1	H.525
2	Introduced by Committee on Agriculture and Forestry
3	Date:
4	Subject: Agriculture; seed sales; dairy operations; environmental 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.

## BILL AS INTRODUCED 2019

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 $\frac{15}{15}$ 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	* * * Farm-to-School; Local Food Grants * * *
2	Sec. 3. 6 V.S.A. § 4721 is amended to read:
3	§ 4721. LOCAL FOODS GRANT PROGRAM
4	(a) There is created in the Agency of Agriculture, Food and Markets the
5	Rozo McLaughlin Farm-to-School Program to execute, administer, and award
6	local grants for the purpose of helping Vermont schools develop farm-to-
7	school programs that will sustain relationships with local farmers and
8	producers, enrich the educational experience of students, improve the health of
9	Vermont children, and enhance Vermont's agricultural economy.
10	(b) A school, a school district, a consortium of schools, a consortium of
11	school districts, or registered or licensed child care providers, or a service
12	provider that offers technical assistance to other eligible entities may apply to
13	the Secretary of Agriculture, Food and Markets for a grant award to:
14	* * *
15	(e) No award shall be greater than $\frac{15,000.00}{20}$ percent of the total
16	allocation, with the exception of awards to service providers of consolidated
17	schools, which may exceed the 20 percent limit at the discretion of the
18	Secretary of Agriculture, Food and Markets.

1	* * * Agricultural Water Quality * * *
2	Sec. 4. 6 V.S.A. § 4802 is amended to read:
3	§ 4802. DEFINITIONS
4	As used in this chapter:
5	(1) "Agency" means the Agency of Agriculture, Food and Markets.
6	(2) "Farming" shall have has the same meaning as used in 10 V.S.A.
7	§ 6001(22).
8	(3) "Good standing" means a participant in a program administered
9	under this chapter:
10	(A) does not have an active enforcement violation that has reached a
11	final order with the Secretary; and
12	(B) is in compliance with all terms of a current grant agreement or
13	contract with the Agency.
14	(3)(4) "Healthy soil" means soil that has a well-developed, porous
15	structure, is chemically balanced, supports diverse microbial communities, and
16	has abundant organic matter.
17	(4)(5) "Manure" means livestock waste in solid or liquid form that may
18	also contain bedding, spilled feed, water, or soil.
19	(5)(6) "Secretary" means the Secretary of Agriculture, Food and
20	Markets.

## BILL AS INTRODUCED 2019

1	(6)(7) "Top of bank" means the point along the bank of a stream where
2	an abrupt change in slope is evident, and where the stream is generally able to
3	overflow the banks and enter the adjacent floodplain during an annual flood
4	event. Annual flood event shall be determined according to the Agency of
5	Natural Resources' Flood Hazard Area and River Corridor Protection
6	Procedure.
7	(7)(8) "Waste" or "agricultural waste" means material originating or
8	emanating from a farm that is determined by the Secretary or the Secretary of
9	Natural Resources to be harmful to the waters of the State, including:
10	sediments; minerals, including heavy metals; plant nutrients; pesticides;
11	organic wastes, including livestock waste, animal mortalities, compost, feed
12	and crop debris; waste oils; pathogenic bacteria and viruses; thermal pollution;
13	silage runoff; untreated milkhouse milk house waste; and any other farm waste
14	as the term "waste" is defined in 10 V.S.A. § 1251(12).
15	(8)(9) "Water" shall has have the same meaning as used in 10 V.S.A.
16	§ 1251(13).
17	Sec. 5. 6 V.S.A. § 4820 is amended to read:
18	§ 4820. DEFINITIONS
19	As used in this subchapter:
20	* * *
21	(6) "Good standing" means the participant:

1	(A) does not have an active enforcement violation that has reached a
2	final order with the Secretary; or
3	(B) is in compliance with all terms of a current grant agreement or
4	contract with the Agency. [Repealed.]
5	Sec. 6. 6 V.S.A. § 4810a is amended to read:
6	§ 4810a. REQUIRED AGRICULTURAL PRACTICES; REVISION
7	(a) On or before September 15, 2016, the The Secretary of Agriculture,
8	Food and Markets shall file under 3 V.S.A. § 841 a final proposal of a rule
9	amending maintain the required agricultural practices in order to improve
10	water quality in the State, assure practices on all farms eliminate adverse
11	impacts to water quality, and implement the small farm certification program
12	required by section 4871 of this title. At a minimum, the amendments to the
13	required agricultural practices shall:
14	* * *
15	(b) On or before January 15, 2018, the The Secretary of Agriculture, Food
16	and Markets shall amend by rule maintain the required agricultural practices in
17	order to include requirements for reducing nutrient contribution to waters of
18	the State from subsurface tile drainage. Upon adoption of requirements for
19	subsurface tile drainage, the Secretary may require an existing subsurface tile
20	drain to comply with the requirements of the RAPs for subsurface tile drainage

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	<u>§ 4961. PURPOSE</u>
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	<u>§ 4962. DEFINITIONS</u>
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	<u>§ 4963. REGENERATIVE FARMING; VERMONT ENVIRONMENTAL</u>
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	* * * Slaughter Facilities; Records * * *
2	Sec. 12. 6 V.S.A. § 1152 is amended to read:
3	§ 1152. ADMINISTRATION; INSPECTION; TESTING; RECORDS
4	(a) The Secretary shall be responsible for the administration and
5	enforcement of the livestock disease control program Livestock Disease
6	Control Program. The Secretary may appoint the State Veterinarian to manage
7	the program Program, and other personnel as are necessary for the sound
8	administration of the program Program.
9	(b) The Secretary shall maintain a public record of all permits issued and of
10	all animals tested by the Agency of Agriculture, Food and Markets under this
11	chapter for a period of five years.
12	(c) The Secretary may conduct any inspections, investigations, tests,
13	diagnoses, or other reasonable steps necessary to discover and eliminate
14	contagious diseases existing in domestic animals in this State. The Secretary
15	shall investigate any reports of diseased animals, provided there are adequate
16	resources. In carrying out the provisions of this part, the Secretary or his or her
17	authorized agent may enter any real estate, premises, buildings, enclosures, or
18	areas where animals may be found for the purpose of making reasonable
19	inspections and tests. A livestock owner or the person in possession of the
20	animal to be inspected, upon request of the Secretary, shall restrain the animal
21	and make it available for inspection and testing.

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:
- <u>§ 1470. RECORDS</u>
  (a) A commercial slaughter facility operating in the State shall maintain
  and retain for three years records of the number of animals slaughtered at the
  facility, the physical address of origination of each animal, the date of
  slaughter of each animal, and all official identification numbers of slaughtered
  animals. A commercial slaughterhouse shall make the records required under
  this subsection available to the Agency upon request.
- 9 (b) Records produced or acquired by the Secretary under this chapter shall
- 10 <u>be available to the public for inspection and copying, except that:</u>
- 11 (1) the Secretary may withhold from inspection and copying records that
- 12 <u>are confidential under federal law; and</u>
- 13 (2) the Secretary may withhold or redact a record to the extent needed to
- 14 <u>avoid disclosing directly or indirectly the identity of individual persons</u>,
- 15 <u>households, or businesses.</u>
- 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.