

Testimony to House Agriculture, Food Resiliency & Forestry

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Thank you for inviting me in today. and for the committee's attention to the issue of agriculture's exemption from municipal regulation. I'm grateful for the opportunity to share NOFA-VT's perspective.

We are grateful to be in collaboration and alignment with a broad group of farming and land access organizations in our position and recommendations on this issue. Since last fall, we've met regularly with a group of partners including Rural Vermont, the Vermont Farm Bureau, Agri Mark, Cabot, the Vermont Dairy Producers Alliance, the Vermont Association of Conservation Districts, the Connecticut River Farmers Watershed Alliance, Farm to Plate, and the Land Access and Opportunity Board. Collectively, our organizations have developed shared principles and proposed legislative language, which I'll share with you today. However, I encourage the committee to hear from all of these organizations directly, and in particular urge you to invite testimony from representatives of the Land Access and Opportunity Board who have important and unique expertise to share.

Our organizations have also met with the Agency of Agriculture, Food & Markets, as well as with the Vermont League of Cities and Towns, who I know you heard from yesterday. We believe we understand each of their positions, and we're happy to say we're very nearly in alignment with both AAFM and VLCT as well. We're hopeful that there's an opportunity for a path forward on this issue that will work for everyone, and most importantly, that will ensure a consistent regulatory framework for farmers and the right to grow food for everyone living in Vermont, all in service to our collective food security.

My intention today is to share the overarching principles and goals our coalition has agreed upon in advocating for a legislative fix to the Supreme Court's decision last May, and to present some proposed language we've worked on together.

First, in terms of our principles, we believe a clear and consistent regulatory framework across municipalities is best for farms and towns. We want to avoid a patchwork regulatory environment for farming in Vermont that is confusing for both farmers and municipalities, and that would be a continued source of contention and acrimony in our communities.

We also want to ensure that farms continue to be regulated by a common authority, namely the Agency of Agriculture, Food & Markets, that has sufficient agricultural expertise and can offer

technical and financial assistance to producers, while applying a common set of standards and rules for agricultural practices. Doing so significantly limits the potential for local bias, either in the positive (i.e., preferential treatment) or negative (i.e., discrimination or inter-personal conflict).

We want to be clear that we believe this issue can be addressed without opening the RAPs, and have language to suggest that focuses on amending Title 24, regarding Municipal and County Government. We seek to clearly define the municipal exemption for agriculture in Title 24 without substantively changing how it has been implemented and understood for decades by farmers, municipalities, and communities.

Finally, we are seeking, and have proposed language that would establish a right to grow food so that by-laws, now or in the future, cannot prohibit food growing practices. Affirming and protecting the right to grow food throughout all types of development - rural, urban, peri-urban, “growth centers”, etc. - is critical to ensure equitable access to farming and food resiliency for all Vermonters. This leads to a more resilient and food secure Vermont, with greater opportunities for growing culturally appropriate foods and direct access to learning about farming, gardening, and foodways. Land access and affordability is one of the primary issues affecting farmers in VT and nationally - especially for young, beginning, and historically marginalized farmers. Accessing rural farm land and housing is extremely challenging for those who don't come from farm families or who don't have access to generational wealth; and farming is economically difficult in many cases, even for those with secure access to land.

Taking steps right now to protect the right to grow food across our communities, and to maintain a clear and consistent regulatory framework for farmers are essential to move us toward a fully food secure future.

To those ends, our coalition proposes the following draft legislative language in difference for your consideration.

Section 2: 24 VSA § 4413 is amended to read:

§ 4413. Limitations on municipal bylaws

[...]

(d)(1) A bylaw under this chapter shall not regulate:

(A) the Right to Grow Food, which includes:

(i) the cultivation or other use of land for growing plants, including for food, fiber, Christmas trees, maple sap, or horticultural, silvicultural, and orchard crops.

(ii) The Right to Grow Food includes raising, feeding, or managing livestock, provided the land base is sufficient for appropriate nutrient and waste management. The Secretary of Agriculture has the discretion to determine whether the land base is adequate for managing the number and type of livestock in compliance with the Required Agricultural Practices. However, municipalities may pass ordinances that regulate the presence of roosters within areas zoned primarily for residential use.

(AB) farming that meets the minimum threshold criteria in the Required Agricultural Practices Rule and is therefore required to comply with the Required Agricultural Practices Rule, and is not protected by the Right to Grow Food in 4413 (d)(1)(A), required agricultural practices, including the construction of farm structures, as those practices are defined by the Secretary of Agriculture, Food and Markets; or

(C) the construction of farm structures, including as defined in the Required Agricultural Practices Rule;

(BD) accepted silvicultural practices, as defined by the Commissioner of Forests, Parks and Recreation, including practices that are in compliance with the Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont, as adopted by the Commissioner of Forests, Parks and Recreation; or

(EE) forestry operations.

(2) As used in this section:

(A) "Farming" has the same meaning as in 10 V.S.A. § 6001(22) or in the Required Agricultural Practices Rule;

(AB) "Farm structure" means a building, enclosure, or fence for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with accepted agricultural or farming practices, including a silo, as "farming" is defined in 10 V.S.A. § 6001(22), but excludes a dwelling for human habitation.

(BC) "Forestry operations" has the same meaning as in 10 V.S.A. § 2602.

(3) A person shall notify a municipality of the intent to build a farm structure and shall abide by setbacks approved by the Secretary of Agriculture, Food and Markets. No municipal permit for a farm structure shall be required.

I'm happy to answer any questions about NOFA-VT's or our broader coalition's position, and the language we're suggesting.

NOFA-VT and our partners have been doing, and will continue to do outreach and education in our communities about this issue, and support our members coming before the legislature to share their experiences, ideas, and needs. Thank you again for taking the time to hear from me and others in our coalition on this important topic.