

THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

251 Causeway Street, Suite 500, Boston, MA 02114
617-626-1700 fax: 617-626-1850 www.mass.gov/agr



CHARLES D. BAKER
Governor

KARYN E. POLITO
Lt. Governor

MATTHEW A. BEATON
Secretary

JOHN LEBEAUX
Commissioner

FINAL
Meeting Minutes, Board of Agriculture
1001 Pawtucket Blvd
Lowell, MA
11/08/2017

Board Members in Attendance: Chair Laura Abrams, Lucinda Williams, Laura Sapienza-Grabski, Lydia Sisson, Skip Vadnais, Jr., Crystal Card, Don Chase, and Judy Leab with Fred Dabney, Noli Taylor, and Alison Carr via remote participation.

- 1. Call to Order:** Chair Abrams called the meeting to order at 9:49 am.
- 2. Attendance:** The Chair noted the board has a quorum in the room with Board members Fred Dabney, Noli Taylor and Alison Carr participating remotely via phone for geographic reasons. In accordance with the Open Meeting Law, the Chair employed remote participation with all votes to be taken via roll call.
- 3. Minutes Summary:** The Board considered for approval the meeting minutes of 09/21/17.
Action Taken: Mr. Chase made a motion to accept the minutes. Ms. Card seconded the motion.
Discussion: None. **Roll Call Vote:** Ms. Sisson – Aye, Ms. Williams – Aye, Mr. Vadnais, Jr. – Aye, Ms. Card – Aye, Ms. Sapienza-Grabski – Aye, Mr. Chase – Aye, Ms. Leab – Abstain, Chair Abrams – Aye, Ms. Carr – Aye, Ms. Taylor – Aye, and Mr. Dabney – Aye. The motion to approve the minutes passed with ten (10) votes in favor and one (1) vote abstaining.

Old Business:

4. H441 Promote the Care and Well-Being of Livestock.

Chair Abrams opened the discussion on the pending legislation House Bill H441. Board members reviewed the language in Section AA of the Bill and had a lengthy discussion regarding the proposed membership of the Livestock Care and Standards Board (Livestock Board). The Board considered expanding representation on the Livestock Board to various agricultural groups and farm families experienced in raising livestock. Suggestions included having a representative from the MA Farm Bureau experienced in the care and keeping of animals and; the Massachusetts Chapter of the Northeast Organic Farming Association who is experienced in the care and keeping of large animals. Also proposed was two representatives from farm families involved in the raising of poultry, one representative for swine, one for cattle and third representative for others such as goats, sheep and horses. The Board considered whether a member of Ag Board should also be included on Livestock Board if representatives from Buy Local and Northeast Organic are being considered. Ms. Williams walked the Board through each representative being considered in H441 for the Livestock Board and what their role would be. The Board considered a preference for having one representative specifically for swine, one for cattle, and a a third for other animals such as goats, sheep and horses.

The Board discussed the three areas of battery caged hen operations, swine and veal gestation crates noting that battery cage operations in MA are almost nonexistent and phasing down while there are no swine gestation crates or veal crates in Massachusetts. Also noted was that H441 already listed a representative for eggs and poultry. Taking into consideration the ongoing opinions of Board members; Ms. Williams recapped the representation of family farms involved in the raising of poultry, cattle, swine and goats, sheep and horses all appointed by the Commissioner. The Board deliberated whether Buy Local representation should be included or perhaps an Ag Board member before the Board considered the size of the Livestock Board. Given the large size and diversity of the commercial equine industry the Board decided horses should also have their own representation. Next, a review of goats, sheep, alpacas, llamas, and yaks took place. As result the Board decided the best approach was to indicate goats, sheep and other ruminants to cover livestock not otherwise specified. The Board circled back to the discussion on whether an Ag Board member or a Buy Local should be on the Livestock Board and determined an Ag Board member would be more appropriate. A review of the number of veterinarians and a discussion on honey bees rounded out the Board's discussion of Section AA.

Action Taken: Mr. Vadnais, Jr. made a motion that the Board of Agriculture recommend Section AA of Bill H441 be amended to include: a representative of a family farm experienced in the raising of cattle, appointed by the Commissioner; a representative of a family farm experienced in the raising of swine, appointed by the Commissioner; a representative of a family farm experienced in the raising of horses, appointed by the Commissioner; a representative of a family farm experienced in the raising of goats, sheep, and other ruminants, appointed by the Commissioner and; a representative of the Board of Agriculture appointed by the Board of Agriculture replacing a Buy Local member. The motion was seconded by Ms. Leab. **Discussion:** The Board discussed whether a Buy Local or a Ag Board representative was more appropriate for membership on the Livestock Board. The motion was updated to include a representative from the Board of Agriculture. **Roll Call Vote:** Ms. Sisson – Aye, Ms. Williams – Aye, Mr. Vadnais Jr. – Aye, Ms. Card – Aye, Ms. Sapienza-Grabski – Aye, Mr. Chase – Aye, Ms. Leab – Aye, Chair Abrams – Aye, Mr. Dabney – Aye, Ms. Carr – Aye, and Ms. Taylor – Aye. The motion was unanimously approved 11-0.

