

THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

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FARM TECHNOLOGY REVIEW COMMISSION

Massachusetts Farm Technology Review Commission

Meeting Minutes

December 15, 2009

100 Cambridge Street, Boston, MA 02114

Conference Room B, 2nd Floor

Commission Members Present:

Scott J. Soares, Commissioner Massachusetts Department of Agricultural Resources

Ed Kunce, Designee, Department of Environmental Protection

Ellen Fitzgibbons, Designee, Department of Public Health

Dennis Buckley, Designee, Department of Revenue

Carter Wall, Executive Director, Massachusetts Renewable Energy Trust

James Cooper, Dairy Farmer Licensed as a Producer Dealer

Peter Melnik, Dairy Farmer, Massachusetts Cooperative of Milk Producers Federation

Mark Duffy, Dairy Farmer, Massachusetts Association of Dairy Farmers

Others in attendance:

Gerry Palano	MDAR	Jennifer Hashley	Tufts NESFP
Gerard Kennedy	MDAR	Matt Gordon	CCCGA
Jessica Burgess	MDAR	Richard Lerner	MDPH
Saiping Tso	MDAR	Brad Mitchell	MFB
Bob Ritchie	MDAR	Scott Hesser	Attorney
Dake Henderson	MDAR		
Sean Bowen	MDAR		
Jack Kowalski	MDAR		
Laura Maul	MDAR		

AGENDA ITEM 1: Commissioner's Introduction

Scott J. Soares, Commissioner, Department of Agricultural Resources called the meeting to order at 10:15 am. The members of the Farm Technology Review Commission (FTRC) and the public were welcomed. The Commissioner stated that the FTRC was formed out of the legislation from the 2007 Dairy Farm Revitalization Task Force that was passed into law as Section 11 of Chapter 310 of the Acts of 2008, The Dairy Farm Preservation Act. The Farm Technology Review Commission (FTRC) was one of eight provisions from the Dairy Farm Preservation Act and was created in recognition that regulations and statutes when passed can negatively impact the agricultural industry by preventing the adoption and implementation of new technology, thereby impacting on economic development within the Commonwealth.

The Commissioner invited the members of the FTRC to introduce themselves. Additionally, MDAR staff present at the meeting were asked to introduce themselves. Commissioner Soares indicated that while he was chairing this initial meeting of the FTRC, that Gerard Kennedy, the Director of Agricultural Technical Assistance from the Department of Agricultural Resource (MDAR) will chair future meetings as his designee.

AGENDA ITEM 2: Background to Commission

Commissioner Soares stated that although the FTRC was brought into existence by the Dairy Farm Preservation Act it does not just apply to dairy farms but to all agriculture. In addition, it is to address not just energy related issues, but broader technological needs. He went on to say that the charge of the FTRC is to submit an annual report in April of each year to the Governor and the Legislature with the recommendations from its research into options for energy conservation, collaborative purchasing and selling energy and energy saving technologies, as well as alternative options for sustainability and growth. The FTRC's investigations, as well as its recommendations, and any drafts of legislation necessary to carry out these recommendations will be included in this report. The FTRC will also analyze any regulations that might impact on the implementation of these recommendations.

Presentation: In his presentation, Gerard Kennedy provided background to the formation of the FTRC and stressed that the scope of its work is not limited to just dairy. He reiterated that the role of the FTRC is to study and recommend options for energy conservation, purchasing and selling of energy and energy saving technology, and alternative options for sustainability and growth, and although the focus seems to be on energy, it is open to any technology. Mr. Kennedy noted that the FTRC is required to meet quarterly, or at the request of four or more members, and that an annual report is due on April 1st, 2010. He suggested that the FTRC may want to meet on a more regular basis in order to meet this deadline.

Mr. Kennedy presented a status update on twelve recommendations generated by the Dairy Task Force and suggested that they may form a possible starting point for the discussion on setting a direction for the commission.

Recommendations of Dairy Task Force	Outcomes
1. The ability of farmers to use viability funds on farms with Article 97 restrictions	APR Improvement Program (AIP) 2009 – The AIP is a pilot program aimed at providing farm viability funding to APR farms. Ten farms are participating with \$550,000 in grant funding
2. Establish a state credit allowing such credit to include all excise taxes on animals, machinery, and equipment.	Section 2 of the Dairy Farm Preservation Act. Voters of a city or town may approve a referendum to have the assessors stop assessing excise on farm animal and machinery and equipment. To date 8 towns have approved such a credit including: Berlin (May 11, 2009, vote was 150:40), Stow (passed May 12, 2009), Rowley, Oakham (May 18, 2009), Cambridge, Hatfield, Ashfield, and Westhampton.
3. Milkroom waste or milk waste generated on a farm shall be treated in the same manner as other animal waste	MDAR executed an MOA regarding MHW management with DEP and established a pilot program. Other issues remain to be addressed including Producer Handlers.
4. Farm wide net metering for agriculture	Net metering for wind, solar, and agricultural energy installations took effect on December 1, 2009
5. Regulatory issues concerning small temporary slaughtering facilities include site assignment and regulatory requirements	MDAR awaiting outcome of review of pilot program for mobile poultry processing unit
6. Grants or low interest loans to farmers for capital improvement	Currently, no loans are available due to lack of funding
7. Exempt multi-purpose equipment vehicles from sales tax	
8. Allow farms to pay estimated income tax on money actually received on date estimated quarterly payments are due to be filed	
9. Amend GL c.59 Sec 8A to allow exemptions allowed to other persons	
10. Re-establish a Dairy Commission	
11. Silo Leachate exempt from state waste regulations if disposed of pursuant to NRCS BMP's	
12. Pre-empt municipalities from regulating agricultural activities	

