

1 H.525

2 Introduced by Committee on Agriculture and Forestry

3 Date:

4 Subject: Agriculture; seed sales; dairy operations; environmental stewardship

5 Statement of purpose of bill as introduced: This bill proposes to make

6 multiple miscellaneous amendments to agricultural subjects. The bill would

7 amend the eligibility provisions for farm-to-school grants to provide that

8 organizations administering or assisting the development of farm-to-school

9 programs are eligible for grant assistance from the Farm-to-School Program.

10 The bill also would clarify what constitutes good standing under the Agency of

11 Agriculture, Food and Markets (Agency) enforcement authority for

12 agricultural water quality requirements. It would amend the time frame by

13 which nutrient management plans shall be required to be completed by a

14 certified nutrient management technical service provider. The bill would

15 establish an environmental stewardship program at the Agency. Similarly, the

16 bill would establish a State conservation reserve enhancement program and an

17 ecosystems incentive program at the Agency. In addition, the bill would

18 require commercial slaughterhouses to maintain records and would authorize

19 the Secretary of Agriculture, Food and Markets to access records at a

20 commercial slaughterhouse.

1 (1) “Agency” means the Agency of Agriculture, Food and Markets.

2 (2) “Farming” ~~shall have~~ has the same meaning as used in 10 V.S.A.

3 § 6001(22).

4 (3) “Good standing” means a participant in a program administered
5 under this chapter:

6 (A) does not have an active enforcement violation that has reached a
7 final order with the Secretary; and

8 (B) is in compliance with all terms of a current grant agreement or
9 contract with the Agency.

10 ~~(3)~~(4) “Healthy soil” means soil that has a well-developed, porous
11 structure, is chemically balanced, supports diverse microbial communities, and
12 has abundant organic matter.

13 ~~(4)~~(5) “Manure” means livestock waste in solid or liquid form that may
14 also contain bedding, spilled feed, water, or soil.

15 ~~(5)~~(6) “Secretary” means the Secretary of Agriculture, Food and
16 Markets.

17 ~~(6)~~(7) “Top of bank” means the point along the bank of a stream where
18 an abrupt change in slope is evident, and where the stream is generally able to
19 overflow the banks and enter the adjacent floodplain during an annual flood
20 event. Annual flood event shall be determined according to the Agency of

1 Natural Resources' Flood Hazard Area and River Corridor Protection
2 Procedure.

3 (7)(8) "Waste" or "agricultural waste" means material originating or
4 emanating from a farm that is determined by the Secretary or the Secretary of
5 Natural Resources to be harmful to the waters of the State, including:
6 sediments; minerals, including heavy metals; plant nutrients; pesticides;
7 organic wastes, including livestock waste, animal mortalities, compost, feed
8 and crop debris; waste oils; pathogenic bacteria and viruses; thermal pollution;
9 silage runoff; untreated ~~milkhouse~~ milk house waste; and any other farm waste
10 as the term "waste" is defined in 10 V.S.A. § 1251(12).

11 (8)(9) "Water" ~~shall~~ has have the same meaning as used in 10 V.S.A.
12 § 1251(13).

13 Sec. 5. 6 V.S.A. § 4820 is amended to read:

14 § 4820. DEFINITIONS

15 As used in this subchapter:

16 * * *

17 (6) "~~Good standing~~" means the participant:

18 (A) ~~does not have an active enforcement violation that has reached a~~
19 ~~final order with the Secretary; or~~

20 (B) ~~is in compliance with all terms of a current grant agreement or~~
21 ~~contract with the Agency. [Repealed.]~~

22 Sec. 6. 6 V.S.A. § 4810a is amended to read:

1 § 4810a. REQUIRED AGRICULTURAL PRACTICES; REVISION

2 (a) ~~On or before September 15, 2016, the~~ The Secretary of Agriculture,
3 Food and Markets shall ~~file under 3 V.S.A. § 841 a final proposal of a rule~~
4 ~~amending~~ maintain the required agricultural practices in order to improve
5 water quality in the State, assure practices on all farms eliminate adverse
6 impacts to water quality, and implement the small farm certification program
7 required by section 4871 of this title. At a minimum, the ~~amendments to the~~
8 required agricultural practices shall:

9 * * *

10 (b) ~~On or before January 15, 2018, the~~ The Secretary of Agriculture, Food
11 and Markets shall ~~amend by rule~~ maintain the required agricultural practices in
12 order to include requirements for reducing nutrient contribution to waters of
13 the State from subsurface tile drainage. Upon adoption of requirements for
14 subsurface tile drainage, the Secretary may require an existing subsurface tile
15 drain to comply with the requirements of the RAPs for subsurface tile drainage
16 upon a determination that compliance is necessary to reduce adverse impacts
17 to water quality from the subsurface tile drain.