Next the Board reviewed the second paragraph of Section AA. Specifically, members reviewed the language related to Livestock Board member's terms. The Board deliberated term limits, staggered terms, and eligibility for reappointed at the end of terms served.

Action Taken: Ms. Sapienza-Grabski made a motion to accept the 2nd paragraph of section AA as written. The motion was seconded by Mr. Chase. **Discussion:** The Board briefly discussed further the points made regarding members terms and acknowledged that do define each of the terms would be much more complicated. **Roll Call Vote:** Ms. Sisson – Nay, Ms. Williams – Nay, Mr. Vadnais Jr. – Aye, Ms. Card – Aye, Ms. Sapienza-Grabski – Aye, Mr. Chase – Aye, Ms. Leab – Nay, Chair Abrams – Aye, Ms. Taylor – Aye, Ms. Carr – Aye, and Mr. Dabney – Nay. The motion was approved with 7 in favor and 4 opposed.

Chair Abrams directed the Board's attention to Section BB of H441 and opened it up for discussion. The Board examined the language of the 2/3rds vote as written in the Bill and deliberated its intent. The discussion considered the 2/3rds vote as it relates to all 15 members of the Livestock Board versus 2/3rds of members present at a meeting. Consideration of the 2/3rds vote also was in concert with Open Meeting Law and what constitutes legal votes.

Action Taken: Ms. Sapienza-Grabski made a motion to accept the language in Section BB as written. The motion was seconded by Mr. Chase. **Discussion:** Mr. Dabney and Ms. Sapienza-

Grabski briefly discussed the issue over the concept of a 2/3rds vote as discussed in previous meetings and the Commissioner's indication that the Department is not in favor of this particular clause. The Commissioner referred to page 3 of the Board's meeting minutes from it's last meeting which indicates the Department's concerns with the 2/3rds vote. In the interest of time, the Commissioner pointed to formal regulatory authority process, stakeholder engagement and public hearing process whereby the agency could propose to make changes, propose to make substantial changes or propose to make no changes. The Commissioner stated he is more concerned about setting precedent more than anything else. Mr. Vadnais Jr. reminded the Board of his counter point from prior meetings. Following, Mr. Vadnais Jr. called the question ending the discussion and requiring the Board to put it to a vote. **Roll Call Vote:** Ms. Sisson - Nay, Ms. Williams - Nay, Mr. Vadnais Jr. - Aye, Ms. Card - Aye, Ms. Sapienza-Grabski - Aye, Mr. Chase - Aye, Ms. Leab - Aye, Ms. Abrams - Aye, Ms. Taylor - Aye, Ms. Carr - Nay, and Mr. Dabney - Nay. The motion was approved with 7 in favor and 4 opposed.

Chair Abrams left the meeting at 11am with Vice Chair Williams assuming the responsibility to Chair the rest of the meeting. Ms. Card asked for a point of clarification regarding earlier discussions about honey bees being considered livestock and if the definition of livestock includes honey bees. The Board briefly discussed livestock definitions according to the IRS and MGL Chapter 128 however, there was no conclusion that bees were considered livestock based on the resources available to the Board at the time.

Ms. Williams moved the discussion to examine Section CC and asked Ms. Sapienza-Grabski to share her proposal.

Action Taken: Ms. Sapienza-Grabski made a motion that Section CC be stated as follows: The Commission shall examine additional practices and topics at the request of two (2) members. All meetings shall occur in accordance with state open public meeting requirements and efforts shall be made to ensure meetings will be held at a variety of geographic locations throughout the state. Mr. Vadnais Jr. seconded the motion. **Discussion:** Ms. Sisson called out that the word "additional" should be taken out given the changes indicated in the motion and therefore, "additional" wouldn't be referring to anything. **Roll Call Vote:** Ms. Sisson - Aye, Ms. Williams - Aye, Mr. Vadnais Jr. - Aye, Ms. Card - Aye, Ms. Sapienza-Grabski - Aye, Mr. Chase - Aye, Ms. Leab - Aye, Ms. Taylor - Aye, Mr. Dabney - Aye, and Ms. Carr - Aye. The Board unanimously approved the motion 10 - 0.

