

Empire State  
 Council of Agricultural Organizations, Inc.

*2023 Legislative Recommendations  
 and Policy Statements*



*A Vision for Agriculture in New York State*

- A vibrant, increasingly profitable and cohesive agriculture and food industry that directs its future and is sensitive to the environment.
- A business climate that fosters the industry’s growth.
- A public, including decision-makers at the local and state levels, that clearly identifies agriculture as a large and critical business entity within New York State.

# INTRODUCTION

Since its formation in 1954, the Empire State Council of Agricultural Organizations has, enabled its members to develop a unified set of positions on fundamental economic, regulatory, legislative, administrative, and other local, state, and national issues affecting the viability of agriculture in New York State.

This booklet contains the Council's policy statements with respect to these issues and legislative recommendations for 2023. The statements and recommendations have been adopted unanimously by the Council's 29 members, who represent all facets of New York's diverse agricultural industry. They are intended to inform the Council's key stakeholders of the industry's concerns and proposals for addressing them.

Agriculture is New York State's most important industry. The agriculture sector, including farming, agricultural services and food and agricultural processing, contribute \$37.2 billion to the New York State economy\*, **This estimate does not include** all related wholesale, retail and food service operations involved in the farm to table marketing chain. In addition, production agriculture and the food and agricultural processing and marketing sectors provide over 160,000 jobs.

Nonetheless, the industry faces many serious challenges. While the industry has shown its resilience and essential nature throughout the COVID-19 pandemic, within the agriculture and food sector, many businesses are facing financial stress due to higher input costs, supply chain disruptions and volatile markets. Access to reliable and affordable labor is also a concern for many businesses.

Government plays a critical role in investing in and maintaining the competitiveness of our industry. Our organization supports continued investment in the programs, institutions, and infrastructure that the industry relies upon. **It is especially critical the state recognizes that our industry competes in a global marketplace**, and not impose additional costs or regulations that put New York producers at a disadvantage relative to those outside our state.

Farmers rely on their land and animals for their livelihoods which is why they are excellent stewards of our natural resources. **Regulations on conservation and food production practices should be based on sound science and not impose unnecessary costs on New York producers or deny them access to inputs available in other states.**

While New York agriculture continues to position itself to capitalize on its advantages – large consumer markets, established infrastructure, skilled workforce, and progressive research and education institutions – government must recognize and support the agriculture and food industry as a major contributor to the economy and the quality of life in New York. We hope that this book will serve as a useful resource on the range of issues facing policymakers and the broadly supported approaches for addressing them, to maintain the competitiveness of this vital industry in our state.

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\* Northeast Economic Engine, 2020, Farm Credit East

# 2023 Legislative Recommendations and Policy Statements

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# CONTENTS

## STATE ISSUES AND RECOMMENDATIONS

<b>COVID-19</b>	5	<b>Agricultural Education, Research and Extension</b>	
<b>Agricultural Development, Research and Regulation</b>		NYS College of Agriculture & Life Sciences	24
Agricultural Economic Development and Competitiveness	6	SUNY Colleges of Agriculture and Technology & Community Colleges with Agriculture Related Programs	24
State Agricultural Product Branding Programs	7	NYS Veterinary Diagnostic Laboratory	25
New York Farm Viability Institute	7	NYS College of Veterinary Medicine	25
Biotechnology	8	The Cornell Cooperative Extension System Pro-Dairy Management Program of Cornell Cooperative Extension	26
NYS Department of Agriculture and Markets	8	Cornell AgriTech at the NYS Agricultural Experiment Station	27
Empire State Development	9	Agricultural Education	27
New York State Fair	10	Northern New York Agricultural Development Program	28
Food Safety	10	Integrated Pest Management	28
Fertilizer, Lime and Seed Programs	11	New York FarmNet	29
Plant Industry Programs	11	<b>Agriculture and the Environment</b>	
In-Land Port	12	Pest Control	29
New York State School Meal Program	13	Invasive Species	30
<b>NYS Agricultural Industries</b>		NYS Department of Environmental Conservation	31
Apple and Apple Products	13	Protection of Water Resources	32
Berry Industry	14	Environmental Liability	32
Brewing Industry	14	Animal Nutrient Management	33
Cannabis	14	Climate Change and Extreme Weather	34
County Fairs	15	Pollinators	35
Dairy Industry	15	<b>Agricultural Labor</b>	
Distilling Industry	16	Labor	35
Equine Industry	16	Farmworker Housing	37
Floriculture	17	<b>General Issues</b>	
Grape and Wine Products	17	Agricultural Safety and Health	37
Maple Industry	18	Liability and Product Liability	38
Sheep Industry	18	Animal Diseases	38
Turfgrass Industry	19	Animal Well-being	39
Vegetable Industry	19	Diversity, Equity Inclusion in the Agriculture Industry	39
<b>Agricultural Business Climate</b>			
Agricultural Trade Issues	20		
Energy	20		
Real Property Taxation	22		
Farmland Protection and Retention	22		
Transportation and Highway Safety	23		