18 Sec. 7. 6 V.S.A. § 4989 is amended to read:

19 § 4989. CERTIFICATION OF NUTRIENT MANAGEMENT PLAN

20 TECHNICAL SERVICE PROVIDERS

1 (a) ~~On or before July 1, 2019, the~~ The Secretary of Agriculture, Food and
2 Markets shall adopt by rule a process by which a nutrient management
3 technical service provider shall be certified to operate within the State. The
4 certification process shall require a nutrient management technical service
5 provider to complete eight hours of training over each five-year period
6 regarding:

7 (1) calculating manure and agricultural waste generation;

8 (2) taking soil and manure samples;

9 (3) identifying and creating maps of all natural resource features;

10 (4) use of erosion calculation tools;

11 (5) reconciling plans using records;

12 (6) use of nutrient index tools; and

13 (7) requirements within the Required Agricultural Practices, Medium

14 Farm Operation rules and general permit, and Large Farm Operation rules.

15 (b) ~~Beginning on July 1, 2019, a nutrient management technical service~~
16 ~~provider shall not create a nutrient management plan for a farm unless certified~~
17 ~~by the Secretary of Agriculture, Food and Markets~~ Beginning 45 days after the
18 effective date of the rule adopted by the Secretary of Agriculture, Food and
19 Markets under subsection (a) of this section to regulate nutrient management
20 technical service providers, a nutrient management technical service provider

1 shall not create a nutrient management plan for a farm unless certified by the
2 Secretary of Agriculture, Food and Markets.

3 * * * Environmental Stewardship Program * * *

4 Sec. 8. 6 V.S.A. chapter 215, subchapter 7A is added to read:

5 Subchapter 7A. Regenerative Farming

6 § 4961. PURPOSE

7 The purposes of this subchapter are to:

8 (1) enhance the economic viability of farms in Vermont;

9 (2) improve the health and productivity of the soils of Vermont;

10 (3) encourage farmers to implement regenerative farming practices;

11 (4) reduce the amount of agricultural waste entering the waters of

12 Vermont;

13 (5) enhance crop resilience to rainfall fluctuations and mitigate water
14 damage to crops, land, and surrounding infrastructure;

15 (6) promote cost-effective farming practices;

16 (7) reinvigorate the rural economy; and

17 (8) help the next generation of Vermont farmers learn regenerative
18 farming practices so that farming remains integral to the economy, landscape,
19 and culture of Vermont.

20 § 4962. DEFINITIONS

21 As used in this subchapter:

1 (1) “Certified Vermont Environmental Steward” means an owner or
2 operator of a farm who has achieved the thresholds for the Vermont
3 Environmental Stewardship Program to be certified as a farm that improves
4 soil health and contributes to improving water quality.

5 (2) “Regenerative farming” means a series of cropland management
6 practices that:

7 (A) contributes to generating or building soils and soil fertility and
8 health;

9 (B) increases water percolation, increases water retention, and
10 increases the amount of clean water running off farms;

11 (C) increases biodiversity and ecosystem health and resiliency; and

12 (D) sequesters carbon in agricultural soils.

13 § 4963. REGENERATIVE FARMING; VERMONT ENVIRONMENTAL
14 STEWARDSHIP PROGRAM

15 (a) Establishment of program. There is created within the Agency of
16 Agriculture, Food and Markets the Vermont Environmental Stewardship
17 Program (VESP) to provide technical and financial assistance to Vermont
18 farmers seeking to implement regenerative farming practices to achieve
19 certification as a Certified Vermont Environmental Steward.

20 (b) Program standards; application. The Secretary of Agriculture, Food
21 and Markets shall establish by procedure standards for certification as a

1 Certified Environmental Steward. Application for certification shall be made
2 in the manner required by the Secretary of Agriculture, Food and Markets.

