

When you call the Sergeant-at-Arms: Please leave your name & phone number

Say, "I'd like to leave a message for ___," Leave a clear message, such as:

"I do **not** support..." **OR** I am asking for your vote on ___"

Please refer to a bill number or name whenever possible.



THIS IS FOR THE USE OF FARM BUREAU MEMBERS ONLY!!

FOR THE WEEK ENDING APRIL 8, 2022

In this week's edition: President Tisbert testifies, Date of Adjournment, Ag Innovation Board, Right to Farm, Water Withdrawal, VTrans exemption request, Farmworker Housing Loan Information, Neonicotinoids, Act 250, next week in Senate Ag

VTFB PRESIDENT TISBERT SPEAKS TO SENATE AGRICULTURE

The Senate Agriculture Committee asked several owners of diversified farms to visit with the members this week, and President Tisbert was on the docket with several comments about Right to Farm, Water Withdrawal, Agritourism and other topics. Many comments he made and questions he raised about current legislative proposals continued to be referenced during a general discussion on Friday morning in the Committee.

TARGET DATE FOR ADJOURNMENT; END OF MORNING SENATE COMMITTEES MEETING

Word circulating around the Statehouse is leadership of both chambers is working towards a May 6 adjournment and the Senate Committees meeting in the mornings may only have next week to complete business before they are through for the year. All money and "big bill" committees (Transportation, Finance, Appropriations and Institutions) in the Senate meet in the afternoon, and this will give those members more time to discuss the bills that must pass before adjournment. These dates are always subject to change, depending on how much controversy and compromise are required during Committee discussions. And some of the bills in play will require committees of conference to get to the finish line. Stay tuned!!

AG INNOVATION BOARD DISCUSSION IN SENATE AG

Kanika Gandhi, VAAFAM coordinator for the newly appointed Ag Innovation Board, visited with committee members this week to introduce herself and answer questions. The Board's first meeting had been earlier this week and was mainly an introduction to members as well as setting up goals and future work. Senators had heard concerns from beekeepers who were not included as representatives on the AIB; Ms. Gandhi assured them that if an issue arose regarding bees, another seat could be added or a subcommittee developed to address any challenges. There were also questions about what happened to the Pollinator Protection Committee and whether it had been rolled into the AIB; Ms. Gandhi said she was not in the original discussions to set up the Board and asked them to question Cary Giguere, VAAFAM, next week when he came in. Senator Pearson remains concerned about neonicotinoids and would like to hear from someone at the Ontario Ag Ministry about Canadian policies on neonicotinoids.

MORE TESTIMONY ON S.268 RIGHT TO FARM – HOUSE AG

Even though S.268 is still in the possession of Senate Judiciary, the House Ag Committee listened to testimony from several witnesses this week. Chair Partridge asked everyone who testified what might be missing from the list of agricultural activities covered in S.268 but did not generate many responses. Rusty Rumley, Senior Staff Attorney for the National Ag Law Center, served as a great resource regarding Right to Farm laws in other states. He felt that Vermont's current language is not very strong and that the rebuttable presumption doesn't really protect farmers. He also noted language in S.268 regarding attorney's fees is unique. Mr. Rumley also noted that some states do include agritourism as well as processing in their Right to Farm statutes. Rep. O'Brien wondered if forestry should be included in the bill.

Many thanks to the Farm Bureau members who testified in House Ag on this bill, as well as Dr. Rath from the Beekeepers Association. VTFB also offered testimony and asked questions about the offered language and also cleared up a misrepresentation by another advocate that we supported S.268. (We have not taken a position on it at this time as we were waiting for the side-by-side and responses to our questions).

Legislative Counsel Michael O'Grady presented the Committee with a side-by-side review of current statute and S.268 as drafted. He responded to all questions raised by previous witnesses (including VTFB). Regarding the agritourism piece, it's now being interpreted that some agritourism as well as processing may be covered in S.268. This is still a gray area that needs to be more fully discussed and understood. Also, the Accessory

On Farm Buildings language (H.704) may not be covered under S.268.

During testimony, Leon Corse, partner in Corse Farm in southern Vermont, noted he has been having problems with VTrans spraying guardrail posts in rights of way on land he leases for organic hay; the spray is not organic and he is not told when they are spraying. The Agency of Agriculture grants permits VTrans to spray, and there may be language offered next year that could require VTrans or utilities to notify land owners/lessees of spraying.

VERMONT FARMWORKER HOUSING REPAIR LOAN PROGRAM

Applications are now available for this program through the Champlain Housing Trust – the deadline is April 29, 2022 (if funds are available after that date, applications will be accepted on a rolling basis). You can apply for up to \$30,000 to make necessary improvements to farmworker housing. Loans will be 0% interest and forgiven over 10 years as long as the improved housing continues to be maintained and use for farmworker housing. For more information:

<https://www.getahome.org/vermont-farmworker-housing-repair-loan-program/>

WATER WITHDRAWAL BILL – H.466 – IN SENATE NATURAL RESOURCES

Advocates continue to testify in Senate Natural Resources regarding concerns on irrigation reporting, whether this should be based on watershed rather than statewide, and possible increased cost of doing business with purchase of meters to the Committee. Senator Bray offered an amendment which would require estimated reporting for 24 hour withdrawals between 5,000 and 50,000 or 150,000 gallons over any 30 day period. For withdrawals of more than 50,000 gallons per day or 1.5 million gallons over any 30 day period, metered data or “measured data by a technically appropriate method approved by the Secretary (ANR)” must be submitted. Withdrawals for irrigation or watering of livestock of more than 5,000 gallons per day or 150,000 gallons over any 30 day period “may provide an estimate of the total volume withdrawn based on log records pursuant to a technically appropriate method approved by the Secretary (ANR).” DEC testified they were fine with non-metered data as long as there was a consistent methodology developed.

