

Testimony to House Environment Committee re: 26-0772

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Thank you, Chair Sheldon and committee members for taking the time to hear my testimony today regarding the municipal exemption for agriculture, and the bill put forward by your colleagues in the House Agriculture, Food Resiliency and Forestry Committee. My name is Maddie Kempner and I'm the policy and organizing director at the Northeast Organic Farming Association of Vermont (NOFA-VT).

NOFA was founded in Putney, Vermont in 1971 by a group of farmers who believed that farming could be done differently, and it is now one of the oldest organic farming associations in the United States. Today, we have 2,500 members, nearly 40 staff around the state, and we are directed by a majority farmer board. Our vision is of a future wherein Vermont is home to thriving farms and agriculturally-rooted communities that support the long-term wellbeing of the earth and all its people. As such, ensuring that policy decisions made by the legislature are informed by the people most impacted and move us toward more viable and diverse farms, food security, and climate resiliency is an essential part of our work.

One important way to support the success of our farms is to ensure they can operate under a clear and consistent regulatory framework, informed by agricultural expertise and with broader community wellbeing in mind.

Following the Vermont Supreme Court decision last May regarding Taft Street, NOFA-VT has been working with a diverse group of our partner organizations toward reinstating the longstanding precedent that farming is regulated by the Agency of Agriculture, Food & Markets and not by municipalities who generally lack the interest, capacity, and expertise to do so. Testimony from legislative council this session has made it clear that this decision by the Supreme Court was based upon an incomplete understanding of legislative intent regarding the regulation of farms, and we seek to remedy that through this bill.

In addition to working with other farming and land access organizations, we have also worked diligently to find consensus with the Agency itself, as well as with the League of Cities and Towns. Much of that work is clearly reflected in the draft bill you are considering today.

We believe the draft bill in its current form comes very close to striking the right balance of providing a clear and consistent regulatory framework for farms statewide under the Agency of Agriculture, Food & Markets, while allowing limited and appropriate municipal authority over issues of public safety in more densely populated areas. The draft as written also protects Vermonters' ability to grow their own food in the form of plants, mushrooms, and poultry, which we believe is a basic but important step toward bolstering food security in the face of a changing climate and an increasingly consolidated and corporatized food system.

While there are still some changes we would like to see to the language, we are asking for your support of the draft bill as written so we can continue to move this work forward in the second half of the session.

All of that said, I do want to make an important point of clarification regarding livestock under 4 acres, or otherwise outside of the parameters of the Required Agricultural Practices. Currently, the version of this bill leaves zoning authority over livestock with the town when the property is not a commercial farm. You heard Steve Collier say yesterday that some farming groups want people raising livestock at the homestead scale to be unregulated, which is not quite accurate. We and our partner organizations have consistently stated we believe it makes sense for the Agency to have the authority to regulate operations with livestock, including those under 4 acres, and we are concerned about the lack of clear standards and process in those particular cases.

We have provided suggested language we'd like to see in Title 24 that would clarify AAFM's responsibility and role in adjudicating instances where enforcement - or simply guidance - is needed regarding livestock on properties under 4 acres, who are not currently regulated by the RAPs unless they also meet the minimum income threshold. The current version of the bill includes language creating a study committee to work more on this, in part because other parties have so far not been amenable to the language we've suggested that would provide clear authority for the Agency to conduct enforcement in these cases.

The law already clearly directs animal control officers on the local level to consult with the Agency of Agriculture when there are animal welfare concerns. The legislative language we are working on would codify a new stocking density requirement in Title 24, allowing the Agency to develop guidance for animal control officers explicitly addressing stocking density and nutrient management considerations. We believe this would be helpful to folks working on the local level while also being good for the health of the land, for water quality, for neighbors, and for the wellbeing of the animals involved.

Again, despite this outstanding concern, the bill you're considering represents a significant degree of consensus and collective effort on the part of our organizations, the Agency of Agriculture, the League of Cities and Towns, and your colleagues in the House Agriculture, Food Resiliency and Forestry Committee, and we are asking for your support of the draft bill as written so we can continue to move this work forward in the second half of the session.

Thank you again for taking the time to hear from me today.