

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           (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

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

21   \* \* \*

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 a  
6 license at any time. Renewal applications not received on or before August 4  
7 15 shall be assessed a late fee of \$100.00. The application for a handler's  
8 license shall provide the following information and such other information as  
9 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 Sec. 8. 6 V.S.A. § 4989 is amended to read:

2 § 4989. CERTIFICATION OF NUTRIENT MANAGEMENT PLAN

3 TECHNICAL SERVICE PROVIDERS

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

- 10 (1) calculating manure and agricultural waste generation;
- 11 (2) taking soil and manure samples;
- 12 (3) identifying and creating maps of all natural resource features;
- 13 (4) use of erosion calculation tools;
- 14 (5) reconciling plans using records;
- 15 (6) use of nutrient index tools; and
- 16 (7) requirements within the Required Agricultural Practices, Medium  
17 Farm Operation rules and general permit, and Large Farm Operation rules.

18 (b) ~~Beginning on July 1, 2019, a nutrient management technical service~~  
19 ~~provider shall not create a nutrient management plan for a farm unless certified~~  
20 ~~by the Secretary of Agriculture, Food and Markets~~ Upon adoption of a rule by  
21 the Secretary of Agriculture, Food and Markets to regulate nutrient



1 management technical service providers, a nutrient management technical  
2 service provider shall not create a nutrient management plan for a farm unless  
3 certified by the Secretary of Agriculture, Food and Markets.

4 \* \* \* Environmental Stewardship Program \* \* \*

5 Sec. 9. 6 V.S.A. chapter 215, subchapter 7A is added to read:

6 Subchapter 7A. Regenerative Farming

7 § 4961. PURPOSE

8 The purposes of this subchapter are to:

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

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

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

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

13 Vermont;

14 (5) enhance crop resilience to rainfall fluctuations and mitigate water

15 damage to crops, land, and surrounding infrastructure;

16 (6) promote cost-effective farming practices;

17 (7) reinvigorate the rural economy; and

18 (8) help the next generation of Vermont farmers learn regenerative

19 farming practices so that farming remains integral to the economy, landscape,

20 and culture of Vermont.

1     § 4962. DEFINITIONS

2             As used in this subchapter:

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

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

9                 (A) contributes to generating or building soils and soil fertility and  
10             health;

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

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

14             (D) sequesters carbon in agricultural soils.

15     § 4963. REGENERATIVE FARMING; VERMONT ENVIRONMENTAL

16             STEWARDSHIP PROGRAM

17             (a) Establishment of program. There is created within the Agency of  
18             Agriculture, Food and Markets the Vermont Environmental Stewardship  
19             Program (VESP) to provide technical and financial assistance to Vermont  
20             farmers seeking to implement regenerative farming practices to achieve  
21             certification as a Certified Vermont Environmental Steward.

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

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

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

10           (2) technical assistance in completing any required application for  
11           certification;

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

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

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

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

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

9       Sec. 10. FUNDING VERMONT ENVIRONMENTAL STEWARDSHIP

10               PROGRAM

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

17               \* \* \* Conservation Reserve Enhancement Program \* \* \*

18       Sec. 11. 6 V.S.A. § 4829 is added to read:

19       § 4829. CONSERVATION RESERVE ENHANCEMENT PROGRAM

20       (a) The Conservation Reserve Enhancement Program is created in the  
21       Agency of Agriculture, Food and Markets to provide the farms of Vermont

1 with State financial assistance for the implementation of alternative nutrient  
2 reduction practices that improve soil quality, improve nutrient retention, and  
3 reduce agricultural waste discharges. The following practices may be eligible  
4 for assistance to farms under the grant program:

5 (1) riparian forest buffers;

6 (2) grassed waterways;

7 (3) grassed filter strips; and

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

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

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

15 \* \* \* Ecosystem Services Incentive Program \* \* \*

16 Sec. 12. 6 V.S.A. § 4830 is added to read:

17 § 4830. ECOSYSTEM SERVICES INCENTIVE PROGRAM

18 (a) The Ecosystem Services Incentive Program is created in the Agency of  
19 Agriculture, Food and Markets to provide the farms of Vermont with State  
20 financial assistance for the implementation of alternative nutrient reduction  
21 practices that improve soil quality, nutrient retention, and reduce agricultural

1 waste discharges. The following practices may be eligible for assistance to  
2 farms under the grant program:

3 (1) conservation easements;

4 (2) land acquisition;

5 (3) farm structure decommissioning;

6 (4) site reclamation;

7 (5) payments for ecosystem services; and

8 (6) issue a grant as an in-lieu payment not to exceed \$200,000 as an  
9 alternative to the best management practice program implementation to  
10 otherwise address the same conservation issues for an equivalent or longer  
11 term.

