Introduced by Senators Pearson and Pollina

Referred to Committee on

Date:

Subject: Agriculture; conservation and development; Required Agricultural Practices; climate resiliency

Statement of purpose of bill as introduced: This bill proposes to require the Secretary of Agriculture, Food and Markets to evaluate the sufficiency of the Required Agricultural Practices (RAPs) to determine if the requirements and practices under the RAPs are adequate to address increased and foreseeable climate change-induced precipitation in a manner that protects soil resources and prevents harmful or inefficient runoff of nutrient pollution to State waters.

An act relating to amending the Required Agricultural Practices in order to address climate resiliency

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. EVALUATION OF CLIMATE RESILIENCY UNDER THE REQUIRED AGRICULTURAL PRACTICES

(a) On or before August 1, 2022, the Secretary of Agriculture, Food and Markets shall initiate a public process to evaluate the sufficiency of the Required Agricultural Practices (RAPs) to determine if the requirements and
practices under the RAPs are adequate to address increased and foreseeable climate change-induced precipitation in a manner that protects soil resources and prevents harmful or inefficient runoff of nutrient pollution to State waters.

As part of the evaluation of the RAPs, the Secretary shall:

1. review RAP Section 3 and the activities and applicability of the RAPs, including whether farms that are currently exempt from the RAPs should be subject to the RAPs due to heavier and more localized weather events;

2. examine the requirements for certification of small farms under RAP Section 4 and whether the threshold for qualifying as a Certified Small Farm should be amended to include a smaller number of livestock;

3. evaluate the agricultural water quality training requirements under RAP Section 5 and whether the water quality training currently received by farmers adequately addresses the process and procedure of manure application that focuses on more frequent, intense heavy participation events; and

4. review the conditions, restrictions, and operating standards for agricultural activities under RAP Section 6 and whether:
   
   (A) intense precipitation events have resulted in or may result in more frequent or a higher volume of agricultural wastewater discharges that require additional management on farm fields;
(B) requirements regarding the storage of manure and other agricultural wastes need to be adjusted to address increased climate change-induced precipitation;

(C) standards or requirements for nutrient management planning, particularly nutrient application, need to be adjusted to address changes in precipitation;

(D) soil management activities and retention practices should be altered to improve the response to heavy precipitation events in order to ensure soil health and limit erosion;

(E) requirements for the use of cover crops are stringent enough to protect soils from erosion due to more frequent and intense flooding events;

(F) standards and restrictions for manure application are adequate, particularly focusing on whether:

(i) the seasonal ban on manure application is adequate or should be expanded;

(ii) more stringent measures should be employed to address frequent flooding events from adjacent surface waters;

(iii) the standards used to prevent nutrient application on lands subject to flooding, ponding, and other conditions are adequate; and

(iv) the nutrient application limits of 100 feet from a private water supply and 200 feet from a public water supply are adequate to protect
drinking water and public health from nutrient infiltration due to heavy
precipitation and more frequent flooding;

(G) the criteria and review process for seasonal and emergency
spreading exemptions are adequate and being followed rigorously by the
Agency of Agriculture, Food and Markets;

(H) the required vegetative buffers under the RAPs are adequate to
protect waters from increased surface runoff and whether a 25-foot buffer of
perennial vegetation that can be harvested provides adequate protection for
adjacent surface waters; and

(I) standards to stabilize the banks of surface waters are adequate to
account for more frequent and higher volume flooding events.

(b) During evaluation of the RAPs as directed under subsection (a) of this
section, the Secretary of Agriculture, Food and Markets shall conduct public
notice and comment and hold at least three public hearings in order to collect
public input regarding the sufficiency of the RAPs to address increased climate
change-induced precipitation events.

(c) On or before January 15, 2023, the Secretary of Agriculture, Food and
Markets shall submit to the Senate Committees on Agriculture and on Natural
Resources and Energy and the House Committees on Agriculture and Forestry
and on Natural Resources, Fish, and Wildlife the results or conclusions of the
evaluation required under subsection (a) of this section.
(d) If after completion of the evaluation under subsection (a) of this section
the Secretary of Agriculture, Food and Markets determines that the RAPs
should be amended to improve application or response to increased climate
change-induced precipitation, the Secretary shall initiate rulemaking under 3
V.S.A. chapter 25 to amend the RAPs and protect the surface waters of the
State. The Secretary shall adopt rules under this subsection not later than
January 14, 2024.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.