

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 Sec. 4. 6 V.S.A. § 2722 is amended to read:

2 § 2722. APPLICATION

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

10 \* \* \*

11 \* \* \* Farm-to-School; Local Food Grants \* \* \*

12 Sec. 5. 6 V.S.A. § 4721 is amended to read:

13 § 4721. LOCAL FOODS GRANT PROGRAM

14 (a) There is created in the Agency of Agriculture, Food and Markets the  
15 Rozo McLaughlin Farm-to-School Program to execute, administer, and award  
16 local grants for the purpose of helping Vermont schools develop farm-to-  
17 school programs that will sustain relationships with local farmers and  
18 producers, enrich the educational experience of students, improve the health of  
19 Vermont children, and enhance Vermont's agricultural economy.

20 (b) A school, a school district, a consortium of schools, a consortium of  
21 school districts, ~~or~~ registered or licensed child care providers, or a service

1 provider that offers technical assistance to other eligible entities may apply to  
2 the Secretary of Agriculture, Food and Markets for a grant award to:

3 \* \* \*

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

8 \* \* \* Agricultural Water Quality \* \* \*

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

10 § 4802. DEFINITIONS

11 As used in this chapter:

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

13 (2) “Farming” ~~shall have~~ has the same meaning as used in 10 V.S.A.  
14 § 6001(22).

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

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

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

1           ~~(3)~~(4) “Healthy soil” means soil that has a well-developed, porous  
2 structure, is chemically balanced, supports diverse microbial communities, and  
3 has abundant organic matter.

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

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

8           ~~(6)~~(7) “Top of bank” means the point along the bank of a stream where  
9 an abrupt change in slope is evident, and where the stream is generally able to  
10 overflow the banks and enter the adjacent floodplain during an annual flood  
11 event. Annual flood event shall be determined according to the Agency of  
12 Natural Resources’ Flood Hazard Area and River Corridor Protection  
13 Procedure.

14           ~~(7)~~(8) “Waste” or “agricultural waste” means material originating or  
15 emanating from a farm that is determined by the Secretary or the Secretary of  
16 Natural Resources to be harmful to the waters of the State, including:  
17 sediments; minerals, including heavy metals; plant nutrients; pesticides;  
18 organic wastes, including livestock waste, animal mortalities, compost, feed  
19 and crop debris; waste oils; pathogenic bacteria and viruses; thermal pollution;  
20 silage runoff; untreated ~~milkhouse~~ milk house waste; and any other farm waste  
21 as the term “waste” is defined in 10 V.S.A. § 1251(12).



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

9           Sec. 9. 6 V.S.A. § 4989 is amended to read:

10          § 4989. CERTIFICATION OF NUTRIENT MANAGEMENT PLAN

11                   TECHNICAL SERVICE PROVIDERS

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

- 18                   (1) calculating manure and agricultural waste generation;
- 19                   (2) taking soil and manure samples;
- 20                   (3) identifying and creating maps of all natural resource features;
- 21                   (4) use of erosion calculation tools;



- 1           (5) reconciling plans using records;
- 2           (6) use of nutrient index tools; and
- 3           (7) requirements within the Required Agricultural Practices, Medium
- 4 Farm Operation rules and general permit, and Large Farm Operation rules.

5           (b) ~~Beginning on July 1, 2019, a nutrient management technical service~~

6 ~~provider shall not create a nutrient management plan for a farm unless certified~~

7 ~~by the Secretary of Agriculture, Food and Markets~~ Beginning 45 days after the

8 effective date of the rule adopted by the Secretary of Agriculture, Food and

9 Markets under subsection (a) of this section to regulate nutrient management

10 technical service providers, a nutrient management technical service provider

11 shall not create a nutrient management plan for a farm unless certified by the

12 Secretary of Agriculture, Food and Markets.

13                           \* \* \* Environmental Stewardship Program \* \* \*

14           Sec. 10. 6 V.S.A. chapter 215, subchapter 7A is added to read:

15                           Subchapter 7A. Regenerative Farming

16           § 4961. PURPOSE

17           The purposes of this subchapter are to:

- 18           (1) enhance the economic viability of farms in Vermont;
- 19           (2) improve the health and productivity of the soils of Vermont;
- 20           (3) encourage farmers to implement regenerative farming practices;

1           (4) reduce the amount of agricultural waste entering the waters of  
2 Vermont;

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

5           (6) promote cost-effective farming practices;

6           (7) reinvigorate the rural economy; and

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

10 § 4962. DEFINITIONS

11           As used in this subchapter:

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

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

18           (A) contributes to generating or building soils and soil fertility and  
19 health;

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

- 1           (C) increases biodiversity and ecosystem health and resiliency; and
- 2           (D) sequesters carbon in agricultural soils.

3           § 4963. REGENERATIVE FARMING; VERMONT ENVIRONMENTAL  
4           STEWARDSHIP PROGRAM

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

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

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

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

19                (2) technical assistance in completing any required application for  
20                certification;

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

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

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

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

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

18          Sec. 11. FUNDING VERMONT ENVIRONMENTAL STEWARDSHIP  
19                  PROGRAM

20          The Agency of Agriculture, Food and Markets shall use funds available to  
21          the Agency and eligible for use for water quality programs or projects to

1 provide financial assistance to Vermont farmers participating in the Vermont  
2 Environmental Stewardship Program to implement regenerative farming  
3 practices to achieve certification as a Certified Vermont Environmental  
4 Steward.

5 \* \* \* Conservation Reserve Enhancement Program \* \* \*

6 Sec. 12. 6 V.S.A. § 4829 is added to read:

7 § 4829. CONSERVATION RESERVE ENHANCEMENT PROGRAM

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

14 (1) riparian forest buffers;

15 (2) grassed waterways;

16 (3) grassed filter strips; and

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

19 (b) Grant agreements entered into under this section shall at a minimum  
20 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.

4                                \* \* \* Ecosystem Services Incentive Program \* \* \*

5        Sec. 13. 6 V.S.A. § 4830 is added to read:

6        § 4830. ECOSYSTEM SERVICES INCENTIVE PROGRAM

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

13                (1) conservation easements;

14                (2) land acquisition;

15                (3) farm structure decommissioning;

16                (4) site reclamation;

17                (5) payments for ecosystem services; and

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



1 animal to be inspected, upon request of the Secretary, shall restrain the animal  
2 and make it available for inspection and testing.

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

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

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

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

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



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

4           Sec. 15. 6 V.S.A. § 1470 is added to read:

5           § 1470. RECORDS

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

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

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

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