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

15 \* \* \* Slaughter Facilities; Records \* \* \*

16 Sec. 13. 6 V.S.A. § 1152 is amended to read:

17 § 1152. ADMINISTRATION; INSPECTION; TESTING; RECORDS

18 (a) The Secretary shall be responsible for the administration and  
19 enforcement of the livestock disease control program. The Secretary may  
20 appoint the State Veterinarian to manage the program, and other personnel as  
21 are necessary for the sound administration of the program.

1           (b) The Secretary shall maintain a public record of all permits issued and of  
2 all animals tested by the Agency of Agriculture, Food and Markets under this  
3 chapter for a period of five years.

4           (c) The Secretary may conduct any inspections, investigations, tests,  
5 diagnoses, or other reasonable steps necessary to discover and eliminate  
6 contagious diseases existing in domestic animals in this State. The Secretary  
7 shall investigate any reports of diseased animals, provided there are adequate  
8 resources. In carrying out the provisions of this part, the Secretary or his or her  
9 authorized agent may enter any real estate, premises, buildings, enclosures, or  
10 areas where animals may be found for the purpose of making reasonable  
11 inspections and tests. A livestock owner or the person in possession of the  
12 animal to be inspected, upon request of the Secretary, shall restrain the animal  
13 and make it available for inspection and testing.

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

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

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

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

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

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

14       Sec. 14. 6 V.S.A. § 1470 is added to read:

15       § 1470. RECORDS

16       (a) A commercial slaughter facility operating in the State shall maintain  
17       and retain for three years records of the number of animals slaughtered at the  
18       facility, the physical address of origination of each animal, the date of  
19       slaughter of each animal, and all official identification numbers of slaughtered  
20       animals. A commercial slaughterhouse shall make the records required under  
21       this subsection available to the Agency upon request.



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

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

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

8   \* \* \* Clean Water Fund Audit \* \* \*

9           Sec. 15. 10 V.S.A. § 1389b is amended to read:

10           § 1389b. CLEAN WATER FUND AUDIT

11           (a) On or before January 15, 2021, the Secretary of Administration shall  
12           submit to the House and Senate Committees on Appropriations, the Senate  
13           Committee on Finance, the House Committee on Ways and Means, the Senate  
14           Committee on Agriculture, the House Committee on Agriculture and Forestry,  
15           the Senate Committee on Natural Resources and Energy, and the House  
16           Committee on Natural Resources, Fish, and Wildlife a program audit of the  
17           Clean Water Fund. The audit shall include:

18                 (1) a summary of the expenditures from the Clean Water Fund,  
19                 including the water quality projects and programs that received funding;

20                 (2) an analysis and summary of the efficacy of the water quality projects  
21                 and programs funded from the Clean Water Fund or implemented by the State;

1           (3) an evaluation of whether water quality projects and programs funded  
2 or implemented by the State are achieving the intended water quality benefits;

3           (4) an assessment of the capacity of the Agency of Agriculture, Food  
4 and Markets to effectively administer and enforce agricultural water quality  
5 requirements on farms in the State; ~~and~~

6           (5) an assessment of the capacity of the Department of Environmental  
7 Conservation to effectively administer and enforce agricultural water quality  
8 requirements on farms in the State; and

9           (6) a recommendation of whether the General Assembly should  
10 authorize the continuation of the Clean Water Fund and, if so, at what funding  
11 level.

12           (b) The audit required by this section shall be conducted by a qualified,  
13 independent environmental consultant or organization with knowledge of the  
14 federal Clean Water Act, State water quality requirements and programs, the  
15 Lake Champlain Total Maximum Daily Load plan, and the program elements  
16 of the State clean water initiative.

17           (c) Notwithstanding provisions of section 1389 of this title to the contrary,  
18 the Secretary of Administration shall pay for the costs of the audit required  
19 under this section from the Clean Water Fund, established under section 1388  
20 of this title.

1

\* \* \* Effective Date \* \* \*

2

Sec. 16. EFFECTIVE DATE

3

This act shall take effect on July 1, 2019.