At this time, the Board directed the Department to write a letter for Chair Abrams signature to the ENRA Chairs stating the Board's recommended changes to Bill H441 with a copy of the letter to Secretary Beaton.

5. H3321 Farm Training in MA.

Ms. Williams directed the Board to the next item of business Bill H3321. The Board reviewed the Bill and discussed the eligibility of various types of students and programs that can participate in internships including elementary, high school and college students and any school within the Commonwealth; this also covers vocational and technical schools that meet the criteria.

Action Taken: Ms. Sapienza-Grabski made a motion that the Board support House Bill H3321 as written. The motion was seconded by Mr. Chase. **Discussion:** None. **Roll Call Vote:** Ms. Sisson - Aye, Ms. Vadnais Jr. - Aye, Ms. Card - Aye, Ms. Sapienza-Grabski - Aye, Mr. Chase - Aye, Ms. Leab - Aye, Ms. Williams - Aye, Ms. Taylor - Aye, Ms. Carr - Aye, and Mr. Dabney - Aye. The Board unanimously approved the motion 10 - 0.

At this time, Mr. Dabney had to exit the call at 11:18am.

New Business:

6. Other Business:

Farmland Advisory Panel: Ms. Sapienza-Grabski asked specifically what was going on with the Farmland Advisory Committee. Commissioner Lebeaux responded that the Farmland Advisory Panel (FAP) is body the Commissioner convened to advise him on matters related to farmland. The FAP was created modeling the Fiscal Year 2015 budget language that would have created a formal body. However, the language was vetoed along all proposed new commissions at the time. Many folks were disappointed by this action. The Department felt this was a matter that warranted significant engagement with a wide range of stakeholders so this body is purely advisory. It is not a public body as established by the Open Meeting Law, it's a panel that advises the Commissioner. There have been two meetings and a workgroup has been put together that is going to meet tomorrow to begin looking at some APR questions. The Commissioner continued, APR is a key component of any kind of farmland review. However, being cognizant by no means of the totality of farmland, the Department expanded the membership what was originally proposed in the legislation to particularly give access to the two biggest ag commodity groups – nursery and cranberry both of whom have very, very limited APR involvement because of certain issues particular to their limited industry practices.

The Commissioner explained that basically everything that was included in the original legislation was honored and expanded to include additional members. That is what the body is doing and the Commissioner is asking them take a systematic examination and call out farmland issues that they want to investigate then make recommendations to the Commissioner. The first meeting was mostly organizational and just getting organized but the second meeting was starting to get substantial that's where this working meeting group evolved from. The full body is meeting again in December and the workgroup is meeting tomorrow and that's it. The group is going to make recommendations to the Commissioner; they are not binding and should we choose to act on them depending what the recommendations are could be regulatory, statutory, or policy we would take those under advisement. If we decide to implement them and if we don't why we don't or changes that we might like to see. The Commissioner concluded by stating he thinks its just great to engage with a wide range of stakeholders.

Following a request from Mr. Chase regarding meeting minutes, the Commissioner advised that meeting notes can be made available. There was a brief discussion on the difference between an advisory panel versus a committee.

Ms. Sapienza-Grabski remarked that she attended the Senate hearing on senate Bill S2175 that Sen. Rodericks presented on the APR program and that there was testimony that was submitted from Winton Pitcoff from the Ma. Food System Collaborative. Ms. Sapienza-Grabski remarked that there was a lot of confusion because members of the FAP were included in this letter. The Commissioner recalled that the Farm Bureau indicated that they believed that was incorrect and that it was his understanding that the letter was to be redrafted.

Ms. Sapienza-Grabski indicated this raises a red herring for her and that by looking at the language and the agenda of the FAP meeting and what they are doing brings to mind her questions from last year regarding the APR program as having problems. Ms. Sapienza-Grabski continued by noting after hearing the testimony at the state house and this being something she's followed that it would be worth revisiting this discussion because there is concern, there was concern from several

legislators about the Right of First Refusal (ROFR) and there was a situation with a family farm that they are still great distress and both the planned buyer and seller have been put through a lot.

Ms. Sapienza-Grabski believes that the Board should host a meeting with the ALPC and to hear what happened to understand the transgression of what's gone one because the goals of the land access committee in her opinion would have been a value of a subcommittee of the Ag Board. Ms. Sapienza-Grabski also said the committee is reviewing the process of the APR program, the ROFR and how it works. She believes the Board has legislative authority to do its job of supervision and control of the Department and happens to think the Board needs to be involved in this review as well. Continuing Ms. Sapienza-Grabski thinks going to a subcommittee, a panel to come up recommendations – the Board should be hosting and be involved.