3 (c) Program services. The VESP shall provide the following services to
4 farmers voluntarily seeking to transition to achieve certification as a Certified
5 Vermont Environmental Steward:

6 (1) information and education regarding the requirements for
7 certification, including the method, timeline, and process of certification;

8 (2) technical assistance in completing any required application for
9 certification;

10 (3) technical assistance in developing plans and implementing practices
11 to achieve certification from the VESP; and

12 (4) technical assistance in complying with the requirements of the VESP
13 after a farm is certified.

14 (d) Financial assistance; eligibility. An owner or operator of a farm
15 participating in the VESP shall be eligible for financial assistance from
16 existing Agency of Agriculture, Food and Markets financial assistance
17 programs for costs incurred in implementing any of the practices required for
18 certification as a Certified Environmental Steward.

19 (e) Revocation of certification. The Secretary may, after due notice and
20 hearing, revoke a certification issued under this section when the owner or

1 operator of a certified farm fails to comply with the standards for certification
2 established under subsection (b) of this section.

3 (f) Administrative penalty; falsely advertising. The Secretary may assess
4 an administrative penalty of up to \$1,000.00 against the owner or operator of a
5 farm who knowingly advertises as a Certified Environmental Steward when
6 not certified by the Secretary.

7 ~~Sec. 9. FUNDING VERMONT ENVIRONMENTAL STEWARDSHIP~~

8 ~~PROGRAM~~

9 ~~The Agency of Agriculture, Food and Markets shall use funds available to~~
10 ~~the Agency and eligible for use for water quality programs or projects to~~
11 ~~provide financial assistance to Vermont farmers participating in the Vermont~~
12 ~~Environmental Stewardship Program to implement regenerative farming~~
13 ~~practices to achieve certification as a Certified Vermont Environmental~~
14 ~~Steward.~~

Sec. 9. FUNDING VERMONT ENVIRONMENTAL STEWARDSHIP

PROGRAM

In addition to the existing capital and noncapital financial assistance that
may be available to a farmer from the Agency of Agriculture, Food and
Markets, the Agency of Agriculture, Food and Markets separately may use
funds available to the Agency and eligible for use for water quality programs
or projects to provide noncapital financial incentives to Vermont farmers

participating in the Vermont Environmental Stewardship Program to
implement regenerative farming practices to achieve certification as a
Certified Vermont Environmental Steward.

~~*** Conservation Reserve Enhancement Program ***~~

Sec. 10. 6 V.S.A. § 4829 is added to read:

§ 4829. CONSERVATION RESERVE ENHANCEMENT PROGRAM

(a) The Conservation Reserve Enhancement Program is created in the
Agency of Agriculture, Food and Markets to provide the farms of Vermont
with State financial assistance for the implementation of alternative nutrient
reduction practices that improve soil quality, improve nutrient retention, and
reduce agricultural waste discharges. The following practices may be eligible
for assistance to farms under the grant program:

(1) riparian forest buffers;

(2) grassed waterways;

(3) grassed filter strips; and

(4) other practices approved by the Secretary and administered through
a memorandum of understanding with the Commodity Credit Corporation.

(b) Grant agreements entered into under this section shall at a minimum
have a term of 15 years in duration and can include permanent easements.

1 ~~(c) The Agency of Agriculture, Food and Markets shall use capital funding~~
2 ~~available to the Agency and eligible for use for water quality programs or~~
3 ~~projects to provide financial assistance to Vermont farmers under this section.~~

** * * Conservation Reserve Enhancement Program * * **

Sec. 10. 6 V.S.A. § 4829 is added to read:

§ 4829. CONSERVATION RESERVE ENHANCEMENT PROGRAM

(a) The Conservation Reserve Enhancement Program is created in the Agency of Agriculture, Food and Markets to provide the farms of Vermont with State financial assistance for the implementation of alternative nutrient reduction practices that improve soil quality, improve nutrient retention, and reduce agricultural waste discharges. The Agency of Agriculture, Food and Markets may approve one or more of the following practices for participation in the program:

(1) riparian forest buffers;

(2) grassed waterways;

(3) grassed filter strips; or

(4) other practices approved by the Secretary and administered through a memorandum of understanding with the Commodity Credit Corporation.

(b) Grant agreements entered into under this section shall at a minimum have a term of 15 years in duration and can include permanent easements.

