

THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

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DRAFT

**Meeting Minutes, Board of Agriculture
Massachusetts Division of Fisheries and Wildlife Field Headquarters
1 Rabbit Hill Road (off North Drive)
Westborough, MA 01581
3/5/19**

Board Members in Attendance: Chair Abrams, Fred Dabney, Elizabeth Keen, Meghan Russell, Donald Chase, Skip Vadnais, Jr., Laura Sapienza-Grabski, and Alison Carr. **Remote Participation:** Michelle Harvey, Lydia Sisson, Crystal Card, and Lucinda Williams. **Absent:** Michael Smolak.

1. **Call to Order:** The meeting of the Board of Agriculture was called to order by Chair Abrams at 10:03am. Chair Abrams acknowledged a quorum has been met.
2. **Minutes Summary:** The Board considered for approval the meeting minutes from 11/14/18. **Discussion:** The Board discussed a couple questions regarding the APR Renewable Energy Policy that Mr. Kennedy from MDAR was able to clarify. **Action Taken:** Mr. Dabney made a motion to approve the minutes of 11/14/18; the motion was seconded by Mr. Vadnais, Jr. **Roll Call Vote:** Ms. Abrams – Aye, Mr. Dabney – Aye, Mr. Chase – Aye, Mr. Vadnais – Aye, Ms. Sapienza-Grabski – Aye, Ms. Carr – Aye, Ms. Harvey – Aye, Ms. Sisson – Aye, Ms. Card – Aye, Ms. Williams – Aye with Ms. Russell and Ms. Keen – Abstaining. The motion passed.

Action Taken: Mr. Chase made a motion to approve the minutes of 12/14/18; the motion was seconded by Mr. Dabney. **Discussion:** None. **Roll Call Vote:** Ms. Abrams – Aye, Mr. Dabney – Aye, Mr. Chase – Aye, Mr. Vadnais – Aye, Ms. Sapienza-Grabski – Aye, Ms. Carr – Aye, Ms. Harvey – Aye, Ms. Sisson – Aye, Ms. Card – Aye, Ms. Williams – Aye with Ms. Russell and Ms. Keen – Abstaining. The motion passed.

3. **Department Updates:** Commissioner Lebeaux welcomed new members to the Board of Agriculture: Elizabeth Keen and Meghan Russell. He noted that after 17 years of service on the Board, Judy Leab notified them that she was retiring. Noli Taylor has also stepped down from the Board. Ms. Keen introduced herself and provided her background, including having a farm in the Berkshires and starting one of the first CSAs in the country. Ms. Russell noted that she is a Grad student at Boston University studying Food Policy and works at City Sprouts as their Garden Educator. MDAR's CFO Michael Rock retired in January and Alisha is

currently serving as Acting CFO. The Commissioner reported that in addition to the CFO retiring; two attorneys have left the Legal Division since the last meeting. The Commissioner reported on the upcoming Amherst office move to W. Springfield schedule to take place by May 31st. The Department's Boston location lease is up at 251 Causeway Street in June 2020 and the Secretary has asked for MDAR to go through a variety of exercises to look at a Central MA location; nothing definite yet in terms of new location. Mr. Chase inquired about the specifications for the new site. Ms. Bouchard stated that it will accommodate about 42 MDAR staff, with a Boston site still necessary to accommodate another 42 MDAR staff that are within proximity of the city. **Action Taken:** None.