At this time, Ms. Sapienza-Grabski submitted a draft letter to the Board (attached) and read it into the record. In reading her letter Ms. Sapienza-Grabski referenced recent testimony submitted by Winton Pitcoff and stated it gave the impression that members of the FAP were in support of delaying the APR legislation. Mr. Pitcoff's letter was attached to Ms. Sapienza-Grabski's letter and provided to the Board along with a copy of the November 9th, 2017 agenda of the FAP, APR Subcommittee and a list of members of the FAP. Given there were limited copies of these documents Ms. Bouchard will send the letters to the Board.

Ms. Sisson remarked that this gets back to prior discussions about the Ag Board's role and whether the Board should be in the weeds or be more about strategy. Ms. Sisson's concern is it is really hard for the Board to get into each individual issue and instead the Board should be more about setting strategy at a higher level. Continuing Ms. Sisson noted, individual cases do inform programs however, her concern with a request to have a meeting with the people involved in the APR case referenced by Ms. Sapienza-Grabski is this gets too much into the weeds and opens the Board up to every person who may have an issue with the APR program reaching out to this Board. Ms. Sisson is concerned this is a rabbit hole that she for one cannot get into because she does not this it is the Board's role. Ms. Sisson restated she thinks the Board's role is to advise the Department and help with strategy and not getting into the weeds as it would be setting a precedent for what this Board can actually accomplish.

Mr. Chase commented that it's critically important that the Board be extremely knowledgeable and be plugged into any APR recommendations and/or changes that will be coming forward.

Ms. Sisson, Mr. Chase and Ms. Sapienza-Grabski deliberated on these points with Ms. Sapienza-Grabski restating her recommendation that the Board invite the seller Brian Perry and his buyer Mike Collins to a meeting so the Board can fully understand the impact of executing an ROFR as it happened in July and the problems with the APR program at the Board's next meeting and include the ALPC. Mr. Vadnais, Jr. agreed with Mr. Chase that this is within the Board's purview to make the Board knowledgeable as to in this case the APR program, the problems and the results of the discovery by the FAP. Mr. Vadnais, Jr. does not know that he would want to meeting with the individuals mentioned.

Ms. Sisson doesn't disagree that the Board should understand the program and the challenges; however, the concern is as a Board we cannot let an individual experience always push the Board to move legislation. Mr. Vadnais, Jr. agreed and noted without getting into the particular Westport case or others that do exist the Board should make itself knowledgeable about the APR program and take a look at the work product of the ad hoc FAP because they are ad hoc and the Board is not.

Ms. Sapienza-Grabski noted that Mr. Smolak is the Board's representative on the FAP but that he hasn't been able to attend the last two meetings.

Mr. Chase believes the Board should not be the arbitrator on individual cases. Noting her agreement, Ms. Sisson advised that the Board perhaps look at five (5) items that the Board wants to be educated and focused on and think about strategy; this could be a focus for 2018 and to get educated. Mr. Chase noted the Board cannot limit themselves to looking at just five (5) topics. Ms. Sisson disagreed and pointed out that in a meeting agenda you have strategy topics with urgent business and do both at the same time. Ms. Sapienza-Grabski commented the purpose of this Bill is to clarify some language; this is a case study and where do we go from there and we need to be educated.

Action Taken: Ms. Sisson made motion, to learn more about the APR program and how best to educate the Board. The motion was seconded by Ms. Card. **Discussion:** Mr. Chase disagreed, indicating it's a limiting motion to which Ms. Sapienza-Grabski agreed. The Board continued to deliberate, Ms. Sisson clarified she is recommending the Board get all the same information and education; bring in guest speakers, the Department and others – dive into this versus bring up one case; the Board has an obligation to think about the program on a higher level.

Ms. Sapienza-Grabski attended the ALPC meeting and stated there are members on that Board that don't know what happened and maybe an ad hoc committee have been formed between the Ag Board and the ALPC. Ms. Carr noted caution in looking at the APR program and letting one farmer come in and complain is that fair to other farmers? Mr. Vadnais, Jr. wants to be knowledgeable in this situation given its very political problem that Senator Roderick's categorization that this is outrageous for a state agency. The Board should get involved not into the theory or was it in the purview of the APR/Department but the Board needs to educate themselves with the situation because it's a dynamic situation. However, Mr. Vadnais Jr. does not think the Board should bring in these particular people as Ms. Sisson indicated to see it was an overreach.

The Board continued to deliberate on how the best way to approach this; suggestions included following the thread, educating the Board, reading the APR and look at the information that drove that decision. The counter to this point is the Board would hear from the Department and Ms. Sapienza-Grabski heard the testimony and indicated it's still a mess. To appease the public the ALPC and the Ag Board should come together; policies and procedures change and it should be fully documented when things change.

