

1 Introduced by Committee on Agriculture and Forestry

2 Date:

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

5 Statement of purpose of bill as introduced: This bill proposes to make multiple
6 miscellaneous amendments to agricultural subjects. The bill would provide
7 that a person would be presumed to be in compliance with the water quality
8 permit for pesticide discharges if the person applying the pesticide is a certified
9 applicator and the pesticide is applied according to the instructions on the
10 label. It would amend the eligibility provisions for farm-to-school grants to
11 provide that organizations administering or assisting the development of farm-
12 to-school programs are eligible for grant assistance from the Farm-to-School
13 Program. The bill also would clarify what constitutes good standing under the
14 Agency of Agriculture, Food and Markets (Agency) enforcement authority for
15 agricultural water quality requirements. It would amend the time frame by
16 which nutrient management plans shall be required to be completed by a
17 certified nutrient management technical service provider. The bill would
18 establish an environmental stewardship program at the Agency. Similarly, the
19 bill would establish a State conservation reserve enhancement program and an
20 ecosystems incentive program at the Agency. In addition, the bill would
21 require commercial slaughterhouses to maintain records and would authorize

1 the Secretary of Agriculture, Food and Markets to access records at a
2 commercial slaughterhouse.

3 An act relating to miscellaneous agricultural subjects

4 It is hereby enacted by the General Assembly of the State of Vermont:

5 * * * Seed Sales; Reporting * * *

6 Sec. 1. 6 V.S.A. § 648(g) is amended to read:

7 (g) For seeds sold in Vermont that contain genetically engineered material,
8 the manufacturer or processor distributing such seed in Vermont shall report
9 annually on ~~January~~ February 15 to the Secretary on forms supplied by the
10 Secretary regarding sales during the previous calendar year.

11 * * * Pesticide Permitting * * *

12 Sec. 2. 10 V.S.A. § 1259(k) is added to read:

13 (k)(1) A person applying a pesticide in the State shall be presumed to be in
14 compliance with the Pesticide General Permit and shall not be required to
15 submit a notice of intent under that permit if:

16 (A) the person applying the pesticide is an applicator certified by the
17 Secretary of Agriculture, Food and Markets; and

18 (B) the pesticide is applied according to the instructions on the label
19 of the pesticide.

1 producers, enrich the educational experience of students, improve the health of
2 Vermont children, and enhance Vermont’s agricultural economy.

3 (b) A school, a school district, a consortium of schools, a consortium of
4 school districts, ~~or~~ registered or licensed child care providers, or a service
5 provider that offers technical assistance to other eligible entities may apply to
6 the Secretary of Agriculture, Food and Markets for a grant award to:

7 * * *

8 (e) No award shall be greater than ~~\$15,000.00~~ 20 percent of the total
9 allocation, with the exception of awards to service providers of consolidated
10 schools, which may exceed the 20 percent limit at the discretion of the
11 Secretary of Agriculture, Food and Markets.

12 * * * Agricultural Water Quality * * *

13 Sec. 5. 6 V.S.A. § 4802 is amended to read:

14 § 4802. DEFINITIONS

15 As used in this chapter:

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

17 (2) “Farming” ~~shall have~~ has the same meaning as used in 10 V.S.A.
18 § 6001(22).

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

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

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

5 ~~(3)~~(4) “Healthy soil” means soil that has a well-developed, porous
6 structure, is chemically balanced, supports diverse microbial communities, and
7 has abundant organic matter.

8 ~~(4)~~(5) “Manure” means livestock waste in solid or liquid form that may
9 also contain bedding, spilled feed, water, or soil.

10 ~~(5)~~(6) “Secretary” means the Secretary of Agriculture, Food and
11 Markets.

12 ~~(6)~~(7) “Top of bank” means the point along the bank of a stream where
13 an abrupt change in slope is evident, and where the stream is generally able to
14 overflow the banks and enter the adjacent floodplain during an annual flood
15 event. Annual flood event shall be determined according to the Agency of
16 Natural Resources’ Flood Hazard Area and River Corridor Protection
17 Procedure.