We were anticipating proposed language from VAAFM but have not seen any yet, although Ryan Patch from VAAFM testified to Senate Ag on Friday that they were not supportive of the language in H.466 and were still reviewing the amendment offered.

An issue that we have raised via email to members of the Senate Ag Committee – which will take up testimony on this bill next week whether it is in their possession or not

– is the issue of emergency use of ground or surface water to irrigate crops or water livestock when a well or spring dries up (which happens regularly in the late summer). We will follow through on that question and let you know what develops.

Other questions offered by the senators included who will be using this data and what will they do with it, as well as who determines which 30 days are used for the higher amount of water withdrawals.

To add to the confusion, it was discovered in Senate Natural Resources that there are two different definitions of “groundwater” in Vermont statutes; one is for policy development and one is for withdrawal.

H.626 NEONICOTINOIDS – TESTIMONY IN SENATE AG

Tom Eaton, Agricultural Consulting Services, stopped by the committee to talk about treated seeds and the continued challenges of neonicotinoids with bees. Mr. Eaton noted that treated seeds were actually an answer to health issues on farms where pesticides were applied from boxes on the back of farm equipment and often were handled or inhaled with disastrous results. The emphasis is now on soil health and not monoculture crops, which has resulted in more pests in the ground and the necessity to monitor and develop better systems for pesticide and fertilizer use. Mr. Eaton testified farmers he works with are very careful about application rates (both because of soil health as well as costs) and understand the need for treated seeds but also the importance of bees.

SENATE AG WILL HEAR FROM VTRANS ON H.610 NEXT WEEK

In another bid to move H.610 – which will exempt VTrans and consequently regional airports from having to mitigate prime ag soil during development – the Senate Ag Committee had an overview with a map by co-sponsor Senator Parent. This bill is currently sitting in House Natural Resources and has been coupled with H.704, the On Farm Accessory Building (neither of which is gaining much support from that committee). There is general consensus in the Senate Committee that exempting the airport lands from that specific Act 250 criteria is a good thing due to potential business development (perhaps from Canada). The development at the Franklin Airport in Highgate will also require a move by the Franklin County Fair, since it sits on airport land. A local committee has been formed to find another site for the fair, which will remain in the same spot for at least the 2022 event. Since the proposed loss of funds if the exemption is passed (approximately \$300,00) will affect the ability of the VT Housing and Conservation Board to buy farmland (it receives ag mitigation funds to conserve farmland in another location), the Committee hopes to hear from Gus Seelig from VHCB next week.

HOUSE NATURAL RESOURCES COMMITTEE – S.234 ACT 250 BILL

The House Committee continued to take testimony on the changes in the Act 250 re-write. Commissioner of Forests, Parks and Recreation Snyder said that while he supports the forest blocks/connecting habitats language in general, he would like to see an exclusion of openings made by forestry and trails in the definition of fragmentation. He also raised primary agricultural soil mitigation as an issue, saying that forest-based businesses such as mills and processing plants can't expand because much of the surrounding land is classified as primary ag soil. He called for forestry to be exempt from prime ag soil mitigation as well as for agricultural elevations exemptions to be extended to forestry. A forester also called for a consideration of primary ag soil mitigation fee calculations and for permit exemptions for small forestry businesses.

A member of an environmental group asked for a study within the bill on changing the elevation threshold for agriculture from 2,500 feet to 1,500 feet.

It will be interesting to see whether this bill makes it out of this committee. To date, the Senate Ag Committee has not discussed it and it's doubtful given the minor impacts on agriculture that they will ask for possession, especially since time may be limited for the morning committees in the Senate.

The Committee seemed surprised that Section 15, which requires a report about possible changes to Act 250 requirements for Ag Innovation Hubs will only be developed by the Natural Resources Board and require no input from stakeholders. This is something VTFB will watch as it develops. It's not clear what definition of "Ag Innovation Hubs" will be used to develop the report and why no input from anyone will be required. It's also unclear whether this would be covered under any Right to Farm language.

SENATE AG COMMITTEE NEXT WEEK SCHEDULE

Senator Starr has already developed the agenda for next week and it will include continued discussion on the neonicotinoid language as well as testimony from dairy farmers on the water withdrawal bill (H.466) and the VTrans exemption request for ag soil mitigation. A new topic – customer service road map – will be introduced on Tuesday by Abbey Willard, VAAFM, and Ellen Kahler, Governor's Commission on the Future of Vermont Agriculture and continued by VTFB on Wednesday morning. This discussion focuses on whether a "one-stop shopping" ombudsman would be of value for agriculture. The Task Force for Revitalizing the Vermont Dairy Industry heard about this from Ms. Kahler and it was one of the goals in the

Farm2Plate proposal for VAAF. If you have any thoughts about this subject, please let Jackie know before next Wednesday at crkdbrks@aol.com. (Would it be helpful? How could it be developed? Where would it be housed? Is this a pipedream and not necessary?)

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