1 Introduced by Committee on Agriculture and Forestry

2 Date:

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Subject: Agriculture; seed sales; pesticides; dairy operations; environmental

4 stewardship

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

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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.

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

1	(2) As used in this subsection, "pesticide" has the same meaning as in
2	6 V.S.A. § 1101.

- 3 *** Dairy Operations * * *
- 4 Sec. 3. 6 V.S.A. § 2701 is amended to read:
- 5 § 2701. RULES

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(a) The Secretary, in accordance with 3 V.S.A. chapter 25, shall adopt, and may amend and rescind, dairy sanitation rules relating to dairy products to enforce this chapter, including labeling, weighing, measuring and testing facilities, buildings, equipment, methods, procedures, health of animals, health and capability of personnel, and quality standards. In addition, the uniform regulation for sanitation requirements, as adopted by the National Conference on Interstate Milk Shippers, and published by the U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration, Grade A Pasteurized Milk Ordinance (PMO), as amended, supplemented, or revised together with amendments, supplements, or revisions thereto, are adopted as part of this chapter, except as modified or rejected by rule. When adherence to the PMO is deemed unreasonable by the Agency for non-Grade "A" products, the most current version of the Recommended Requirements of the U.S. Department of Agriculture, Agricultural Marketing Service, Milk for Manufacturing Purposes and its Production and Processing may be used.

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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 $\frac{15}{15}$ 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 or
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	(8)(9) "Water" shall has have the same meaning as used in 10 V.S.A.
2	§ 1251(13).
3	Sec. 7. 6 V.S.A. § 4820 is amended to read:
4	§ 4820. DEFINITIONS
5	As used in this subchapter:
6	* * *
7	(6) "Good standing" means the participant:
8	(A) does not have an active enforcement violation that has reached a
9	final order with the Secretary; or
10	(B) is in compliance with all terms of a current grant agreement or
11	contract with the Agency. [Repealed.]
12	Sec. 8. 6 V.S.A. § 4810a is amended to read:
13	§ 4810a. REQUIRED AGRICULTURAL PRACTICES; REVISION
14	(a) On or before September 15, 2016, the The Secretary of Agriculture,
15	Food and Markets shall file under 3 V.S.A. § 841 a final proposal of a rule
16	amending maintain the required agricultural practices in order to improve
17	water quality in the State, assure practices on all farms eliminate adverse
18	impacts to water quality, and implement the small farm certification program
19	required by section 4871 of this title. At a minimum, the amendments to the
20	required agricultural practices shall:
21	* * *

1	(b) On or before January 15, 2018, the <u>The</u> 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	<u>§ 4961. PURPOSE</u>
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	(b) The Agency of Agriculture, Food and Markets shall use funds available
2	to the Agency and eligible for use for water quality programs or projects to
3	provide financial assistance to Vermont farmers.
4	* * * Slaughter Facilities; Records * * *
5	Sec. 14. 6 V.S.A. § 1152 is amended to read:
6	§ 1152. ADMINISTRATION; INSPECTION; TESTING; RECORDS
7	(a) The Secretary shall be responsible for the administration and
8	enforcement of the livestock disease control program. The Secretary may
9	appoint the State Veterinarian to manage the program, and other personnel as
10	are necessary for the sound administration of the program.
11	(b) The Secretary shall maintain a public record of all permits issued and of
12	all animals tested by the Agency of Agriculture, Food and Markets under this
13	chapter for a period of five years.
14	(c) The Secretary may conduct any inspections, investigations, tests,
15	diagnoses, or other reasonable steps necessary to discover and eliminate
16	contagious diseases existing in domestic animals in this State. The Secretary
17	shall investigate any reports of diseased animals, provided there are adequate
18	resources. In carrying out the provisions of this part, the Secretary or his or her
19	authorized agent may enter any real estate, premises, buildings, enclosures, or
20	areas where animals may be found for the purpose of making reasonable
21	inspections and tests. A livestock owner or the person in possession of the

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.

1	* * * Clean Water Fund Audit * * *
2	Sec. 16. 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

1	(5) <u>an assessment of the capacity of the Department of Environmental</u>
2	Conservation to effectively administer and enforce agricultural water quality
3	requirements on farms in the State; and
4	(6) a recommendation of whether the General Assembly should
5	authorize the continuation of the Clean Water Fund and, if so, at what funding
6	level.
7	(b) The audit required by this section shall be conducted by a qualified,
8	independent environmental consultant or organization with knowledge of the
9	federal Clean Water Act, State water quality requirements and programs, the
10	Lake Champlain Total Maximum Daily Load plan, and the program elements
11	of the State clean water initiative.
12	(c) Notwithstanding provisions of section 1389 of this title to the contrary,
13	the Secretary of Administration shall pay for the costs of the audit required
14	under this section from the Clean Water Fund, established under section 1388
15	of this title.
16	* * * Effective Date * * *
17	Sec. 17. EFFECTIVE DATE
18	This act shall take effect on July 1, 2019.