Issues in Agriculture in 2022

1. Dairy Task Force

- In 2020, the General Assembly enacted Act No. 129 to establish a Task Force to Revitalize the Vermont Dairy Industry (Task Force) to respond to analysis by the Department of Financial Regulation and to recommend legislation to revise dairy pricing and other market regulation in the State to support Vermont dairy farming.
- The Task Force offered multiple recommendations, including:
  - Pay premiums for farmer participation in USDA risk management programs.
  - Advocate for USDA risk management programs to continue.
  - Advocate for Federal Milk Market Order reform.
  - Conduct legal analysis of State milk pricing options; e.g., over-order premium, milk tax.
  - Pursue and advocate for increased purchasing and marketing of VT dairy products.
  - Explore labor incentives for the VT dairy industry.

2. Compost/Digestate/ PFAS/Micro-plastics

- EPA issued a roadmap for regulation of PFAS in water, soil, and air. Included among the recommend actions was declaring PFAS a hazardous substance under CERCLA liability.
- Biosolids from domestic sewage, digestate from farms and food residual recycling, and compost may have PFAS in the material; raising questions regarding how to test for PFAS in these substances or avoid the consequences of applying these substances.
- Some of these materials also contain microplastics at levels higher than commonly understood. Yet, there is no standard for the presence of microplastics in these materials.

3. Climate Council Recommendations

- See separate summary.

4. Right-to-Farm Protection

- Ongoing litigation in Addison County against a farm alleging nuisance, trespass, and water quality violations inspired questions about the right-to-farm law and its application.

5. Waters of the United States; EPA Rule

- U.S. EPA and the U.S. Army Corps of Engineers were ordered by a federal district court to vacate the Trump era Navigable Waters Protection Rule (Navigable Waters Rule).
- EPA halted implementation of the Navigable Waters Rule and on November 18, 2021, EPA and the Corps announced a proposed rule to revise the definition of "waters of the United States." The proposal would put back into place the pre-2015 definition of "waters of the United States," updated to reflect recent U.S. Supreme Court decisions.
- There is anxiety among the farming community that the revised rule will apply to ditches, ephemeral waters, and wetlands not covered by the Navigable Waters Rules.

6. Payment for Ecosystem Services

- Act No. 83 of 2019 created the "Soil Conservation Practice and Payment for Ecosystem Services Working Group" to recommend financial incentives to encourage farmers to implement agricultural practices that improve soil health, enhance crop resilience, increase carbon storage and stormwater storage capacity, and reduce agricultural runoff.
- The Working Group reported to the General Assembly in 2020, but requested additional time to work on issues. Act No. 129 of 2020 extended the Working Group and renamed it the "Payment for Ecosystem Services and Soil Health Working Group." Revised recommendations are due January 15, 2022.

7. Water Quality Funding

- Unprecedented federal funds have been appropriated to the State, including significant amounts for water quality. However, much of the water quality money will be administered by ANR through the CWSRF and DWSRF programs.
- What is available for farmers? How will ANR and AAFM coordinate fund disbursement?

8. Pesticide Litigation/EPA Studies

- EPA issued biological evaluations on three neonicotinoid pesticides and found that they adversely affected a majority of threatened and endangered species, including pollinators.
- Litigation subsequently was filed against EPA alleging failure to act on a petition to regulate treated seeds as pesticides subject to federal and state rules on labelling and use.

9. Slaughter

- Act 47 report on personal slaughter under animal share agreements.
- Need for additional capacity, modernization, and infrastructure improvement for both slaughter and processing.

10. Definition of Farming and Accessory On-Farm Use

- Issues around what constitutes "farming."
- What qualifies as accessory on-farm use—e.g., restaurant in Woodstock.

11. 2023 Farm Bill

- The Federal Farm Bill is up for reauthorization in 2023, with multiple important substantive and financial assistance programs. Last with Sen. Leahy as senior member.

12. African swine fever and highly pathogenic avian influenza

- African swine fever spread globally in 2021 including to Haiti and Dominican Republic.
- Current environmental and global disease prevalence conditions mirror those in 2015 before the historic U.S. high path avian influenza outbreak.
- Epidemiologists have warned state animal health officials to be vigilant. AAFM updated its AI emergency response plan and is taking steps to respond quickly to other diseases.

Initial Climate Council Action Plan:
Agricultural Pathway, Strategies, and Actions

Overview

- To address the objectives of the Global Warming Solutions Act, the Climate Council organized their recommendations in a Climate Action Plan around five areas of action:
  1. emissions reductions;
  2. building resilience and adaptation in Vermont's natural and working lands;
  3. building resilience and adaptation in Vermont's communities and built environment;
  4. enhancing carbon sequestration and storage; and
  5. cross-cutting pathways.
- The recommendations are further organized into tiers of pathways, strategies, and actions.
- Pathway: A pathway is a high-level means of achieving greenhouse gas emissions reductions or adaptation, resilience, and sequestration goals.
- Strategy: Under each pathway, a suite of strategies has been developed. Strategies are a statement of measurable activity, a benchmark, to be reached in pursuit of the pathway.
- Actions: The "operational" tasks that the State, regional organizations, municipalities, non-governmental organizations, and Vermonters will undertake to meet pathways and strategies.

Action Plan: Agricultural Pathways, Strategies, and Actions

- Pathway A: Maintain and expand Vermont's natural and working lands' role in the mitigation of climate change through human interventions to reduce the sources and enhance the sinks of greenhouse gases.
- Strategies.
  i. Leverage, expand, and adapt existing State of Vermont programs that support the agricultural sector's mitigation of climate change through: Prevention of emissions to the atmosphere by conserving existing carbon pools in soils or vegetation, or by reducing emissions of methane (CH4) and nitrous oxide (N2O);

  ii. Sequestration by increasing the size of existing carbon pools, and thereby extracting carbon dioxide (CO2) from the atmosphere; and

  iii. Substitution of biological products for fossil fuels or energy-intensive products, thereby reducing CO2 emissions.

- Actions

1. Implement agronomic practices that reduce tillage and increase vegetative cover, e.g. no-till, cover crop.

2. Expand Capital Equipment Assistance Program (CEAP) program to extend beyond water quality and incorporate climate change criteria.

3. Implement grazing practices that increase vegetative cover and forage quality, e.g. rotational grazing.

4. Implement agroforestry and silvopasture practices that integrate woody vegetation in agricultural production.

5. Implement edge-of-field practices that increase herbaceous and woody vegetation, e.g. CREP riparian forest buffer.

6. Implement natural resource restoration practices that support climate mitigation and resilience, including river corridor easements, wetland restoration, and afforestation practices with consideration to agricultural land loss.

7. Implement Nutrient Management and Amendments (e.g. biochar, compost) on cropland and grazing land.

8. Implement methane capture and energy generation on farms, e.g. anaerobic digesters and covers.

9. Research and pilot improved manure management and storage programs.

10. Research and develop a climate feed management program, including both feed amendments (e.g. seaweed, biochar) and feed quality (e.g. forage quality) to reduce enteric methane emissions; consider downstream impacts, sustainability and equity.