## REGIONAL AND NATIONAL ISSUES RECOMMENDATIONS

National Farm, Food and Trade Policies	40	Farm Labor	43
National Dairy Policy	41	Farm Service Agency	44
Farm Credit System	42	U.S. Environmental Protection Agency	44
Imported Products	42	Emerging and Foreign Animal Disease	45
Standards for Control/Eradication of Brucellosis & Bovine Tuberculosis	43	Bioterrorism	46
Livestock Health and Food Safety Issues	43	Federal Taxes	46

# ***STATE ISSUES AND RECOMMENDATIONS***

## **COVID-19**

The COVID-19 pandemic underscored that New York's farms, and the entire food and agriculture sector is comprised of essential businesses. These businesses continued to operate through the pandemic, taking the necessary measures to keep their workers, customers and families safe and healthy while providing food and other products, services and experiences that we all rely upon.

It is critical that New York continue to support these essential businesses with sound policies and support for the programs and institutions the industry relies upon. Many of the recommendations for funding and programs predate the pandemic, but this financial support and investment in our industry are more critical than ever.

As we saw in the early days of the pandemic when processing plants in the Midwest began to shut down, disruptions in any link of the supply chain disrupts the entire input production, marketing and distribution system. The local food supply system became essential when processing plants in other regions shut down. We must protect all aspects of our local agriculture and food system that proved to be essential during the pandemic driven economic shutdown.

While the impacts of the pandemic have lessened, COVID-19 is still a concern, so it is important to underscore some important principles learned during the three years of the pandemic in case new variants emerge or a new public health crisis occurs.

- As vaccines or other therapies become available to combat new variants of the virus or another emergent disease, it is imperative that farmworkers and other food and agricultural employees be considered essential personnel and get priority for receiving them.
- While most public officials are now reluctant to issue widespread shutdown orders, if future orders are considered or enacted, it is critical that ALL farm and food businesses are considered essential and permitted to continue operating.

The CAO represents the broad scope of the food and agriculture sector in the state. Our membership comprises an integrated sector that do business across industry and commodity designations. Singling out or excluding one category of businesses on the basis of location, type of operation or commodity produced weakens the whole system.

We are proud of how New York's food and agricultural sector adapted to continue feeding New Yorkers and people around the nation and the world. While there were hardships and disruptions, the farmers, farmworkers, and others throughout the food system have shown their resilience.

We ask that state policymakers continue to support our industry through partnerships and innovative programs such as Nourish New York, connecting producers across the state with those in need. It's an example of what can be accomplished when we work together.

In closing, we hope that policymakers will give strong consideration to the recommendations in this publication to support the programs the industry relies upon and foster a business climate that allows our industry to thrive during these uncertain times.

----- AGRICULTURAL DEVELOPMENT, RESEARCH AND REGULATION -----  
**AGRICULTURAL ECONOMIC DEVELOPMENT  
AND COMPETITIVENESS**

New York agriculture is a very diverse and dynamic industry. Agriculture provides employment to thousands of New Yorkers throughout the state and generates millions of dollars in tax base to support hundreds of local communities and school districts. It is a complex industry involving not only producers, but also input providers, processors and those involved in the marketing of farm and food products in the United States and to foreign markets.

New York agriculture faces many challenges in an increasingly global marketplace. The ability of New York farmers and agricultural-related businesses to be viable requires a commitment to keep costs of production low, while maintaining high levels of productivity and adopting new technologies and management systems.

A major limiting factor for agricultural growth is regulatory compliance. Government agencies often are unable to clearly define what farm businesses must do to comply with labor, health care, transportation and environmental regulations. Additional educational and informational non-regulatory actions are necessary to help producers comply and effectively operate their businesses without regulatory interference.