(c)(1) The Agency of Agriculture, Food and Markets shall use capital funding available to the Agency and eligible for use for water quality programs or projects to provide financial assistance to Vermont farmers to complete practices approved by the Agency for participation in the program under subdivisions (a)(1)–(3) of this section.

(2) The Agency shall use noncapital funds eligible for use for water quality programs or projects to provide financial assistance to Vermont farmers to complete practices approved by the Agency for participation in the program under subdivision (a)(4) of this section.

~~*** Ecosystem Services Incentive Program ***~~

Sec. 11 6 V.S.A. § 4830 is added to read:

§ 4830. ECOSYSTEM SERVICES INCENTIVE PROGRAM

(a) The Ecosystem Services Incentive Program is created in the Agency of Agriculture, Food and Markets to provide the farms of Vermont with State financial assistance for the implementation of alternative nutrient reduction practices that improve soil quality, nutrient retention, and reduce agricultural waste discharges. The following practices may be eligible for assistance to farms under the grant program:

(1) conservation easements;

(2) land acquisition;

(3) farm structure decommissioning,

- 1 ~~(4) site reclamation;~~
- 2 ~~(5) payments for ecosystem services; and~~
- 3 ~~(6) issue a grant as an in-lieu payment not to exceed \$200,000.00 as an~~
- 4 ~~alternative to the best management practice program implementation to~~
- 5 ~~otherwise address the same conservation issues for an equivalent or longer~~
- 6 ~~term.~~
- 7 ~~(b) The Agency of Agriculture, Food and Markets shall use funds available~~
- 8 ~~to the Agency and eligible for use for water quality programs or projects to~~
- 9 ~~provide financial assistance to Vermont farmers.~~

** * * Ecosystem Services Incentive Program * * **

Sec. 11. 6 V.S.A. § 4830 is added to read:

§ 4830. ECOSYSTEM SERVICES INCENTIVE PROGRAM

(a) The Ecosystem Services Incentive Program is created in the Agency of Agriculture, Food and Markets to provide the farms of Vermont with State financial assistance for the implementation of alternative nutrient reduction practices that improve soil quality, nutrient retention, and reduce agricultural waste discharges. The Agency of Agriculture, Food and Markets may approve one or more of the following practices for participation in the program:

(1) conservation easements;

(2) land acquisition;

(3) farm structure decommissioning;

(4) site reclamation;

(5) payments for ecosystem services; or

(6) issue a grant as an in-lieu payment not to exceed \$200,000.00 as an alternative to the best management practice program implementation to otherwise address the same conservation issues for an equivalent or longer term.

(b) The Agency of Agriculture, Food and Markets shall use funds available to the Agency and eligible for use for water quality programs or projects to provide financial assistance to Vermont farmers, provided that:

(1) the Agency may use capital funds to provide financial assistance for practices approved under subdivisions (a)(1)–(4) of this section if the practice is:

(A) performed in conjunction with a term agreement of not less than 15 years in duration or a permanent easement protecting the investment; and

(B) abating a water quality resource concern on a farm;

(2) the Agency shall not use capital funds to provide financial assistance for a practice approved under subdivision (a)(5) of this section; and

(3) the Agency may use capital funds to provide financial assistance for a practice approved under subdivision (a)(6) of this section only upon the approval of the State Treasurer.

1 Sec. 12. 6 V.S.A. § 1152 is amended to read:

2 § 1152. ADMINISTRATION; INSPECTION; TESTING; RECORDS

3 (a) The Secretary shall be responsible for the administration and
4 enforcement of the ~~livestock disease control program~~ Livestock Disease
5 Control Program. The Secretary may appoint the State Veterinarian to manage
6 the ~~program~~ Program, and other personnel as are necessary for the sound
7 administration of the ~~program~~ Program.

8 (b) The Secretary shall maintain a public record of all permits issued and
9 of all animals tested by the Agency of Agriculture, Food and Markets under
10 this chapter for a period of five years.

11 (c) The Secretary may conduct any inspections, investigations, tests,
12 diagnoses, or other reasonable steps necessary to discover and eliminate
13 contagious diseases existing in domestic animals in this State. The Secretary
14 shall investigate any reports of diseased animals, provided there are adequate
15 resources. In carrying out the provisions of this part, the Secretary or his or
16 her authorized agent may enter any real estate, premises, buildings, enclosures,
17 or areas where animals may be found for the purpose of making reasonable
18 inspections and tests. A livestock owner or the person in possession of the
19 animal to be inspected, upon request of the Secretary, shall restrain the animal
20 and make it available for inspection and testing.

