
This act summary is provided for the convenience of the public and members of the General Assembly. It is intended to provide a general summary of the act and may not be exhaustive. It has been prepared by the staff of the Office of Legislative Counsel without input from members of the General Assembly. It is not intended to aid in the interpretation of legislation or to serve as a source of legislative intent.

Act No. 162 (S.258). Agriculture; water quality; agricultural waste; financial assistance; Right to Farm

An act relating to agricultural water quality, enforcement, and dairy farming

The act amends or enacts multiple provisions related to agricultural subjects. The act requires an applicant for an Agency of Agriculture, Food and Markets (AAFM) grant to be in good standing with all AAFM programs. The act clarifies that “agricultural waste” can be waste that is imported onto a farm rather than material that originates or emanates from a farm. The act also clarifies that if a waste storage facility is a threat to human health or the environment, AAFM may require modifications to the facility. In addition, the act provides that if AAFM suspects a facility may be contaminating groundwater, the Agency shall pay for the initial monitoring to determine if the facility is a threat to human health or the environment and then notify the Department of Health within 21 days if a threat is determined due to an apparent violation of the groundwater protection standards. The act allows AAFM to require approval to transport non-sewage waste to a farm and to report the composition and volume of the waste.

The act repeals the statute authorizing nutrient management planning incentive grants as the program is no longer active. The act amended the allowable forms of Capital Equipment Assistance grants to allow for grants to address the priorities of the program, including improving water quality, reducing odors, and decreasing greenhouse gas emissions. The act also repealed obsolete practices from the list of practices eligible for assistance under the Farm Agronomic Practices Program and granted AAFM additional authority to approve grants for soil-based practices that improve the health of and services from soil.

The act also clarifies what constitutes an agricultural activity entitled to nuisance protection under the State Right to Farm Law. In addition, the act amends the State Right to Farm Law to clarify that “farming” and “agricultural activities” as defined under agricultural statutes are eligible for the rebuttable presumption that they do not cause a nuisance under the Right to Farm law. The act also extends the duration and authority of the Task Force to Revitalize the Vermont Dairy Industry.

Effective Date: June 1, 2022