

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 29, 2022

In this week's edition: Avian Flu in Vermont, Breakfast on the Farm, Water Withdrawal, Work Force, Microplastics, Forever Forests and CUV, Prime Ag Soils, Accessory on Farm Businesses, Forestry Permits under Act 250, Neonicotinoids, Funding Requests, Possible Adjournment

USDA CONFIRMS HIGHLY PATHOGENIC AVIAN INFLUENZA IN VERMONT

The USDA sent out a press release today (Friday) confirming avian influenza in a non-commercial, backyard flock in Caledonia County, VT. The flock will be depopulated. The public health risk associated with HPAI detections in birds remains low. Anyone involved with poultry production – from a small backyard flock to a large commercial producer – should review their biosecurity activities to assure the health of your birds. A toolkit is available at

<https://www.aphis.usda.gov/aphis/ourfocus/animalhealth/animal-disease-information/avian/defend-the-flock-program/df-resources/df-resources>

Just a reminder – if you have poultry on a farm with other livestock and HPAI is discovered in your flock, the ENTIRE FARM WILL BE QUARANTINED. No movement in or out of the property – including feed trucks, milk trucks, vets, etc. - will be allowed.

VOLUNTEER FOR BREAKFAST ON THE FARM!

After a two year hiatus, this exciting event is returning on July 16th at the Gosliga Farm in Addison. It takes between 100 and 150 volunteers to run Breakfast on the Farm – if you'd like to spend a day promoting dairy in a positive way, please sign up at <https://vermontbreakfastonthefarm.com> today! Volunteers will only be asked for time the day

of the event; by arriving at 7:00 a.m., you can collect your t-shirt and hot breakfast sandwich and plan on staying through the last breakfast serving. For more information, contact Kelsey Klauzenberg at 802-388-2692 extension 153.

SURFACE WATER WITHDRAWAL – H.466

The Senate Agriculture Committee voted unanimously to move H.466 out of their purview with a strike all of the original bill. Final changes included adding the words “used for irrigation for farming or watering of livestock as needed” to clarify working on behalf of agriculture did not cover anything but agriculture (for example, golf courses).

Farmers are included in exceptions for the permitting and regulatory piece of the original language; under Section 5, those drawing more than 10,000 gallons or more of surface water in 24 hours OR 150,000 gallons or more over any 30-day period shall file a report with VAAFM (not ANR) to include estimate of total amount of water withdrawn in the preceding calendar year, the location of the withdrawals (watershed), the daily maximum withdrawal each month and the date of each daily maximum withdrawal. Any other information related to surface water withdrawal may be requested by VAAFM. This reporting process begins on January 15, 2023, and VAAFM will share this data with ANR beginning February 1, 2023 and annually thereafter.

There will be no rulemaking for this piece of data collection, nor is there any permitting to be required.

Representatives from several advocacy groups – including VTFB and the VT Vegetable and Berry Growers – were all in agreement with the changes.

The bill then returned for review to the Senate Natural Resources Committee, who took a straw poll (with one senator “holding his nose to vote for the changes”) ending in support of the Senate Agriculture Committee version by a 4-0-1 vote (they were holding the vote open for a senator who was absent).

The bill is on the Notice Calendar for the Senate and will be presented by Senator McCormack for Natural Resources and Senator Pearson for Agriculture.

WE WILL BE SENDING OUT AN ACTION ALERT ON MONDAY TO REQUEST OUR MEMBERS CONTACT THEIR SENATORS AND ASK FOR SUPPORT OF H.466 AS AMENDED BY SENATE AGRICULTURE.

WORKFORCE DEVELOPMENT – S.11

The House Commerce Committee voted out S.11, which has the language from H.703 (the workforce development bill), that includes \$250,000 for the Forest Future Strategic Roadmap not initially supported by all the forestry industry. The bill still needs to go to Ways and Means and Appropriations for approval of the expenditure but the \$250,000 was strongly supported by the House Agriculture and Forestry Committee earlier in the session.

