

1 Introduced by Committee on Agriculture and Forestry

2 Date:

3 Subject: Agriculture; seed sales; pesticides; dairy operations; environmental
4 stewardship

5 Statement of purpose of bill as introduced: This bill proposes to make multiple
6 miscellaneous amendments to agricultural subjects. The bill would provide
7 that a person would be presumed to be in compliance with the water quality
8 permit for pesticide discharges if the person applying the pesticide is a certified
9 applicator and the pesticide is applied according to the instructions on the
10 label. It would amend the eligibility provisions for farm-to-school grants to
11 provide that organizations administering or assisting the development of farm-
12 to-school programs are eligible for grant assistance from the Farm-to-School
13 Program. The bill also would clarify what constitutes good standing under the
14 Agency of Agriculture, Food and Markets (Agency) enforcement authority for
15 agricultural water quality requirements. It would amend the time frame by
16 which nutrient management plans shall be required to be completed by a
17 certified nutrient management technical service provider. The bill would
18 establish an environmental stewardship program at the Agency. Similarly, the
19 bill would establish a State conservation reserve enhancement program and an
20 ecosystems incentive program at the Agency. In addition, the bill would
21 require commercial slaughterhouses to maintain records and would authorize

1 the Secretary of Agriculture, Food and Markets to access records at a
2 commercial slaughterhouse.

3 An act relating to miscellaneous agricultural subjects

4 It is hereby enacted by the General Assembly of the State of Vermont:

5 * * * Seed Sales; Reporting * * *

6 Sec. 1. 6 V.S.A. § 648(g) is amended to read:

7 (g) For seeds sold in Vermont that contain genetically engineered material,
8 the manufacturer or processor distributing such seed in Vermont shall report
9 annually on ~~January~~ February 15 to the Secretary on forms supplied by the
10 Secretary regarding sales during the previous calendar year.

11 * * * Pesticide Permitting * * *

12 Sec. 2. 10 V.S.A. § 1259(k) is added to read:

13 (k)(1) A person applying a pesticide in the State shall be presumed to be in
14 compliance with the Pesticide General Permit and shall not be required to
15 submit a notice of intent under that permit if:

16 (A) the person applying the pesticide is an applicator certified by the
17 Secretary of Agriculture, Food and Markets; and

18 (B) the pesticide is applied according to the instructions on the label
19 of the pesticide.

1 Sec. 4. 6 V.S.A. § 2722 is amended to read:

2 § 2722. APPLICATION

3 Applications shall be completely filled out and sworn to by the applicant or
4 a partner or officer thereof and in case of renewal shall be filed with the
5 Secretary on or before July 15 of each year. New handlers may apply for
6 a license at any time. Renewal applications not received on or before
7 August ~~1~~ 15 shall be assessed a late fee of \$100.00. The application for a
8 handler's license shall provide the following information and such other
9 information as the Secretary by regulation shall reasonably require:

10 * * *

11 * * * Farm-to-School; Local Food Grants * * *

12 Sec. 5. 6 V.S.A. § 4721 is amended to read:

13 § 4721. LOCAL FOODS GRANT PROGRAM

14 (a) There is created in the Agency of Agriculture, Food and Markets the
15 Rozo McLaughlin Farm-to-School Program to execute, administer, and award
16 local grants for the purpose of helping Vermont schools develop farm-to-
17 school programs that will sustain relationships with local farmers and
18 producers, enrich the educational experience of students, improve the health of
19 Vermont children, and enhance Vermont's agricultural economy.

20 (b) A school, a school district, a consortium of schools, a consortium of
21 school districts, ~~or~~ registered or licensed child care providers, or a service

1 provider that offers technical assistance to other eligible entities may apply to
2 the Secretary of Agriculture, Food and Markets for a grant award to:

3 * * *

4 (e) No award shall be greater than ~~\$15,000.00~~ 20 percent of the total
5 allocation, with the exception of awards to service providers of consolidated
6 schools, which may exceed the 20 percent limit at the discretion of the
7 Secretary of Agriculture, Food and Markets.