Mr. Williams remarked having the paperwork is a starting point. Commissioner Lebeaux offered that the ALPC has specific statutory role in the APR process and the body is composed of nine (9) members. Ms. Taylor questioned the Board's role here versus the ALPC. Ms. Sapienza-Grabski commented the ALPC is a committee within the Department of Ag, the ALPC is under the Board and the Ag Board Chair should be coming here and updating the Board. Ms. Williams suggested more information be gathered and provided to the Board and asked if documentation could be reviewed? The Commissioner indicated he is happy to provide all of the APR process and the ALPC. With respect to how much of a specific report the Commissioner should make he is hesitant as it may not be appropriate to speak on behalf of the principles the buyer/seller. The Commissioner clarified that is not to say he would not give the Board a report. He also noted he has contrary on the status of this situation. Continuing the Commissioner stated the Department rendered its decision based on following a Department policy to the letter. MDAR rarely does this; noting its exercised four (4) Options at Ag Value in two (2) years and often waives – there is a very small percentage that is exercised. The process followed is based on the APR language and MDAR had sixteen (16) days

from receipt of notification. Commissioner Lebeaux explained, going through the it he could see that this could not be to the agreement of many and question is this good policy. However, perhaps it would have been arbitrary and capricious. Commissioner noted, a lot of people are taking a look at the policy including legislators, the Administration and within the Department we are constantly looking for improvement. The Department try's to do right and sometimes, we are actively pursuing changes and once they are to satisfaction approved by the Secretary and the Administration we would do public outreach. The Commissioner concluded his remarks by noting regardless of what the Board does or does not do; there is a very, very active review of this. The Board continued with a discussion about how Department policy is formed, the role of the ALPC and policy versus APR contracts with differing language and restrictions and changes that came into place when the federal government became involved in 1996. The Commissioner restated before the Department changes policy it has a public engagement process and will put out a draft policy for comment. Ms. Sapienza-Grabski remarked MGL Chapter 20; Section 1 "there shall be the Board of Agriculture and there shall be a Department under the Ag Board and then ALPC is under the Board. Ms. Sisson inquired if a motion could be made to have a presentation at the meeting going back to the structure of the ALPC and/or what are the next things we are asking for? Can we get more information for the next meeting? Ms. Sapienza-Grabski stated she thinks FAP is doing an ad hoc/subcommittee of the Ag Board.

Action Taken: Ms. Sisson withdrew her motion and asked for more information at the next meeting. Mr. Vadnais, Jr. withdrew his seconded on Ms. Sisson's motion.

Action Taken: Mr. Chase made a motion when the Department is considering changing/making a policy the Department bring to the Ag Board so that they are aware. Mr. Vadnais, Jr. seconded the motion. **Discussion:** None. **Roll Call Vote:** Ms. Sisson – Aye, Ms. Williams – Aye, Mr. Vadnais, Jr. – Aye, Ms. Card – Aye, Ms. Sapienza-Grabski – Aye, Mr. Chase – Aye, Ms. Leab – Aye, Ms. Taylor – Aye, and Ms. Carr – Aye. The Board unanimously approved the motion 9 – 0.

7. Date, Time and Location of the next meeting. The Board identified six (6) dates in 2018 for its meetings to take place and established a 9:30am start time. The approved meeting dates are as follows:

January 10th, 2018
March 14th, 2018
May 9th, 2018
July 11th, 2018
September 20th, 2018
November 14th, 2018

8. Urban Farm Tour.

9. Adjournment: Action Taken: Mr. Chase made a motion to adjourn the meeting at 12:35pm. The motion was seconded by Mr. Vadnais, Jr. **Discussion:** None. **Roll Call Vote:** Ms. Sisson – Aye, Ms. Williams – Aye, Mr. Vadnais, Jr. – Aye, Ms. Card – Aye, Ms. Sapienza-Grabski – Aye, Mr. Chase – Aye, Ms. Leab – Aye, Ms. Taylor – Aye, and Ms. Carr – Aye. The Board unanimously approved the motion 9 – 0.

H441 and H3321: Comments, questions &/or proposed draft language.

H441:

- See Laura Sapiena-Grabski's memo/motion from 9/21/17 meeting.
- Board Members – there are 3 representing veterinary, 2 for animal cruelty – FB – etc. Why isn't there an Ag Board Member? Why is Buy Local and NE Organic Farming included?
- Suggestion is to remove the following language from section BB of 441: "provided however that such regulations and standards are approved by a minimum of a two-thirds vote of the Livestock Care Board."