18 ~~(7)~~(8) “Waste” or “agricultural waste” means material originating or
19 emanating from a farm that is determined by the Secretary or the Secretary of
20 Natural Resources to be harmful to the waters of the State, including:
21 sediments; minerals, including heavy metals; plant nutrients; pesticides;

1 organic wastes, including livestock waste, animal mortalities, compost, feed
2 and crop debris; waste oils; pathogenic bacteria and viruses; thermal pollution;
3 silage runoff; untreated ~~milkhouse~~ milk house waste; and any other farm waste
4 as the term “waste” is defined in 10 V.S.A. § 1251(12).

5 ~~(8)(9)~~ “Water” ~~shall~~ has have the same meaning as used in 10 V.S.A.
6 § 1251(13).

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

8 § 4820. DEFINITIONS

9 As used in this subchapter:

10 * * *

11 (6) ~~“Good standing” means the participant:~~

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

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

16 Sec. 7. 6 V.S.A. § 4810a is amended to read:

17 § 4810a. REQUIRED AGRICULTURAL PRACTICES; REVISION

18 (a) ~~On or before September 15, 2016, the~~ The Secretary of Agriculture,
19 Food and Markets shall ~~file under 3 V.S.A. § 841 a final proposal of a rule~~
20 ~~amending~~ maintain the required agricultural practices in order to improve
21 water quality in the State, assure practices on all farms eliminate adverse

1 impacts to water quality, and implement the small farm certification program
2 required by section 4871 of this title. At a minimum, the ~~amendments to the~~
3 required agricultural practices shall:

4 * * *

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

13 Sec. 8. 6 V.S.A. § 4989 is amended to read:

14 § 4989. CERTIFICATION OF NUTRIENT MANAGEMENT PLAN

15 TECHNICAL SERVICE PROVIDERS

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

- 1 (1) calculating manure and agricultural waste generation;
- 2 (2) taking soil and manure samples;
- 3 (3) identifying and creating maps of all natural resource features;
- 4 (4) use of erosion calculation tools;
- 5 (5) reconciling plans using records;
- 6 (6) use of nutrient index tools; and
- 7 (7) requirements within the Required Agricultural Practices, Medium
- 8 Farm Operation rules and general permit, and Large Farm Operation rules.

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

17 * * * Environmental Stewardship Program * * *

18 Sec. 9. 6 V.S.A. chapter 215, subchapter 7A is added to read:

19 Subchapter 7A. Regenerative Farming

20 § 4961. PURPOSE

21 The purposes of this subchapter are to:

- 1 (1) enhance the economic viability of farms in Vermont;
- 2 (2) improve the health and productivity of the soils of Vermont;
- 3 (3) encourage farmers to implement regenerative farming practices;
- 4 (4) reduce the amount of agricultural waste entering the waters of
5 Vermont;
- 6 (5) enhance crop resilience to rainfall fluctuations and mitigate water
7 damage to crops, land, and surrounding infrastructure;
- 8 (6) promote cost-effective farming practices;
- 9 (7) reinvigorate the rural economy; and
- 10 (8) help the next generation of Vermont farmers learn regenerative
11 farming practices so that farming remains integral to the economy, landscape,
12 and culture of Vermont.

13 § 4962. DEFINITIONS

14 As used in this subchapter:

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

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

1 (A) contributes to generating or building soils and soil fertility and
2 health;

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

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

6 (D) sequesters carbon in agricultural soils.

7 § 4963. REGENERATIVE FARMING; VERMONT ENVIRONMENTAL
8 STEWARDSHIP PROGRAM

9 (a) Establishment of program. There is created within the Agency of
10 Agriculture, Food and Markets the Vermont Environmental Stewardship
11 Program (VESP) to provide technical and financial assistance to Vermont
12 farmers seeking to implement regenerative farming practices to achieve
13 certification as a Certified Vermont Environmental Steward.

14 (b) Program standards; application. The Secretary of Agriculture, Food
15 and Markets shall establish by procedure standards for certification as a
16 Certified Environmental Steward. Application for certification shall be made
17 in the manner required by the Secretary of Agriculture, Food and Markets.