8 * * * Agricultural Water Quality * * *

9 Sec. 6. 6 V.S.A. § 4802 is amended to read:

10 § 4802. DEFINITIONS

11 As used in this chapter:

12 (1) “Agency” means the Agency of Agriculture, Food and Markets.

13 (2) “Farming” ~~shall have~~ has the same meaning as used in 10 V.S.A.
14 § 6001(22).

15 (3) “Good standing” means a participant in a program administered
16 under this chapter:

17 (A) does not have an active enforcement violation that has reached a
18 final order with the Secretary; and

19 (B) is in compliance with all terms of a current grant agreement or
20 contract with the Agency.

1 ~~(3)~~(4) “Healthy soil” means soil that has a well-developed, porous
2 structure, is chemically balanced, supports diverse microbial communities, and
3 has abundant organic matter.

4 ~~(4)~~(5) “Manure” means livestock waste in solid or liquid form that may
5 also contain bedding, spilled feed, water, or soil.

6 ~~(5)~~(6) “Secretary” means the Secretary of Agriculture, Food and
7 Markets.

8 ~~(6)~~(7) “Top of bank” means the point along the bank of a stream where
9 an abrupt change in slope is evident, and where the stream is generally able to
10 overflow the banks and enter the adjacent floodplain during an annual flood
11 event. Annual flood event shall be determined according to the Agency of
12 Natural Resources’ Flood Hazard Area and River Corridor Protection
13 Procedure.

14 ~~(7)~~(8) “Waste” or “agricultural waste” means material originating or
15 emanating from a farm that is determined by the Secretary or the Secretary of
16 Natural Resources to be harmful to the waters of the State, including:
17 sediments; minerals, including heavy metals; plant nutrients; pesticides;
18 organic wastes, including livestock waste, animal mortalities, compost, feed
19 and crop debris; waste oils; pathogenic bacteria and viruses; thermal pollution;
20 silage runoff; untreated ~~milkhouse~~ milk house waste; and any other farm waste
21 as the term “waste” is defined in 10 V.S.A. § 1251(12).

1 (b) ~~On or before January 15, 2018, the~~ The Secretary of Agriculture, Food
2 and Markets shall ~~amend by rule~~ maintain the required agricultural practices in
3 order to include requirements for reducing nutrient contribution to waters of
4 the State from subsurface tile drainage. Upon adoption of requirements for
5 subsurface tile drainage, the Secretary may require an existing subsurface tile
6 drain to comply with the requirements of the RAPs for subsurface tile drainage
7 upon a determination that compliance is necessary to reduce adverse impacts to
8 water quality from the subsurface tile drain.

9 Sec. 9. 6 V.S.A. § 4989 is amended to read:

10 § 4989. CERTIFICATION OF NUTRIENT MANAGEMENT PLAN

11 TECHNICAL SERVICE PROVIDERS

12 (a) ~~On or before July 1, 2019, the~~ The Secretary of Agriculture, Food and
13 Markets shall adopt by rule a process by which a nutrient management
14 technical service provider shall be certified to operate within the State. The
15 certification process shall require a nutrient management technical service
16 provider to complete eight hours of training over each five-year period
17 regarding:

- 18 (1) calculating manure and agricultural waste generation;
- 19 (2) taking soil and manure samples;
- 20 (3) identifying and creating maps of all natural resource features;
- 21 (4) use of erosion calculation tools;

- 1 (5) reconciling plans using records;
- 2 (6) use of nutrient index tools; and
- 3 (7) requirements within the Required Agricultural Practices, Medium
- 4 Farm Operation rules and general permit, and Large Farm Operation rules.