H3321:

- See Laura Sapiena-Grabski's memo/motion from 9/21/17 meeting.
- Sec 3 c – Does this include college students? Why not all middle and HS students – encourage more to look at agriculture rather than just those already involved.

H441 Promote the Care & Well-Being of Livestock

An Act to promote the care and well-being of livestock

SECTION 1. Chapter 128 of the General Laws, as appearing in the 2008 official edition, is hereby amended by inserting the following new sections:-

Section AA. The Commissioner shall establish a Livestock Care and Standards Board consisting of 13 members, of which the Commissioner, or his designee, shall be a member and chair. Additional members shall include: a representative of the Massachusetts Veterinary Medicine Association, appointed by the Board of Directors of that organization, who is experienced in the care and keeping of livestock; a large animal veterinarian, appointed by the Governor, who is experienced in the care and keeping of livestock; a representative of the Department of Public Health, assigned by the Commissioner of Public Health, who is knowledgeable in the areas of zoonotic disease and food safety; a representative of a Massachusetts Society for the Prevention of Cruelty to Animals; a representative of the Animal Rescue League of Boston; a representative of the Massachusetts Farm Bureau Federation; a representative of the Massachusetts chapter of the Northeast Organic Farming Association; representative of a family farm involved in the raising of poultry, appointed by the Commissioner; two representatives of a family farms involved in the rearing of cows, swine, goats, sheep and/or horses, appointed by the Commissioner; a representative of one of the Buy Local organizations, or equivalent organizations identified by the Commissioner, provided that terms shall rotate between different Buy Local groups; and a representative of the Cumming School of Veterinary Medicine at Tufts University, as appointed by the Dean.

Members shall serve a term of three years, and shall remain eligible for reappointment at the end of terms served. The purpose of the Board shall be to advise the Commissioner on appropriate actions to be taken by the Commissioner to help ensure the humane keeping and treatment of livestock, and the viability of farms and related businesses involved in the rearing and keeping of livestock.

Section BB. The Commissioner may promulgate regulations and/or voluntary standards governing the care and well-being of cattle, swine, poultry, and other livestock; provided however that such regulations and standards are approved by a minimum of a two-thirds vote of the Livestock Care Board. Factors to be considered in the promulgation of these standards shall include but not be limited to: the health, safety, comfort of animals; food safety; biosecurity, animal health and public health; and the financial impact/viability of farms and related businesses impacted by said standards.

Section CC. Upon establishment, at the first official meeting thereof, the Commission shall examine practices relating to battery cage hen operations, swine gestation crates and veal crates and determine appropriate actions to undertake. The Commission shall examine whether bans, regulations, guidelines or other measures, if any, are necessary or appropriate relative to such practices within the Commonwealth. Subsequent to addressing these two topics, the Commission shall examine additional practices and topics at the request of any two members. All meeting shall occur in accordance with state open public meeting requirements and efforts shall be made to ensure meetings are held at a variety of geographic locations throughout the state.

H3321 Farm Training in MA

SECTION 1. Chapter 20 of the General Laws is hereby amended by adding the following section:-

Section 33. The commissioner shall, in consultation with the department of revenue, establish a certification program of agricultural internships for qualified students for farm training in the commonwealth pursuant to subsection (u) of section 6 of chapter 62 and section 38GG of chapter 63. The commissioner shall, upon qualification, issue certificates of eligibility for such program.

SECTION 2. Section 6 of chapter 62 of the General Laws is hereby amended by adding the following subsection:-

(u) (1) A qualified taxpayer primarily engaged in farming or agriculture, as defined in section 1A of chapter 128, shall be allowed a credit equal to \$500 per month for each qualified intern the taxpayer engages in an internship for pay of at least 20 hours per week. The portion of the tax credit shall be allowed for the taxable year in which the wages are paid to the qualified intern. The credit allowed under this section for any taxable year may not reduce the tax due for that year to less than the amount owed.

(2) The taxpayer may be required to attach to its tax return its certificate of eligibility issued by the commissioner of agricultural resources.

(3) For the purposes of this section, the term qualified taxpayer shall mean a taxpayer primarily engaged in farming or agriculture as certified by the department of agricultural resources and the term "qualified intern" shall mean a student enrolled in an agricultural school or an agricultural program in a school in the commonwealth, who as part of a course of study, interns for pay for the qualified taxpayer.

SECTION 3. Chapter 63 of the General Laws is hereby amended by inserting after section 38FF the following section:-

Section 38GG. (a) A qualified taxpayer primarily engaged in farming or agriculture, as defined in section 1A of chapter 128, shall be allowed a credit against the tax imposed by this chapter equal to \$500 per month for each qualified intern the taxpayer engages in an internship for pay of at least 20 hours per week. The portion of the tax credit shall be allowed for the taxable year in which the wages are paid to the qualified intern. The credit allowed under this section for any taxable year may not reduce the tax due for that year to less than the amount owed.

