

## **An Act Relating to Miscellaneous Agricultural Subjects: Section by Section Summary**

### **Sec. 1. Repeal of Sunset of On-farm Personal Slaughter Authority**

- Federal law allows persons who own an animal to slaughter it for their own use without having the slaughter inspected by USDA or an approved state. 9 CFR § 303.1(a)(1)
- In 2013, the General Assembly authorized persons to purchase livestock at a farm and slaughter the animal at the farm without inspection by the Agency of Agriculture (AAFM).
- When enacted, a sunset of the authority was included in order to revisit if the law was working. The law is working well, and AAFM recommends repeal of the sunset. Sec. 1 repeals the sunset.

### **Secs. 2 and 3. Definition of Livestock Dealer, 6 V.S.A. §§ 761 and 762**

- AAFM registers livestock dealers and recommends clarifying the definition of livestock dealer.
- First, in Sec. 2, 6 V.S.A. § 761, AAFM recommends clarifying that a livestock dealer can be someone buying animals for their own account or for commission.
- Sec. 2 clarifies that a livestock dealer includes online or remote transactions. Sec. 2 also clarifies that a person buying animals as part of their farming operation is not a livestock dealer that is required to register.
- In Sec. 3, 6 V.S.A. § 762, authority is granted to AAFM to require a person to obtain a livestock dealer license if the Agency determines the person is trying to circumvent license requirements.
- AAFM has encountered persons who are buying and selling livestock, but who argue they are doing so for their farm. Sec. 3 gives AAFM authority to investigate and require a person to obtain a license.

### **Sec. 4. Vermont Veterinarian Loan Repayment Fund, 6 V.S.A. § 20**

- Vermont currently operates a program to assist veterinarians who operate in the State in repaying their student loans. This helps ensure an adequate number of veterinarians in the State.
- The program is called the Large Animal Veterinarian Loan Repayment Program. Sec. 4 renames it the Food Animal Veterinarian Education Loan Repayment Program for consistency with a similar USDA program.
- Sec. 4 defines what constitutes a “food animal” in a way consistent with the USDA program--“food animal” means any animal that produces food for human consumption or is raised for human consumption, including cattle, sheep, swine, goats, poultry, bees, and any other species as determined by AAFM.
- Sec. 4 amends eligibility for the program by requiring recipients to be significantly dedicated to treating food animals. Sec. 4 grants AAFM authority to determine what constitutes significant dedication.

### **Sec. 5. Commercial Weighing and Measuring Devices 9 V.S.A. § 2651(2)**

- AAFM regulates and registers scales, gauges, and other weights and measures in the State.
- Sec. 5 amends the definition of “commercial weighing and measuring device” to clarify how AAFM registers weights and measures. Under law, AAFM regulates devices used to provide a good or service directly to a consumer. They do not regulate devices used within a business. But, this is not clear in statute.
- Sec. 5 amends the definition to provide that a commercial weighing device does not include:
  - a device within a business used internally to determine weight, measure, or count of a commodity or thing while manufacturing, processing, or preparing the commodity or thing for market;
  - a pharmacy device used to determine appropriate dosage of medication or medical treatment; or
  - U.S. Postal Service scales.

## **Sec. 6. Payment for Ecosystem Services and Soil Health Working Group**

- In 2019, the Legislature required AAFM to convene a Payment for Ecosystem Services and Soil Health Working Group to recommend financial incentives to encourage farmers to implement practices that exceed basic water quality requirements and improve soil health, enhance crop resilience, increase carbon storage, and reduce agricultural runoff.
- The Working Group is scheduled to be repealed on February 1, 2022. But, the Working Group has been very productive, and AAFM believes that it needs an additional year to complete its work and provide the General Assembly with fully formed recommendations.
- Sec. 6 extends to Feb. 1, 2023, the authorized time of operation for the Working Group. The members of the Working Group do not receive compensation. Thus, there will be no appropriations impact.

