry through February 1, 2023, to complete a report on milk pricing. The bill also authorizes a per diem for non-legislative members of \$50 per meeting (this amount is what is allowed per statute). The amended language was voted out on a 5-0 count and heads to Senate Appropriations due to the per diem funding request.

Senator Starr also noted upcoming work after the break, which will include a walk-through of the House Ag housekeeping bill, further discussion about the Task Force to Revitalize the Vermont Dairy Industry as well as the Task Force set up by VAAFM on the Horizon farms issue. The committee may try to put something together in one bill that could work to the benefit of both Task Forces.

CONSERVING VERMONT LAND – H.606

The House Natural Resources Committee worked through draft 3.1 of the "biodiversity" bill and will be taking up a fourth draft when they return in March. This is the bill that

would require 30% of Vermont land be conserved by 2030 and 50% by 2050. VT Farm Bureau requested the addition of the words “agricultural and forestry” landowners to the stakeholders group and the committee will consider this. Commissioner Michael Snyder, FP&R, had minor changes to request, including support for private landowner education and resources.

CURRENT USE FOR RESERVED FORESTLAND – H.697

Quite an entertaining discussion occurred on the House floor Friday, as members of the Republican caucus tried to derail attempts to vote language through that would require a report on or before December 31, 2022, by Commissioner Snyder in consultation with the Property Valuation Review Division and the Current Use Advisory Board regarding enrollment of reserve forestland in the Use Value Appraisal Program. This language was voted out in House Natural Resources and House Ways and Means with support. Commissioner Snyder contends there are less than 10 parcels in Vermont that would ultimately qualify for this designation and Ways and Means did not think this a significant deviation from budget issues. The bill passed on the House floor by a vote of 83-43 and will head to the Senate.

WATER WITHDRAWAL BILL- H.466

There have been many discussions between Farm Bureau staff and leadership with fruit and vegetable growers in Vermont regarding the challenges H.466 in its current iteration will cause those who irrigate cropland from water drawn out of rivers and streams.

This bill made it through House Natural Resources and onto the House floor, where it was voted through and is currently residing in Senate Natural Resources. As noted last week, Senator Starr heard those concerns and Senate Ag listened to comments and suggestions by several farmers.

Any farmers wishing to testify on H.466 in regards to the current proposal requiring reporting for withdrawing 5,000 to 50,000 gallons in a 24 hour period from groundwater (this does NOT affect ponds) should contact Chair of the Senate Natural Resources Committee, Chris Bray, at cbray@leg.state.vt.us and request a chance to comment in committee when they take the bill up after Town Meeting. Other senators include Westman, MacDonald, Campion and McCormack – if any of these senators represent you personally, please contact them the same way – rwestman@leg.state.vt.us, mmacdonald@leg.state.vt.us, bcampion@leg.state.vt.us, and rmccormack@leg.state.vt.us. Or you can get in touch with Farm Bureau at crkdbrrks@aol.com and we can assist you in making arrangements to testify.

Please make every effort to connect with your legislators about bills of interest to you or your farm during Town Meeting break. And keep in touch with your county farm bureau for meeting dates and events featuring candidates this summer!

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