AGENDA ITEM 3: Setting Direction for the Commission:

Discussion: The FTRC discussed recommendations set forth by the Dairy Farm Revitalization Task Force. Discussion included the Department of Revenue (DOR) looking into the tax implications of the listed recommendations to see what is realistically possible. Dennis Buckley stated that key questions include what constitutes “farming” and what is considered “agricultural equipment”. Statutory or regulatory changes may be necessary in implementing these regulation. He would explore issues with his staff and report back to the FTRC at the next meeting.

Carter Wall suggested that more outreach could be conducted to highlight the fact that net metering, a potential source of capital for farms, now applies to agricultural renewable energy production. She also suggested that Energy Efficiency Planning is a cost effective approach to energy efficiency and could represent a significant and potential source of capital available to farms. She added that the Massachusetts Renewable Energy Trust is part of the Clean Energy States Alliance (CESA), a nonprofit organization comprised of members from sixteen clean energy funds and two state agencies. CESA provides information and technical services to its members and works with them to build and expand clean energy markets in the United States. She will contact CESA members on what other states are doing in relation to energy for presentation to the commission. Additionally, she recommended that a presentation on the work of the Massachusetts Farm Energy Program could highlight work that has been conducted to date and help to identify any needs that are being overlooked.

Further discussion addressed the need to include other agricultural sectors beyond dairy to get their recommendations as part of the entire agricultural community. Mr. Duffy acknowledged the need for the FTRC to address needs beyond the dairy sector, stating that most farms, including dairy farms, are involved in many different areas.

Mr. Duffy stated that the Dairy Task Force was effective because it could draw on recommendations from outside experts. Suggestions were made on forming sub-committees to address specific issues. Mr. Kunce said that he would be happy to work with any FTRC member(s) to provide an update on DEP regulatory issues. He stated that cross jurisdictional issues related to agriculture between DPH and DEP exist and that a subgroup could be established to cover these issues.

In response to an identified need to meet on a regular basis to ensure that the FTRC could meet its April deadline, Commissioner Soares made a motion to meet once a month until April. The motion is approved unanimously.

To address point # 12 of the task force recommendations (Pre-empt municipalities from regulating agricultural activities), it was suggested that the FTRC engage the Massachusetts Municipal Association (MMA).

Mr. Melnik suggested that a beneficial project would be to create guidelines for the permitting and regulation of technologies, whether a processing plant, windmill, or some other technology.

Mr. Duffy suggested creating Best Management Practices (BMP) in regards to agricultural issues, for example, looking at agricultural exemptions or practices allowed in relation to wetlands. He asked if the FTRC could consider the concept of “normal agricultural practices”. Commissioner Soares noted that BMP’s have been an ongoing project with the Farm Bureau.

Mr. Melnik addressed the Dairy Task Force recommendation for grants or low interest loans to farmers for capital improvement and while recognizing that the resources are not currently available, that they may be available in the future. As such, the FTRC could use the time now to identify the pathway should the funds become available.

Commissioner Soares summarized the action items generated by the discussion as follows:

- Report from Dennis Buckley on tax related items in the recommendations set forth from the Dairy Farm Task Force and the reality of moving forward with these items
- Formation of DEP/DPH sub-committee to identify various issues with cross department impact in relation to agriculture
- Presentation by Carter Wall on current actions related to energy within Massachusetts as well as outside in relation to implementation of alternative energy/energy conservation
- Presentation by DAR of Massachusetts Farm Energy program and DAR activities
- Focus on final report for April, 2010 what recommendations should be included in this report

Public Comments:

Attorney Scott Hesser volunteered his time to the commission and stressed the importance of input from other agricultural sectors beyond dairy. He suggested that, in setting a direction, the commission discusses a means for getting input from other agricultural sectors. Brad Mitchell, Director, Farm Bureau offered his services to accessing the 6500+ Farm Bureau members.

Jennifer Hashley, Director, Tufts University New Entry Sustainable Farming Project suggests including the Massachusetts Food Policy Council. Also would like to make the FTRC website available to food groups.

Bob Ritchie, MDAR General Counsel, discussed the need for the commission to receive training in the State's laws addressing Executive Order 504 (the keeping and security of personal information) and Open Meetings. He suggested that he would need an hour of the FTRC's time to do this at the next meeting. Earlier two documents summarizing the open meeting law were distributed.

The meeting adjourned at 11:55 A.M.