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Date: Wednesday, February 23, 2022

To: Sen. Starr, Chair
Sen. Pearson, Vice Chair
Members of the Senate Committee on Agriculture

RE: Strong opposition to S.268: An act relating to the right to farm

Chair Starr, Vice Chair Pearson, and Members of the Committee:

On behalf of the ASPCA, our 4,000 Vermont citizen advocates and more than 2 million supporters nationwide, we write to voice our strong opposition to S.268. This bill would completely overhaul Vermont statute to protect the interests of industrial agriculture over those of small farmers, local communities, farm animals and the environment.

Under its current right to farm law, Vermont has achieved a healthy balance between farmers, local communities, and their respective rights to the enjoyment and use of their property. It is a welcome departure from existing right to farm laws across the country, many of which tip the scales so far in corporate agriculture's favor as to have earned the label "right to harm" laws. Sadly, S.268 mirrors such laws, providing blanket nuisance protections for all types of food production regardless of their potential harms to communities. For example, this bill would protect operations that may have doubled in size or even completely changed what they raise/produce, leaving Vermont citizens without any recourse to protect their quality of life. Vermont's agricultural heritage is one of which we can be proud and is understandably something this Committee strives to maintain. However, we urge the Committee members to recognize that S.268 does not achieve that goal, and in fact may put Vermont's agricultural landscape at risk of further harmful consolidation.

It is difficult to overstate the breadth and scale of the harms industrial concentrated animal feeding operations (CAFOs) cause to animals, communities, the environment, and public health, but industrial farming operations also harm Vermont's independent, higher welfare farmers. The consolidation of animal agriculture, particularly in dairy, pushes more and more small farmers out of operation every day, accelerating the growth of large industrial operations and making it more difficult for small and mid-sized farmers to survive. Vermont's dairy industry is a prime example of this consolidation, losing farms at an almost frantic pace, while the numbers of cows on the remaining farms continues to increase. In the last 15 years alone, the number of Vermont dairy farms has dropped by almost 45% (from 1,141 farms in 2007 to less than 636 today). S.268 would carve out new protections in state law for the industrial farming operations that are driving this consolidation.

This measure is also in direct contrast to public sentiment and consumer demand, with public surveys showing time and again that consumers are concerned about the welfare of farm animals and that more

are looking for more humane alternatives to industrial farming. COVID-19 has heightened this awareness and more people are looking to small, local farms to meet this demand. Expanding so-called nuisance protections in Vermont will shield industrial agriculture from public transparency and accountability, while further disadvantaging more humane and responsible farmers across the state.

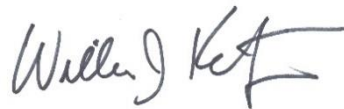
In summary, S.268 is an unnecessary rewrite of Vermont's existing farmer and community rights. It will carve out new protections for industrial-scale operations rather than protecting the family farms, communities, environment, and farm animals that need protecting. And, as evidenced by the limited instances of agricultural nuisance lawsuits in Vermont generally, is a solution in search of a problem. We urge the Committee to oppose S.268.

Sincerely,

A handwritten signature in black ink that reads "Kara Shannon". The signature is fluid and cursive, with a large loop at the end of the last name.

Kara Shannon

Director of Farm Animal Welfare Policy

A handwritten signature in black ink that reads "William J. Ketzer". The signature is cursive and somewhat compact, with a prominent horizontal stroke at the end.

Bill Ketzer

Senior Legislative Director, Government
Relations, Eastern Division