New Business

- 4. Pesticide Board and Neonic Bill:** Chair Abrams inquired about the neonic bill and why the Pesticide Board is not reviewing the neonics. Dykema's bill (H.763) is at question. Commissioner Lebeaux was asked what it would take to properly conduct a scientific review of neonics in MA. He stated that as of now, the Pesticide Board has not yet commissioned a study. A review would typically be assigned to MDAR, with costs likely to exceed six figures and additional resources would be needed to fund the study. **Discussion:** Mr. Dabney noted that on the national level, and especially with the beekeeper population, that a study hasn't been conducted yet. The Commissioner noted that there have been studies conducted but with differing scientific results. Board members continued their discussion questioning the proposed legislation and inquired if the legislature has requested anything of the pesticide board. The Commissioner stated he is the Chair of the Pesticide Board and no one from the legislature has formally or informally contacted MDAR about this matter. MDAR has heard from industry and farming community. MDAR has also heard quite a bit about spraying on rights of ways (utilities) and a lot of opposition particularly on the Cape. Pesticide Board is moving slowly and deliberately, and as of now, there wouldn't be funding for such a study. This would be a job for an individual and would take 1-2 years. Mr. Vadnais asked about outreach to the legislature and as Chair, if this information has been shared about lack of funding. From a budgetary perspective, that will dictate what funding is available for the study. Mr. Dabney asked about a motion for funding for a study on neonics. Ms. Sapienza-Grabski said it would need to be a targeted motion for amount of funding, scope, etc. She further noted that Ag Comm is working to put together a bootcamp and working with Taryn at MDAR to address this issue. **Action Taken:** Ms. Sapienza-Grabski made the following motion: The Board of Agriculture supports a scientific research study on neonics conducted by the Pesticide Board. Mr. Dabney seconded. Motion passes. Ms. Sapienza-Grabski made an additional motion as follows: The Board of Agriculture recommends that the Pesticide Board restricts the use of neonics pending the outcome of a scientific research study that the Board has requested. Mr. Dabney seconded. **Discussion** on banning vs. restricting the use of neonics. Chair Abrams asked Ms. Card about her thoughts on neonics from the beekeeper perspective. Ms. Card stated she is in favor of a study and determining what the impacts are on the bee population. Mr. Dabney asked if she has an issue with the restriction on the use of neonics? Ms. Card said she does not have any concerns with the restriction. Mr. Vadnais moved the question. **Roll Call Vote:** Mr. Vadnais, Jr. – Aye, Mr. Dabney – Aye, Ms. Leab – Aye, Mr. Chase – Aye, Ms. Sapienza-Grabski – Aye, Chair Abrams – Aye, Ms. Keen – Aye, Ms. Carr – Aye, Ms. Harvey – Nay, Ms. Russell – Aye, Ms. Williams - Aye. Motion passes.

5. **Ag Day Planning:**

Ag Day will be held on Wednesday, March 27th; Planning done by the Agricultural Promotion Board, with oversight/leadership by MFBF. Governor and Lt. Governor are expected to be in attendance. Speaking program being developed and Taste of MA also scheduled. Chair Abrams noted most of the commodity groups are planning to attend.

Old Business:

