

March 12, 2026

Dear Representative Sheldon and Committee,

Our coalition, including the Vermont Farm Bureau, NOFA-VT, Agri Mark, Cabot, VT Dairy Producers Alliance, VSJF/Farm to Plate, the Land Access and Opportunity Board and American Farmland Trust have been favoring to codify in statute for the first time a new authority of the Vermont Agency of Agriculture, Food and Markets, to issue rules and/or guidance on stocking density for non-commercial and small livestock farms. This has been our proposal in order to address commercial and/or non-commercial bad actors that create nuisances, water quality concerns, soil disturbances and animal welfare concerns, it's not specific animal numbers that matter - but the relation of the number of animals to the land base available to them so that waste and nutrients can be managed appropriately.

It was the Vermont Agency of Agriculture, Food, and Markets that proposed related language with [S.323](#) to become part of the Required Agricultural Practices Rule for farms between 1 and 4 acres in size. You can see their language starting on line 12 of page 6. Our coalition does not favor S.323 over the House bill [draft 26-0772](#) because of how their other changes to the RAP rule would impede upon the outlook to start-up new farms because of the raised barriers to the RAP eligibility requirements that do not make sense to any of our farming organizations and that have nothing to do with the issues at hand. However, we all favored using inspiration from the language VAAFM drafted but to codify it in law, so that VAAFM has the ability to direct humane or other law enforcement officers in cases of neighborly conflicts around livestock on non-commercial or small farms not just on the grounds of alleged animal welfare violations but also on the grounds of overcrowding of livestock, leading to poor management of nutrients and waste, causing excessive nuisances, soil erosion, as well as animal welfare concerns. To our knowledge, VAAFM's Animal Health Section must be already consulted by humane or other law enforcement officers in all cases of alleged animal welfare violations - also on non-commercial farms. Title 13 of Vermont statutes requires that this consultation occur prior to the time that a humane agent brings any enforcement action against an owner of a livestock animal. Here is a [link to the VAAFM website](#) that provides that information.

Our coalition has stressed to VAAFM and VLCT that it is the lack of existing authority, of a statutory basis, for VAAFM to provide rules or guidance to those local officials to enforce and that a statutory stocking density requirement could fill this void because it would apply before serious animal welfare concerns have occurred.

Based on your committee's relevant and pointed questioning of how House draft 26-0772 and/or S.323 address what's most important from a public perception: how the administration is handling, and is able to handle, bad actors; I respectfully submit to you the following language proposal. Please know that VAAFM and VLCT have been reluctant to work with us towards this language to date. However, a statutory basis would be legally required to assign such new authority to VAAFM before such a new subject could be defined in more detail in a rule. The language VAAFM drafted in S.323 offers a general legal clause to do so, and on its basis the

agency could then develop rules (preferred) or guidance (in the interim) to further define for local authorities how to enforce such a new standard of animal husbandry and land management practices. Therefore I respectfully submit the following draft legislative language that could be folded into Section 3 of House bill [draft 26-0772](#).

Sec. 3. 24 V.S.A. § 4412 is amended to read:

(B) Eligibility.

(i) For a farm to be eligible for the benefit of this subdivision (15), it shall be 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 the construction of farm structures. However, a parcel where farming is taking place as of July 1, 2026, that has been conserved for agricultural purposes, or farm structures built prior to July 1, 2026, shall be exempt from municipal regulation.

(ii) A farm to be eligible for the benefit of this subdivision (15) or a non-commercial livestock producer that is raising, feeding, or managing livestock on less than 1.0 contiguous acre or between 1.0 and 4.0 contiguous acres, in a municipality that lacks ordinances or bylaws to regulate livestock, needs to have the sufficient land base for the appropriate nutrient and waste management of the livestock. The Secretary of Agriculture has the discretion to determine if the land base is adequate to properly manage the number and type of livestock, or that the livestock are causing significant adverse water quality impacts, while evaluating whether compliance with the Required Agricultural Practices is reasonable or impractical. The Secretary of Agriculture shall develop new stocking density rules on or before January 15, 2027, and may adopt interim guidance, in order to direct the appropriate municipal authority, humane or other law enforcement officers to enforce actions against livestock that are causing significant adverse water quality impacts or impacts based on a lack of adequate land base to properly manage the number and type of livestock on the parcel. Municipalities may designate humane or other law enforcement officers to enforce the agency's directive on a case-by-case basis and shall provide an opportunity for a public hearing.

I will add that it's been our united preference, and we've been willing to compromise in this regard with the VLCT in order to move this important issue, that this approach would allow for the **inclusion of livestock in the newly created Right to Grow Food** in Sec. 3. 24 V.S.A. § 4412 (16), starting on line 9 of page 5. Finally, our coalition would urge your committee to **strike the inclusion of Tier 1B** from Sec. 3. 24 V.S.A. § 4412 (15), starting on line 19 on page 3.

I'm including here CC members of our coalition as well as members of the House Committee on Agriculture, Food Resiliency and Forestry.

Respectfully submitted,

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Legislative Director, Rural Vermont