5 (b) ~~Beginning on July 1, 2019, a nutrient management technical service~~

6 ~~provider shall not create a nutrient management plan for a farm unless certified~~

7 ~~by the Secretary of Agriculture, Food and Markets~~ Beginning 45 days after the

8 effective date of the rule adopted by the Secretary of Agriculture, Food and

9 Markets under subsection (a) of this section to regulate nutrient management

10 technical service providers, a nutrient management technical service provider

11 shall not create a nutrient management plan for a farm unless certified by the

12 Secretary of Agriculture, Food and Markets.

13 * * * Environmental Stewardship Program * * *

14 Sec. 10. 6 V.S.A. chapter 215, subchapter 7A is added to read:

15 Subchapter 7A. Regenerative Farming

16 § 4961. PURPOSE

17 The purposes of this subchapter are to:

- 18 (1) enhance the economic viability of farms in Vermont;
- 19 (2) improve the health and productivity of the soils of Vermont;
- 20 (3) encourage farmers to implement regenerative farming practices;

1 (4) reduce the amount of agricultural waste entering the waters of
2 Vermont;

3 (5) enhance crop resilience to rainfall fluctuations and mitigate water
4 damage to crops, land, and surrounding infrastructure;

5 (6) promote cost-effective farming practices;

6 (7) reinvigorate the rural economy; and

7 (8) help the next generation of Vermont farmers learn regenerative
8 farming practices so that farming remains integral to the economy, landscape,
9 and culture of Vermont.

10 § 4962. DEFINITIONS

11 As used in this subchapter:

12 (1) “Certified Vermont Environmental Steward” means an owner or
13 operator of a farm who has achieved the thresholds for the Vermont
14 Environmental Stewardship Program to be certified as a farm that improves
15 soil health and contributes to improving water quality.

16 (2) “Regenerative farming” means a series of cropland management
17 practices that:

18 (A) contributes to generating or building soils and soil fertility and
19 health;

20 (B) increases water percolation, increases water retention, and
21 increases the amount of clean water running off farms;

1 (C) increases biodiversity and ecosystem health and resiliency; and

2 (D) sequesters carbon in agricultural soils.

3 § 4963. REGENERATIVE FARMING; VERMONT ENVIRONMENTAL
4 STEWARDSHIP PROGRAM

5 (a) Establishment of program. There is created within the Agency of
6 Agriculture, Food and Markets the Vermont Environmental Stewardship
7 Program (VESP) to provide technical and financial assistance to Vermont
8 farmers seeking to implement regenerative farming practices to achieve
9 certification as a Certified Vermont Environmental Steward.

10 (b) Program standards; application. The Secretary of Agriculture, Food
11 and Markets shall establish by procedure standards for certification as a
12 Certified Environmental Steward. Application for certification shall be made
13 in the manner required by the Secretary of Agriculture, Food and Markets.

14 (c) Program services. The VESP shall provide the following services to
15 farmers voluntarily seeking to transition to achieve certification as a Certified
16 Vermont Environmental Steward:

17 (1) information and education regarding the requirements for
18 certification, including the method, timeline, and process of certification;

19 (2) technical assistance in completing any required application for
20 certification;

1 (3) technical assistance in developing plans and implementing practices
2 to achieve certification from the VESP; and

3 (4) technical assistance in complying with the requirements of the VESP
4 after a farm is certified.

5 (d) Financial assistance; eligibility. An owner or operator of a farm
6 participating in the VESP shall be eligible for financial assistance from
7 existing Agency of Agriculture, Food and Markets financial assistance
8 programs for costs incurred in implementing any of the practices required for
9 certification as a Certified Environmental Steward.

10 (e) Revocation of certification. The Secretary may, after due notice and
11 hearing, revoke a certification issued under this section when the owner or
12 operator of a certified farm fails to comply with the standards for certification
13 established under subsection (b) of this section.

14 (f) Administrative penalty; falsely advertising. The Secretary may assess
15 an administrative penalty of up to \$1,000.00 against the owner or operator of a
16 farm who knowingly advertises as a Certified Environmental Steward when
17 not certified by the Secretary.

18 Sec. 11. FUNDING VERMONT ENVIRONMENTAL STEWARDSHIP
19 PROGRAM

20 The Agency of Agriculture, Food and Markets shall use funds available to
21 the Agency and eligible for use for water quality programs or projects to

1 provide financial assistance to Vermont farmers participating in the Vermont
2 Environmental Stewardship Program to implement regenerative farming
3 practices to achieve certification as a Certified Vermont Environmental
4 Steward.