(b) The taxpayer may be required to attach to its tax return its certificate of eligibility issued by the commissioner of agricultural resources.

(c) For the purposes of this section, the term qualified taxpayer shall mean a taxpayer primarily engaged in farming or agriculture as certified by the department of agricultural resources and the term "qualified intern" shall mean a student enrolled in an agricultural school or agricultural program in a school in the commonwealth, who as part of a course of study, interns for pay for the qualified taxpayer.

SECTION 4. The departments of revenue and agricultural resources shall jointly promulgate regulations to implement the provisions of this act within 180 days of its passage.

To: Massachusetts Board of Agriculture
From: Board Member Laura Sapienza-Grabski
Subject: Concerns with the Purpose and Function of the Farm Advisory Committee
Date: November 8, 2017

Board Members,

The MDAR Commissioner created an Ad hoc Farmland Advisory Committee and recently testimony was submitted by Winton Pitcoff from the Massachusetts Food System Collaborative that gave the impression that the members of the Farmland Advisory Committee were in support of delaying legislation on the APR program. That letter is attached.

In addition, a subcommittee has been formed by the Farmland Advisory Committee that is reviewing the APR process and pending legislation. The notice of this meeting scheduled for November 9th is attached.

Last year I presented the Board of Agriculture a list of concerns that I have had with the APR program and in recent months MDAR has executed the Right-of- First- Refusal on a fourth generation farming family, putting that family in great distress and causing the pending buyer selected by the farmer to become homeless. Both families endured great emotional hardship and financial distress over this process with the seller still in limbo over MDAR's decision.

I attended the last ALPC meeting which followed the transgression of executing the RFR and there was no mention of this action, nor were ALL members of the ALPC or the Board of Agriculture notified that a problem existed.

The Ad hoc committee is attempting to supersede the power and the authority of the Board of Agriculture and I am concerned with this action. The Board of Agriculture was created by legislative action and has very strict policies to act as a public board, viewable to the public for comments and for participation in discussion.

Furthermore, so that the board fully understands the impact of executing an RFR and the problems with the APR program, the board should invite the seller Brian Perry and his buyer Mike Collins of the July Westport APR RFR action to the next meeting. Members of the ALPC should also be invited to attend.

Sincerely,

Laura Sapienza-Grabski

Board of Agriculture Member

November 9th, 2017, APR Subcommittee of the Commissioner's Farmland Advisory Panel

10:00 am – 12:30 pm

Mass Building at the Big E - 1305 Memorial Ave, West Springfield, MA 01089

AGENDA

1. The charge of this subgroup of the Commissioner's Farmland Advisory Panel:

The FAP APR subgroup was charged by the Commissioner with a complete review of the APR Program, with particular and immediate attention paid to: When and how the Department exercises or assigns its ROFR and OPAV; the intent of the Act itself; the allegiance to soils as a primary consideration; the change from a rolling admission to a deadline for new applications; the strong role of the federal partners; and the issuance of special permits and certificates of approvals and to provide recommendations for all of these topics, that to the extent practical, utilized the existing authority of the Department and the existing general law, and to do so by the end of October of 2018. Does the sub-committee accept this charge as written or would we like modifications (expand, shrink or otherwise modify)

2. Timeline for our process: There is very little time and much to accomplish. How much time can we devote, and what should the schedule be? (Ideally, come prepared to set a series of tentative meeting dates for the next year.)

3. Who will be involved in this process:

A. We would like a very small leadership team to help Jason and Nathan with some of the scheduling and planning work. Who will help with this (1-3 volunteers would be great.)

B. Who else would we like on the subgroup itself?

C. Who else do we need to hear from who isn't on the subgroup, and how should we gather their input?

D. For those participating in the subgroup, what background knowledge about APR does each person have? What information would you find helpful in order to make recommendations?

4. Work of the subgroup:

A. How public is our process, and how much should be "recorded" (I don't mean audio or video tape here, I just mean how detailed should our records be) – understanding the public records law

B. What can we all share as we go forward

C. What form will our work product take (how specific, how general, different reports along the way, or one major report at the end, specific documents on specific issues?)

D. Who gets the work product in the end or along the way?



Friday, October 20, 2017

Joint Committee on Environment, Natural Resources and Agriculture
Massachusetts State House
24 Beacon Street
Rooms 513 & 473F
Boston MA 02133

RE:

- S.2175: An Act reforming agricultural preservation restrictions
- H.458: An Act to promote and strengthen agricultural preservation

Dear Chairwoman Gobi, Chairman Pignatelli, and members of the Committee:

The Massachusetts Food System Collaborative is pleased to offer this written testimony in response to the above-referenced bills.