1 (d) The Secretary may contract and cooperate with the U.S. Department of
2 Agriculture, other federal agencies or states, and accredited veterinarians for
3 the control and eradication of contagious diseases of animals. The Secretary
4 shall consult and cooperate, as appropriate, with the Commissioners of Fish
5 and Wildlife and of Health regarding the control of contagious diseases.

6 (e) If necessary, the Secretary shall set priorities for the use of the funds
7 available to operate the ~~program~~ Program established by this chapter.

8 (f) Any commercial slaughterhouse operating in the State shall maintain
9 and retain for three years records of the number of animals slaughtered at the
10 facility, the physical address of origination of each animal, the date of
11 slaughter of each animal, and all official identification numbers of slaughtered
12 animals. A commercial slaughterhouse shall make the records required under
13 this subsection available to the Agency upon request.

14 (g) Records produced or acquired by the Secretary under this chapter shall
15 be available to the public, except that:

16 (1) the Secretary may withhold from inspection and copying records
17 that are confidential under federal law; and

18 (2) the Secretary may withhold or redact a record to the extent needed
19 to avoid disclosing directly or indirectly the identity of individual persons,
20 households, or businesses.

1 Sec. 13. 6 V.S.A. § 1470 is added to read:

2 § 1470. RECORDS

3 (a) A commercial slaughter facility operating in the State shall maintain
4 and retain for three years records of the number of animals slaughtered at the
5 facility, the physical address of origination of each animal, the date of
6 slaughter of each animal, and all official identification numbers of slaughtered
7 animals. A commercial slaughterhouse shall make the records required under
8 this subsection available to the Agency upon request.

9 (b) Records produced or acquired by the Secretary under this chapter shall
10 be available to the public for inspection and copying, except that:

11 (1) the Secretary may withhold from inspection and copying records
12 that are confidential under federal law; and

13 (2) the Secretary may withhold or redact a record to the extent needed
14 to avoid disclosing directly or indirectly the identity of individual persons,
15 households, or businesses.

16 * * * Clean Water Fund Audit * * *

17 Sec. 14. 10 V.S.A. § 1389b is amended to read:

18 § 1389b. CLEAN WATER FUND AUDIT

19 (a) On or before January 15, 2021, the Secretary of Administration shall
20 submit to the House and Senate Committees on Appropriations, the Senate
21 Committee on Finance, the House Committee on Ways and Means, the Senate

1 Committee on Agriculture, the House Committee on Agriculture and Forestry,
2 the Senate Committee on Natural Resources and Energy, and the House
3 Committee on Natural Resources, Fish, and Wildlife a program audit of the
4 Clean Water Fund. The audit shall include:

5 (1) a summary of the expenditures from the Clean Water Fund,
6 including the water quality projects and programs that received funding;

7 (2) an analysis and summary of the efficacy of the water quality projects
8 and programs funded from the Clean Water Fund or implemented by the State;

9 (3) an evaluation of whether water quality projects and programs funded
10 or implemented by the State are achieving the intended water quality benefits;

11 (4) an assessment of the capacity of the Agency of Agriculture, Food
12 and Markets to effectively administer and enforce agricultural water quality
13 requirements on farms in the State; ~~and~~

14 (5) an assessment of the capacity of the Department of Environmental
15 Conservation to effectively administer and enforce agricultural water quality
16 requirements on farms in the State; and

17 (6) a recommendation of whether the General Assembly should
18 authorize the continuation of the Clean Water Fund and, if so, at what funding
19 level.

20 (b) The audit required by this section shall be conducted by a qualified,
21 independent environmental consultant or organization with knowledge of the

1 federal Clean Water Act, State water quality requirements and programs, the
2 Lake Champlain Total Maximum Daily Load plan, and the program elements
3 of the State clean water initiative.

4 (c) Notwithstanding provisions of section 1389 of this title to the contrary,
5 the Secretary of Administration shall pay for the costs of the audit required
6 under this section from the Clean Water Fund, established under section 1388
7 of this title.

8 * * * Effective Date * * *

9 Sec. 15. EFFECTIVE DATE

10 This act shall take effect on July 1, 2019.