

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 amend the
7 eligibility provisions for farm-to-school grants to provide that organizations
8 administering or assisting the development of farm-to-school programs are
9 eligible for grant assistance from the Farm-to-School Program. The bill also
10 would clarify what constitutes good standing under the Agency of Agriculture,
11 Food and Markets (Agency) enforcement authority for agricultural water
12 quality requirements. It would amend the time frame by which nutrient
13 management plans shall be required to be completed by a certified nutrient
14 management technical service provider. The bill would establish an
15 environmental stewardship program at the Agency. Similarly, the bill would
16 establish a State conservation reserve enhancement program and an ecosystems
17 incentive program at the Agency. In addition, the bill would require
18 commercial slaughterhouses to maintain records and would authorize the
19 Secretary of Agriculture, Food and Markets to access records at a commercial
20 slaughterhouse.

1 An act relating to miscellaneous agricultural subjects

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

3 * * * Seed Sales; Reporting * * *

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

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

9 * * * Dairy Operations * * *

10 Sec. 2. 6 V.S.A. § 2722 is amended to read:

11 § 2722. APPLICATION

12 Applications shall be completely filled out and sworn to by the applicant or
13 a partner or officer thereof and in case of renewal shall be filed with the
14 Secretary on or before July 15 of each year. New handlers may apply for
15 a license at any time. Renewal applications not received on or before
16 August ~~1~~ 15 shall be assessed a late fee of \$100.00. The application for a
17 handler's license shall provide the following information and such other
18 information as the Secretary by regulation shall reasonably require:

19 * * *

1 upon a determination that compliance is necessary to reduce adverse impacts to
2 water quality from the subsurface tile drain.

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

4 § 4989. CERTIFICATION OF NUTRIENT MANAGEMENT PLAN

5 TECHNICAL SERVICE PROVIDERS

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

12 (1) calculating manure and agricultural waste generation;

13 (2) taking soil and manure samples;

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

15 (4) use of erosion calculation tools;

16 (5) reconciling plans using records;

17 (6) use of nutrient index tools; and

18 (7) requirements within the Required Agricultural Practices, Medium
19 Farm Operation rules and general permit, and Large Farm Operation rules.

20 (b) ~~Beginning on July 1, 2019, a nutrient management technical service~~
21 ~~provider shall not create a nutrient management plan for a farm unless certified~~

1 ~~by the Secretary of Agriculture, Food and Markets~~ Beginning 45 days after the
2 effective date of the rule adopted by the Secretary of Agriculture, Food and
3 Markets under subsection (a) of this section to regulate nutrient management
4 technical service providers, a nutrient management technical service provider
5 shall not create a nutrient management plan for a farm unless certified by the
6 Secretary of Agriculture, Food and Markets.

7 * * * Environmental Stewardship Program * * *

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

9 Subchapter 7A. Regenerative Farming

10 § 4961. PURPOSE

11 The purposes of this subchapter are to:

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

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

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

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

16 Vermont;

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

19 (6) promote cost-effective farming practices;

20 (7) reinvigorate the rural economy; and

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

4 § 4962. DEFINITIONS

5 As used in this subchapter:

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

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

12 (A) contributes to generating or building soils and soil fertility and
13 health;

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

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

17 (D) sequesters carbon in agricultural soils.

18 § 4963. REGENERATIVE FARMING; VERMONT ENVIRONMENTAL
19 STEWARDSHIP PROGRAM

20 (a) Establishment of program. There is created within the Agency of
21 Agriculture, Food and Markets the Vermont Environmental Stewardship

1 Program (VESP) to provide technical and financial assistance to Vermont
2 farmers seeking to implement regenerative farming practices to achieve
3 certification as a Certified Vermont Environmental Steward.

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

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

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

13 (2) technical assistance in completing any required application for
14 certification;

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

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

19 (d) Financial assistance; eligibility. An owner or operator of a farm
20 participating in the VESP shall be eligible for financial assistance from
21 existing Agency of Agriculture, Food and Markets financial assistance

1 programs for costs incurred in implementing any of the practices required for
2 certification as a Certified Environmental Steward.

3 (e) Revocation of certification. The Secretary may, after due notice and
4 hearing, revoke a certification issued under this section when the owner or
5 operator of a certified farm fails to comply with the standards for certification
6 established under subsection (b) of this section.

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

11 Sec. 9. FUNDING VERMONT ENVIRONMENTAL STEWARDSHIP
12 PROGRAM

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

1 * * * Conservation Reserve Enhancement Program * * *

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

3 § 4829. CONSERVATION RESERVE ENHANCEMENT PROGRAM

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

10 (1) riparian forest buffers;

11 (2) grassed waterways;

12 (3) grassed filter strips; and

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

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

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

1 * * * Ecosystem Services Incentive Program * * *

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

3 § 4830. ECOSYSTEM SERVICES INCENTIVE PROGRAM

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

10 (1) conservation easements;

11 (2) land acquisition;

12 (3) farm structure decommissioning;

13 (4) site reclamation;

14 (5) payments for ecosystem services; and

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

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

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 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 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 that
12 are confidential under federal law; and

13 (2) the Secretary may withhold or redact a record to the extent needed to
14 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.