MOVING LANGUAGE – H.501 GOES INTO H.466

H.501 was the bill referencing the micro-plastics remaining after depackaging of food residuals at solid waste facilities, which was then used on some farmlands. Some of the language was turned into an amendment and added to the ANR Housekeeping bill, H.466. If H.466 is passed, ANR would not be able to issue a new or amend an existing solid waste facility certification that results in an increase of capacity at a certified food depackaging facility until new rules are adopted. ANR cannot initiate rulemaking until the recommendations from the Section 25 stakeholder group and the Section 26 study on microplastics and PFAS are submitted next year. The stakeholder group will include a representative from VAAFM and a farm that allows animals to forage food waste. ANR may adopt rules that set a standard for microplastics and PFAS from food waste management facilities that protect animal health, agricultural soils or other agricultural resources. The moratorium on new or amended certifications will be repealed once rules are adopted.

If you are a farm who allows animals to forage food waste, PLEASE contact VTFB so that we can have you considered as the representative. It is the Agency of Natural Resources adopting rules for agricultural soils and animal health, and it is absolutely imperative farmers have a voice at the table.

FOREVER WILD FORESTLAND IN CURRENT USE PROGRAM – H.697

Changes continued throughout this week on the language, as Senate Natural Resources voted in favor of Draft 2.5 and reported the bill favorably. To enroll under reserve forestland on parcels of up to 100 acres, 50% must be composed of significant and sensitive conditions. On parcels over 100 acres, 30% must be composed of those conditions. This is expected to allow more acres to be enrolled in the Current Use Program as reserve forestland. The removed the requirement that landowners had to notify the Commissioner of Forest, Parks and Recreation if they wished to amend the category that their land is enrolled under. Instead, there is now “a recommendation on how to protect or conserve the functions and values of significant and sensitive acres enrolled as reserve forestland when the owner of the land

wishes to amend the category or subcategory of enrollment.”

PRIMARY AG SOIL MITIGATION EXEMPTION FOR AIRPORT – H.709

The original language granting exemptions of prime ag soil mitigation for ALL regional airports in Vermont has been trimmed down to only cover the Franklin County State Airport in Highgate. Senator Corey Parent has been making the rounds of committees of jurisdiction, although the bill is currently in the possession of House Natural Resources (who are not in support). Trini Brassard, VTrans, was hopeful that this would be passed but indicated VTrans really wanted the exemption for mitigation to extend to ALL airports in Vermont. Many references were made to the fact that the FAA has deemed all land on airport property not suitable for agriculture, despite the USDA map which has designated prime ag soils. At one point, there was language to exempt forestry businesses from having to mitigate prime ag soils but that was removed from S.234 (the Act 250 rewrite).

To be clear, it isn't VTrans that will be benefitting directly from exemption of mitigation but the developers who will lease the land in Highgate (including the site of the current Franklin County Fair). Estimates of between \$100,000 and \$300,000 were given as to the costs of this mitigation, which would be lost to the VT Housing and Conservation Board to buy more agricultural land elsewhere. Ms. Brassard admitted there were other airports looking to develop land, including 20 acres at Knapp Airport in Berlin, Beta Industries in South Burlington and possibly Highgate, and the National Guard (25 acres) in Burlington. Members of the House Agriculture Committee suggested using those mitigation funds to assist farmers in other ways, but advocates for the exemption noted this was still having to pay those dollars and could stifle development of much needed business and jobs.

Chair Partridge has suggested adding the amended language of H.709 to S.258 (Senate Housekeeping bill) and going to conference committee. At this point, there was not enough consensus to come to a conclusion or attempt a vote. The Committee will revisit this next week.

ACCESSORY ON FARM BUSINESSES IN ACT 250 – MOVING, TOO!

