



STATE OF VERMONT
GENERAL ASSEMBLY

April 14, 2020

Governor Philip Scott

Secretary Anson Tebbetts
Agency of Agriculture, Food and Markets

Commissioner Mark Levine
Department of Health

Commissioner Michael Schirling
Department of Public Safety

Dear Governor Scott, Secretary Tebbetts, Commissioner Levine, and Commissioner Schirling:

I am writing on behalf of the House Committee on Agriculture and Forestry (Committee) to object to and request revision of the Agency of Agriculture, Food and Markets' (AAFM's) guidance that prohibits the operation of farmers' markets during the Governor's Stay Home/Stay Safe executive order. It is the Committee's understanding that AAFM issued its guidance after consultation with the Department of Health and the Department of Public Safety. The Committee believes that the AAFM guidance prohibiting operation of farmers' markets is inequitable, conflicts with its own terms, does unnecessary economic harm, and removes an essential source of food and food assistance from the public at a critical time of need.

The Governor issued the Stay Home/Stay Safe order to reduce the spread of COVID-19 and avoid needless illness and deaths while ensuring the continuity of functions critical to public health, safety, and economic security. Thus, the order mandates Vermonters stay at home and leave home only for essential reasons. Among the essential reasons a person may leave home are to shop for groceries, pick up goods curbside, and obtain meals or beverages. The Agency of Commerce and Community Development's guidance for the order provides that businesses that provide essential services, including food distribution, may continue to operate.

Farmers markets unquestionably provide essential services. As AAFM's guidance itself clearly states, farmers' markets provide food to Vermonters. Markets also provide prepared meals, beverages, and other goods. In addition, farmers' markets serve as a necessary source of food for persons participating in food assistance programs such as 3SquaresVT. To the Committee and to the average Vermonter, farmers' markets clearly are more than essential; they are necessary services that should be exempt from the Stay Home/Stay Safe order. Yet, despite providing these vital services, the State is prohibiting farmers' markets from operating.

What exasperates the Committee is that the Stay Home/Stay Safe order is inequitably applied to farmers' markets. The State is allowing grocery stores, hardware stores, liquor stores, and big box stores to operate because these stores allegedly provide essential goods and services, while a farmers' market supposedly does not. Many of these exempt stores are operating without significant social distancing measures, whereas farmers' markets have volunteered to implement social distancing, remote ordering, and curbside pickup. Why can a person buy a television from a publicly accessible WalMart but cannot remotely order spinach and pick it up curbside from a local farmers' market? We see no basis for this inequity

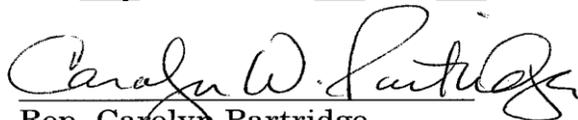
In addition, the AAFM guidance advises farmers to do exactly what farmers' markets have proposed. Namely, the AAFM guidance provides that "[f]armers can and should sell food through farm stands (with appropriate social distancing), online food sales, phone orders, curbside pick-up, and delivery." Farmers' markets offered to implement these exact measures, but AAFM still is prohibiting their operation in direct conflict with its own guidance.

These are extraordinary times. People are anxious. Unemployment is high, and the economy is suffering. The Committee understand that the State must take unprecedented action to protect public health and safety. However, prohibiting the operation of farmers' markets entirely was unnecessary, contributes to unemployment, and further harms the State's economy. Farmers' markets can operate subject to reasonable measures to protect public health and safety.

The Committee requests that the State reverse the policy prohibiting the operation of farmers' markets and allow the markets to operate subject to appropriate social distancing measures. Such a decision would provide an essential service, protect public health, eliminate inequitable treatment, and avoid additional negative economic impacts on farmers and the State as a whole. In addition, the operation of farmers' markets with social distancing conditions could provide a signal of a return to a relative normalcy and comfort that all Vermonters currently would appreciate. Please reverse the AAFM policy as quickly as possible.

Feel free to contact me if you need additional information or have questions.

Sincerely,



Rep. Carolyn Partridge
House, Chair Committee on
Agriculture and Forestry

CC: Abbey Willard, Agency of Agriculture, Food and Markets