

## **S.45 Testimony to House Agriculture, Food Resiliency & Forestry Committee**

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My name is Maddie Kempner, and I'm the policy director for the Northeast Organic Farming Association of Vermont (NOFA-VT). Thank you for taking the time to hear my testimony today regarding S.45, the right to farm bill.

As I've shared with you, NOFA-VT has nearly 1,600 members around the state. Our members are farmers (both certified organic and not certified organic), gardeners, homesteaders, and eaters who share our belief that when we get food and farming right, we get so much else right.

You all have heard from me plenty this session, but not on this issue until today. And that's mainly because right to farm is not an issue that NOFA-VT members have brought to us as a primary concern. In a policy survey we conducted last summer, members who responded were asked to rank a list of issues in terms of what was most pressing to them and/or their community. The farmers who responded put issues including climate change impacts, affordable health care, secure land tenure, labor, and fair prices at the top of their lists.

Keeping farms on the land and in business is frequently mentioned as a primary goal of S.45, and we strongly support that goal. We know farmers in our state are struggling to stay afloat. Several farmers who responded to our survey talked about the challenge of getting a fair price for their products while also making sure regular people could afford to eat their food. One farmer who responded said, "The biggest overall challenge is that prices to producers are too low for farming to be financially viable, but increasing food prices creates hardship for working people." We hear this often from our farmer members – especially those who have the ability to set their own prices. For those who can't, like the majority of our dairy farmers, profitability often feels even more out of reach.

Compounding challenges related to profitability, affordability (of land, housing, healthcare, childcare and more), impacts from climate change, and stress and mental health challenges are squeezing many of our farmers to nearly a breaking point.

I'm sharing that as important context for the committee to hear in general, and in framing my comments that follow. I do want to be clear that our organization has not taken a position of support or opposition to the changes to Vermont's right to farm law being considered by the legislature this session, but I do have some thoughts to share with you.

We have had some discussion of the bill with our policy steering committee in recent weeks. Our steering committee is made up of seven farmer members of a variety of farm types, scales, and locations around the state, and they help to set the direction of NOFA's policy work. Our steering committee includes voices of dairy, diversified livestock, vegetable, and maple producers, both certified organic and not certified organic.

Members of our steering committee have expressed some sentiments similar to those you've heard from witnesses on this bill in the past couple of weeks. As farmers themselves, all of our steering committee members are deeply committed to the success of agriculture in this state. They have strongly supported the legislature's work to pass the Farm Security Fund, for example, as one important measure to ensure farmers can keep producing food and stewarding land here as our climate changes. We all share the goal of keeping farms in business and maintaining farming as the cornerstone of Vermont's culture that it is. This includes protecting farming against frivolous lawsuits.

At the same time, our steering committee has not generally agreed that passing S.45 is the best way to meet our goals of ensuring food security and viable farms, and have suggested there are other methods for how to get there. Folks expressed some concerns about some of the language in the bill, particularly the definition of nuisance that references other types of claims, including trespass, and felt this was confusing and a potential legal loophole.

Another area our committee feels could cause confusion is the definition of "generally accepted agricultural practices" that includes "practices conducted in a manner consistent with proper and accepted customs and standards followed by similar operators of agricultural activities in the State." They had concerns about the expansiveness of this language and other ways the bill could be used to privilege large farms at the expense of small farms.

Overall, the steering committee had several ideas for how the legislature could achieve the goals stated in the findings of S.45, including:

- Expanding protections and support for farms within the framework of Act 250, including further limiting regulation of on-farm businesses
- Passing liability protections for agritourism activity, which the legislature has already done
- Financial support for farms using ecological stewardship practices (like those provided by NRCS) and in the future, direct payments to farms

Finally, the bill findings state, "agricultural lands constitute unique and irreplaceable resources of statewide importance." We strongly agree with this statement, and would like to urge that the state engage in regional and statewide land use planning processes with the goal of first identifying, and then protecting land in current agricultural production, as well as potential future farmland. Protecting our farmland is critical to ensuring our state can play a substantial role in producing food for our region going forward, and regional land use planning can and should help ensure we have farms in the right places while addressing our housing crisis.

Finally, we would like to urge this committee and the legislature as a whole to take your time with this bill. We don't disagree that there is a need to update our right to farm law, but also recognize there are risks involved to farmers and to the quality of life in our state that make it important to get this right.