## **Sec. 7. Certification of Custom Applicators, 6 V.S.A. chapter 215, subchapter 9**

- A “custom applicator” is a person engaged in the business of applying manure to land and who charges or collects consideration for the service. [Note: farmers applying to their own fields do not need to be certified]
- Custom applicators must be certified to operate in the State to apply manure or nutrients. Certification requires training on application methods and soil conditions and ways to reduce runoff to waters.
- AAFM proposed changing statute to require applicators be certified to apply manure or “agricultural waste,” which is currently how the custom applicator requirements are written in the RAPs rule.
- Agricultural waste is already a defined term in statute:  
6 V.S.A. § 4802(8): “Waste” or “agricultural waste” means material originating or emanating from a farm that is determined by the Secretary or the Secretary of Natural Resources to be harmful to the waters of the State, including: sediments; minerals, including heavy metals; plant nutrients; pesticides; organic wastes, including livestock waste, animal mortalities, compost, feed and crop debris; waste oils; pathogenic bacteria and viruses; thermal pollution; silage runoff; untreated milk house waste; and any other farm waste as the term “waste” is defined in 10 V.S.A. § 1251(12).
- This definition is broad, but not everything included in the definition can be applied by an applicator.
- Custom applicators must apply according to a nutrient management plan. Only certain items may be applied under a nutrient management plan can be applied—manure, compost, milk house waste, etc.
- An applicator who applies a prohibited substance would be subject to enforcement by AAFM and ANR.

## **Sec. 8. Nonsewage Waste, 6 V.S.A. § 4817**

- Sec. 8 corrects an incorrect cross reference in the Non-sewage Waste authority the General Assembly enacted last year. In subsection 4817(c), the reference to subsection (a) is changed to subsection (b)

## **Sec. 9. Agricultural Information, 6 V.S.A. § 61**

- Current law provides that information that AAFM collects from businesses and farms is public except that identifying information of the business or farm shall not be disclosed.
- Recently, the Agency has been building multiple databases of information for its multiple programs.
- Sec. 9 clarifies the database information is public but subject to removal of identifying information.

## **Sec. 10. Hemp, 6 V.S.A. chapter 34**

- In 2014, the federal Farm Bill authorized states to operate pilot programs for the cultivation of hemp.
- In 2018, the federal Farm Bill legalized cultivation and sale of hemp subject to a rule that USDA was required to adopt. But, the USDA rule has multiple provisions that states and cultivators will have difficulty complying with.
- Consequently, interested parties have been working to amend the USDA rules. While these efforts are ongoing, states that were previously operating pilot programs have been authorized to continue those programs until January 1, 2022.
- Sec. 10 amends the current hemp statutes to provide that the State will operate its program under the 2014 pilot program until January 1, 2022.

## **Sec. 11. Emergency Planning, Food Security**

- Sec. 11 directs AAFM to update the Agriculture Annex to the State Emergency Management Plan to improve the State's capacity to maintain a sufficient food supply during emergency or other times of food insecurity.
- AAFM will work with partners to implement the food security recommendations from the Vermont Agriculture and Food System Strategic Plan (Strategic Plan).
- As a part of the food security recommendations in the Strategic Plan to ensure that the food supply in Vermont is sufficient to withstand disruptions to global or national food supply chains, AAFM shall:
  - update the Annex to rely, where feasible, on local production and distribution of food supply, and
  - review the work that AAFM conducted with partners during the COVID-19 pandemic to assess best practices and areas for improvement.
- On or before January 15, 2022, AAFM shall submit the revised Agriculture Annex to the General Assembly with proposed legislative amendments, policies, or other actions that AAFM recommends in order to effectively implement the revised Agriculture Annex.

## **Sec. 12. Effective Dates**

- Sec. 10 (hemp) shall take effect on passage.
- All other sections shall take effect on July 1, 2021.