Rep. Seth Bongartz from House Natural Resources stopped by the House Agriculture room this week to discuss the language added to S.234 (the Act 250 rewrite) regarding Accessory on Farm Businesses (often referred to as AOFBs). The new draft now directs the Natural Resources Board to recommend to the General Assembly on January 15, 2023, how Act 250 jurisdiction should be applied to agricultural businesses, including those located on properties already operating as farms. The report shall address the current land use planning

requirements for farms and farms with AOFBs and whether different types of businesses associated with farms and farming require different levels of review. The report may consider whether or not the location of such businesses is relevant and may consider the designation or adoption of agricultural business innovation zones with different levels or review. Although Rep. Bongartz indicated the Natural Resources Board would work with VAAFM, the Vermont Planners Association and interested stakeholders, that language did NOT make it into the bill as passed. We will be watching for information on this report – again, it is the Natural Resources Board recommending possible changes to agritourism sites.

This bill also included changes to the forestry industry, including a broad definition of wood products manufacturer (which does not include facilities that purchase, market and resell finished goods). Wood product means logs, pulpwood, veneer wood, bolt wood, wood chips, stud wood, poles, pilings, biomass, fuel wood, maple sap and bark.

Permit conditions that set hours of operation for a wood products manufacturer shall only be imposed to mitigate an impact under certain conditions and any adverse impact would allow the manufacturer to operate while mitigating these impacts. It also allows a permit with conditions for those producing wood chips, pellets, cord wood or other fuel wood used for heat to allow shipment of that fuel wood outside permitted hours of operation, including nights, weekends and holidays, from October 1 through April 30 of each year.

NEONICOTINOIDS STILL IN THE DISCUSSION IN SENATE AG – H.626

Although the bulk of H.626 references the Agricultural Innovation Board, Senator Pearson was still concerned there was no timeline for VAAFM to report back on rulemaking for the use of neonicotinoid treated article seeds. An amendment to H.626 (which has not moved out of Senate Agriculture to date) would require a report by VAAFM on or before March 1, 2024, to Senate and House Ag Committees to include a copy of the proposed rules required. Rules would be required for the use of neonicotinoid treated article seeds on or before July 1, 2024, provided VAAFM shall not file the rules until at least 30 days after the General Assembly has a chance to review them.

There was much discussion around whether a letter to the Ag Innovation Board could request the same requirement, but Senator Pearson was adamant about having this in statute. The Committee asked for a change in the reporting date and the 30 day requirement, which Senator Pearson said he could support. This will probably be on the committee schedule for early Tuesday morning so they can vote it out.

HOUSE AGRICULTURE FUNDING REQUESTS

Committee members received a report that the Senate Appropriations Committee had cut \$100,000 for the Vermont Brand Assessment (from the Governor's Commission on the Future of Agriculture) and \$150,000 to the VT Sustainable Jobs Fund for a study into food security. Now included was a \$100,000 request for Produce Safety and a \$200,000 fund for organic dairies to transition from Horizon to their milk new buyer. This was to pay for construction improvements not covered by the \$19 million from the New England Dairy Innovation Board (distributed to all organic farmers in the region for transitioning). Some capital expenses (improving driveways, bigger bulk tanks) are covered from the NEDIB funds but the actual construction (tearing out doorways, etc.) are not. It was reported from VAAFMI that out of the original 29 involved in the Horizon situation, only 20 are still in business and several of those are anticipating going out in the near future.

Senate Appropriations also lowered the Working Lands funds by \$1 million.

After much discussion, House Ag will send a letter to Senate Appropriations asking to reinstate the \$1 million to WLEB, the \$150,000 to VSJF and request funds and better guidelines for the organic farmers as funding becomes available. They also supported the Produce Safety monies as funding becomes available.

WHEN WILL THEY ADJOURN??

Last week we reported the target date for adjournment was May 6, but as always, that turns out to be a moving target. Rumors are now swirling that either they will recess on May 6 and return a week later OR continue working until May 13. The conference committee on the BIG bill (the budget/appropriations bill) was assigned this week; it's unclear whether the House and Senate will concur on the Transportation, Education and Capital bills.

Thanks for reading and supporting Vermont Farm Bureau!

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