5 * * * Conservation Reserve Enhancement Program * * *

6 Sec. 12. 6 V.S.A. § 4829 is added to read:

7 § 4829. CONSERVATION RESERVE ENHANCEMENT PROGRAM

8 (a) The Conservation Reserve Enhancement Program is created in the
9 Agency of Agriculture, Food and Markets to provide the farms of Vermont
10 with State financial assistance for the implementation of alternative nutrient
11 reduction practices that improve soil quality, improve nutrient retention, and
12 reduce agricultural waste discharges. The following practices may be eligible
13 for assistance to farms under the grant program:

14 (1) riparian forest buffers;

15 (2) grassed waterways;

16 (3) grassed filter strips; and

17 (4) other practices approved by the Secretary and administered through
18 a memorandum of understanding with the Commodity Credit Corporation.

19 (b) Grant agreements entered into under this section shall at a minimum
20 have a term of 15 years in duration and can include permanent easements.

1 (c) The Agency of Agriculture, Food and Markets shall use capital funding
2 available to the Agency and eligible for use for water quality programs or
3 projects to provide financial assistance to Vermont farmers under this section.

4 * * * Ecosystem Services Incentive Program * * *

5 Sec. 13. 6 V.S.A. § 4830 is added to read:

6 § 4830. ECOSYSTEM SERVICES INCENTIVE PROGRAM

7 (a) The Ecosystem Services Incentive Program is created in the Agency of
8 Agriculture, Food and Markets to provide the farms of Vermont with State
9 financial assistance for the implementation of alternative nutrient reduction
10 practices that improve soil quality, nutrient retention, and reduce agricultural
11 waste discharges. The following practices may be eligible for assistance to
12 farms under the grant program:

13 (1) conservation easements;

14 (2) land acquisition;

15 (3) farm structure decommissioning;

16 (4) site reclamation;

17 (5) payments for ecosystem services; and

18 (6) issue a grant as an in-lieu payment not to exceed \$200,000.00 as an
19 alternative to the best management practice program implementation to
20 otherwise address the same conservation issues for an equivalent or longer
21 term.

1 animal to be inspected, upon request of the Secretary, shall restrain the animal
2 and make it available for inspection and testing.

3 (d) The Secretary may contract and cooperate with the U.S. Department of
4 Agriculture, other federal agencies or states, and accredited veterinarians for
5 the control and eradication of contagious diseases of animals. The Secretary
6 shall consult and cooperate, as appropriate, with the Commissioners of Fish
7 and Wildlife and of Health regarding the control of contagious diseases.

8 (e) If necessary, the Secretary shall set priorities for the use of the funds
9 available to operate the program established by this chapter.

10 (f) Any commercial slaughterhouse operating in the State shall maintain
11 and retain for three years records of the number of animals slaughtered at the
12 facility, the physical address of origination of each animal, the date of
13 slaughter of each animal, and all official identification numbers of slaughtered
14 animals. A commercial slaughterhouse shall make the records required under
15 this subsection available to the Agency upon request.

16 (g) Records produced or acquired by the Secretary under this chapter shall
17 be available to the public, except that:

18 (1) the Secretary may withhold from inspection and copying records that
19 are confidential under federal law; and

1 (2) the Secretary may withhold or redact a record to the extent needed to
2 avoid disclosing directly or indirectly the identity of individual persons,
3 households, or businesses.

4 Sec. 15. 6 V.S.A. § 1470 is added to read:

5 § 1470. RECORDS

6 (a) A commercial slaughter facility operating in the State shall maintain
7 and retain for three years records of the number of animals slaughtered at the
8 facility, the physical address of origination of each animal, the date of
9 slaughter of each animal, and all official identification numbers of slaughtered
10 animals. A commercial slaughterhouse shall make the records required under
11 this subsection available to the Agency upon request.

12 (b) Records produced or acquired by the Secretary under this chapter shall
13 be available to the public for inspection and copying, except that:

14 (1) the Secretary may withhold from inspection and copying records that
15 are confidential under federal law; and

16 (2) the Secretary may withhold or redact a record to the extent needed to
17 avoid disclosing directly or indirectly the identity of individual persons,
18 households, or businesses.