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

- 1 (1) information and education regarding the requirements for
2 certification, including the method, timeline, and process of certification;
- 3 (2) technical assistance in completing any required application for
4 certification;
- 5 (3) technical assistance in developing plans and implementing practices
6 to achieve certification from the VESP; and
- 7 (4) technical assistance in complying with the requirements of the VESP
8 after a farm is certified.
- 9 (d) Financial assistance; eligibility. An owner or operator of a farm
10 participating in the VESP shall be eligible for financial assistance from
11 existing Agency of Agriculture, Food and Markets financial assistance
12 programs for costs incurred in implementing any of the practices required for
13 certification as a Certified Environmental Steward.
- 14 (e) Revocation of certification. The Secretary may, after due notice and
15 hearing, revoke a certification issued under this section when the owner or
16 operator of a certified farm fails to comply with the standards for certification
17 established under subsection (b) of this section.
- 18 (f) Administrative penalty; falsely advertising. The Secretary may assess
19 an administrative penalty of up to \$1,000.00 against the owner or operator of a
20 farm who knowingly advertises as a Certified Environmental Steward when
21 not certified by the Secretary.

1 Sec. 10. FUNDING VERMONT ENVIRONMENTAL STEWARDSHIP
2 PROGRAM

3 The Agency of Agriculture, Food and Markets shall use funds available to
4 the Agency and eligible for use for water quality programs or projects to
5 provide financial assistance to Vermont farmers participating in the Vermont
6 Environmental Stewardship Program to implement regenerative farming
7 practices to achieve certification as a Certified Vermont Environmental
8 Steward.

9 * * * Conservation Reserve Enhancement Program * * *

10 Sec. 11. 6 V.S.A. § 4829 is added to read:

11 § 4829. CONSERVATION RESERVE ENHANCEMENT PROGRAM

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

18 (1) riparian forest buffers;

19 (2) grassed waterways;

20 (3) grassed filter strips; and

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

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

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

8 * * * Ecosystem Services Incentive Program * * *

9 Sec. 12. 6 V.S.A. § 4830 is added to read:

10 § 4830. ECOSYSTEM SERVICES INCENTIVE PROGRAM

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

17 (1) conservation easements;

18 (2) land acquisition;

19 (3) farm structure decommissioning;

20 (4) site reclamation;

21 (5) payments for ecosystem services; and

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

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

8 * * * Slaughter Facilities; Records * * *

9 Sec. 13. 6 V.S.A. § 1152 is amended to read:

10 § 1152. ADMINISTRATION; INSPECTION; TESTING; RECORDS

11 (a) The Secretary shall be responsible for the administration and
12 enforcement of the livestock disease control program. The Secretary may
13 appoint the State Veterinarian to manage the program, and other personnel as
14 are necessary for the sound administration of the program.

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

18 (c) The Secretary may conduct any inspections, investigations, tests,
19 diagnoses, or other reasonable steps necessary to discover and eliminate
20 contagious diseases existing in domestic animals in this State. The Secretary
21 shall investigate any reports of diseased animals, provided there are adequate

1 resources. In carrying out the provisions of this part, the Secretary or his or her
2 authorized agent may enter any real estate, premises, buildings, enclosures, or
3 areas where animals may be found for the purpose of making reasonable
4 inspections and tests. A livestock owner or the person in possession of the
5 animal to be inspected, upon request of the Secretary, shall restrain the animal
6 and make it available for inspection and testing.

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

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

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

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

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

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

6 Sec. 14. 6 V.S.A. § 1470 is added to read:

7 § 1470. RECORDS

8 (a) A commercial slaughter facility 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 (b) Records produced or acquired by the Secretary under this chapter shall
15 be available to the public for inspection and copying, except that:

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

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

1 * * * Clean Water Fund Audit * * *

2 Sec. 15. 10 V.S.A. § 1389b is amended to read:

3 § 1389b. CLEAN WATER FUND AUDIT

4 (a) On or before January 15, 2021, the Secretary of Administration shall
5 submit to the House and Senate Committees on Appropriations, the Senate
6 Committee on Finance, the House Committee on Ways and Means, the Senate
7 Committee on Agriculture, the House Committee on Agriculture and Forestry,
8 the Senate Committee on Natural Resources and Energy, and the House
9 Committee on Natural Resources, Fish, and Wildlife a program audit of the
10 Clean Water Fund. The audit shall include:

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

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

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

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