6. **APR Regulations:** Legislation passed last summer with a deadline of August 1, 2019 for completion. The Board of Ag is tasked with reviewing the regulations after ALPC has reviewed and approved, prior to going to public comment/hearing. Redline version has been provided, based upon the draft approved by ALPC. Mr. Kennedy of MDAR will walk through the regulations. Mr. Kennedy noted two meetings in November of the ALPC, Stakeholder meeting on February 19th, and ALPC meeting on February 28th. Ms. Sapienza-Grabski asked why the stakeholder meeting was not posted to the public. Commissioner Lebeaux noted that it was not a public meeting. Ms. Sapienza-Grabski provided a document addressing her concerns about the stakeholder meeting not being shared with other groups and the Board of Ag to attend. Mr. Kennedy stated that today is for consultation purposes only, no vote will take place. Today is to provide an update on what the ALPC voted on. Chair Abrams noted that the legislation does not require an additional joint meeting. Mr. Kennedy noted that there are some significant changes: Page 2 under the definition section the major changes are Farm, Farmer, Farm Business Plan (modified to make it less onerous on the farmers). Ms. Williams requested that the major changes be read aloud so those on the phone can hear the changes for reference purposes. Chair Abrams read the changes to the definition section. Mr. Kennedy continued reading the document and the clarification on “minor changes”, with the legal right to enforce by MDAR or the federal government if they are a coholder on the APR. Nothing to note on Page 3. The next major area to address is Page 6 and the legislative intent to have the landowners be fully informed about the provisions of the APR document and the program in general. At the top of Page 6 there is a requirement for the landowner to participate in a conference with MDAR and go over the APR document; this was not previously in the regulations. The second area that is new and is a requirement is for MDAR to meet with the owner and the potential buyer to discuss the transfer process, prior to any P&S agreement being executed. MDAR will then review the documents that are required to submit. This conference takes place on the property that is being sold. The next change occurs on Page 9: The legislation creates an automatic waiver and the owner receives a good faith offer, submits to document a P&S agreement, potential purchaser is a farmer, potential purchaser submits a farm business plan, and if the purchase price is 20% or more then the farm business plan must include a written justification that MDAR deems valid (dwelling value, structural value, etc.). Ms. Sapienza-Grabski asked if this language is now standard on all APR contracts? Mr. Kennedy noted that current APR documents address OPAV and it is a question of whether this would be in the APR document. Ms. Sapienza-Grabski noted it is one of the most confusing language terms as part of the APR process. Mr. Chase clarified about the difference between market value and ag value, and it depends on who the appraiser is and what the value is that the farmer receives. All APR contracts contain an OPAV and if it did not exist, it would be a huge change to the program. Ms. Sapienza-Grabski noted her concerns about getting funding for farmers to be able to purchase APR parcels. Mr. Chase noted it would make it more difficult for young farmers to

purchase ag land because banks won't provide funding. Mr. Kennedy noted that on the opposite view, it makes it more affordable for young farmers to purchase, and we have not yet had any farmers come to us noting that obtaining funding has been a problem. Ms. Russell asked for clarification about the ag value and why that is prohibitive to young farmers. Mr. Kennedy expanded on the review process of OPAVs and how MDAR pays for the difference in the restriction. Mr. Vadnais, Jr. clarified that if this is a presentation and we are not voting on the regulations today, at some point we need to weigh in on this piece of the regulation. Ms. Williams noted that in her part of the state, when there are improvements it does in fact change the value of the land and notes the difference in value, when the supposition of the Board is that there is not a difference when improvements are made.

Action Taken: Mr. Dabney made a motion to give the ALPC the opportunity to weigh in on the OPAV for future APR contracts; the motion was seconded by Mr. Vadnais, Jr. **Discussion:** Members briefly discussed whether they should just decide. **Roll Call Vote:** Ms. Abrams – Aye, Mr. Dabney – Aye, Mr. Chase – Aye, Mr. Vadnais – Aye, Ms. Sapienza-Grabski – Aye, Ms. Carr – Aye, Ms. Harvey – Aye, Ms. Sisson – Aye, Ms. Card – Aye, Ms. Williams – Aye, Ms. Russell – Aye, and Ms. Keen – Aye. The motion passed.

7. **2019 Proposed Meeting Dates & Locations:** The Board discussed sending out a doodle poll for new meeting dates; however, the next meeting is dependent on when the ALPC will meet. Action Taken: None.
8. **Date, Time and Location of Next Meeting:** To be determined based on the next ALPC meeting. Action Taken: None.
9. **Adjournment: Action Taken:** Mr. Dabney made a motion to adjourn the meeting at 12:00pm. Ms. Sapienza-Grabski seconded the motion. **Roll Call Vote:** Ms. Abrams – Aye, Mr. Dabney – Aye, Mr. Chase – Aye, Mr. Vadnais – Aye, Ms. Sapienza-Grabski – Aye, Ms. Carr – Aye, Ms. Harvey – Aye, Ms. Sisson – Aye, Ms. Card – Aye, Ms. Williams – Aye, Ms. Russell – Aye, and Ms. Keen – Aye. The motion passed.