The Collaborative is a network of Massachusetts food system organizations, working to promote, monitor, and facilitate implementation of the Massachusetts Local Food Action Plan. The Plan was developed for and accepted by the Massachusetts Food Policy Council, a 17-member entity comprising state agency, legislative, and industry representatives, established by the Legislature and Governor to develop recommendations, including legislative and regulatory changes, to promote sustainability and equity in the Commonwealth's food system.

The Plan represents the views of thousands of residents and farms, as well as hundreds of organizations and businesses. It emphasizes the need for a comprehensive approach to food system policy, where issues of economic development, natural resources, equitable access to resources, and others are all taken into account when considering laws and regulations related to food.

The MA Food System Collaborative urges the Committee to defer decisions on these bills at this time.

Massachusetts has been a national leader in farmland protection since the creation of the first state farmland protection program in the country, in 1977. As agriculture has changed over the past 40 years, the Agricultural Preservation Restriction (APR) program has had to evolve with it, adapting rules and policies to shifting needs of farm businesses and families that rely on protected land for their livelihoods. As agriculture has evolved, the Department of Agricultural Resources and the Agricultural Lands Preservation Committee have faced increasingly complex decisions about the APR program that require them to balance natural resource protection, farm viability, and the needs and interests of farmers and landowners now and well into the future.

Not surprisingly, these decisions have sometimes been contentious. Additionally, as the Commonwealth has become highly reliant on federal matching funds through USDA's Agricultural Conservation Easement Program, the APR program has had to make numerous adjustments that have impacted the program's priorities and practices. These and other evolving program rules, policies, and procedures have not always been effectively communicated to stakeholders, causing confusion among program applicants, current owners of APR land, and land trust partners.

The issues raised in these bills are complex. Rather than address them in a piecemeal fashion, the Collaborative recommends that the Legislature hold off on action to allow a process envisioned in the Massachusetts Local Food Action Plan to run its course.

The Plan offers many recommendations related to the APR program, on issues ranging from housing on APRs, to integrating succession planning into the program, to the need for increased funding. One recommendation calls for "tasking MDAR and the ALPC with convening an annual forum to evaluate progress through the APR Program and to invite stakeholder input on APR program policies." Reviewing the program in this way will help ensure that any proposed changes are considered in the context of the program as a whole, rather than as reactions to isolated challenges, and will ensure that those changes best meet the overall goals of the program and needs of the farming community.

The MDAR-led Farmland Advisory Panel (FAP), established in response to the Plan's recommendation that the State convene such a group to develop a comprehensive Farmland Action Plan, has done just that, tasking a subcommittee with reviewing the APR program's regulations as they are written and practices as they exist in the day to day operation of the program. The panel is made up of key stakeholders from within state agencies and the legislature (including the co-chairs of the ENRA committee), individual farmers, and leaders from land and farming organizations that represent thousands of farmers and landowners (see list of participants below). It has been charged with conducting an engagement process with farmers and other stakeholders, and delivering recommendations to the Commissioner by October 2018.

We urge the committee to allow this process to take place so that any changes made to the APR program are considered and developed in the context of the program as a whole, and are representative of the needs of the broad community of stakeholders and beneficiaries of the program.

Thank you very much for the opportunity to provide this testimony.

Sincerely,



Winton Pitcoff
Director

Members of Farmland Advisory Panel

MDAR (chair)	Commissioner John Lebeaux
Senate Chair, ENRA	Senator Anne Gobi
House Chair, ENRA	Representative Smitty Pignatelli
House Minority	Representative Donald Berthiaume
Senate Minority	TBD
Board of Agriculture	TBD
UMass Extension	Jody Jellison
Massachusetts Farm Bureau	Mark Amato
American Farmland Trust	Jesse Robertson-DuBois
NOFA/Mass	Dan Bensenoff
Buy locals	Phil Korman
New Entry Sustainable Farming Network	Jennifer Hashley
Cape Cod Cranberry Growers Association	Steve Ward
Conservation Law Foundation	Jenny Rushlow
Land for Good	Cris Coffin
Trustees of Reservations	Jennifer Ryan
Regional land trust involved in agriculture	Richard Hubbard, Franklin County
MA Nursery and Landscape Association	Rena Sumner
Massachusetts Association of Dairy Farmers	Rena Sumner
At-Large Farmer	Warren Shaw (Dracut)
At-Large Farmer	Nathan L'Etoile (Northfield)
At-Large Farmer	Rob Russell (Westport)
At-Large Farmer	Andre Tougas (Northborough)