**WE RECOMMEND**

- 1. Support for state sponsored economic development programs, tailored to provide significant investment in agricultural and rural business development projects. Specifically, job count criteria should be altered to recognize direct and indirect jobs created by investments in agricultural and rural businesses. Further, capital investments by farmer owned cooperatives should be prioritized within state sponsored economic development programs**
- 2. Support for tax incentives for telecommunication providers to install high speed internet service and enhanced wireless networks in rural areas not currently served.**
- 3. Support for tripling the income exclusion for farmers and making the investment tax credit refundable.**
- 4. Support for legislation in the NYS Assembly and Senate authorizing Industrial Development Agencies (IDAs) to assist agricultural producers of New York State.**
- 5. Support for the establishment of a specific funding source for agricultural development proposals considered within the current regional and state economic development plans.**
- 6. Support for a continuing comprehensive review of regulatory constraints on agriculture and elimination of unnecessary financial and administrative burdens on farmers.**
- 7. Revitalizing and maintaining the Hunts Point Terminal Market in New York State, to maximize sales opportunities for New York agriculture.**
- 8. State support for agricultural projects with flexible and expedited contract procedures and approval of re-appropriations to ensure completion of projects.**
- 9. Support for policies that encourage young people to enter or return to farming and assist farm families in transferring their farms to future generations.**
- 10. Support for programs within the New York State Department of Agriculture and Markets to provide grants to agricultural organizations and cooperatives that administer grower and processor supported marketing, research, education, and agribusiness development programs.**
- 11. Support for reducing school and county property taxes through mandate relief.**
- 12. Support for the agricultural export market development efforts at the Departments of Agriculture and Markets, Economic Development, and USDA Foreign Agricultural Service.**

- 13. Support for a farm loan guarantee program that enables the State to work with Farm Credit and other commercial lenders to provide another source of credit to farmers.**
- 14. Support for legislation that amends sections 301 and 308 of the Agriculture and Markets Law to include roadside stands and retail farm markets in the definition of a “farm operation”, and thus give farmers protection for their retail farm operations under the state’s right-to-farm laws.**
- 15. That New York City laws; regulations and policies are favorable to New York agriculture and transportation.**
- 16. As essential businesses that must keep operating during a pandemic to produce food or care for animals, crops and other plants, that farm and food businesses receive basic employer protections from liability and given certain risks are unavoidable, employers should be protected from frivolous litigation.**

**STATE AGRICULTURAL PRODUCT BRANDING PROGRAMS**

Expansion of New York State agricultural marketing and promotion efforts would result in expanded economic opportunities and help to grow the state’s agriculture industry. A USDA analysis of the Jersey Fresh program estimated that for every \$1 invested in the marketing program, \$54 was returned to the local economy. A fully funded branding and marketing campaign could provide similar economic benefits.

**WE RECOMMEND**

- 1. Support for a New York State Agricultural Branding Program that includes the following:**
  - a. Support for the New York State Grown & Certified Program, with additional funding to support the statewide marketing efforts of the program.**
  - b. A matching funds program for promotion and marketing.**
  - c. The program supports only New York-grown products.**
  - d. An advisory committee of New York farmers ensure the program stays focused on New York-grown products.**
  - e. An expanded Taste-NY store and kiosk program.**
  - f. Continued support of the Pride of New York program.**
  - g. Continued investment in state, national and international food marketing programs.**

**NEW YORK FARM VIABILITY INSTITUTE**

The New York Farm Viability Institute is an independent nonprofit organization led by an all-farmer board of directors. The Institute awards grants on a competitive basis to applied research and outreach education projects/services that work with farmers to improve profitability at the farm. The Institute works with farms of all sizes, production practices, and geographic locations, commodities, and sectors within the State. Projects focus on the barriers that limit farm profitability and growth; and the organization fosters a working partnership among private, public, and academic entities. The results of this investment in the future of New York agriculture will enhance economic activity and jobs, provide greater access to safe food and renewable energy sources, foster the retention of farmland, and improve the quality of life in communities throughout the State. An appropriate annual State investment will help to ensure that the Institute can support high priority agricultural projects to benefit all New Yorkers.

**WE RECOMMEND:**

- 1. Continued and expanded financial support from the State to support the New York Farm Viability Institute and to fund projects that will address challenges facing New York’s farms.**

**2. Approval of re-appropriations for the New York Farm Viability Institute to allow projects to be completed.**

## **BIOTECHNOLOGY**

Biotechnology is the management of biological systems to meet human needs. It offers many health, safety, environmental and economic benefits to consumers. Biotechnology for agriculture includes: the increased efficiency of plant and animal production; food processing and production; waste disposal; fermentation processes; biomass conversion to fuel and feed stocks; the biological controls of plant insects and diseases; and the diagnostics of plant and animal diseases.

### **WE RECOMMEND:**

- 1. Active state support of biotechnology derived industries, including biofuels.**
- 2. Support for consumer, student, and faculty education about biotechnology, including the technology, the science, and the role it plays in our food system.**
- 3. Opposition to any prohibition on the use of a federally approved biotechnology derived crop, variety or product.**
- 4. Opposition to mandatory state and local labeling of products derived through the use of biotechnology.**
- 5. State support for the development of a value added agricultural biotechnology industry to create new opportunities for producers.**
- 6. Any unauthorized person or entity who willfully and knowingly damages or destroys an agricultural commodity, animal or facility be held financially (compensatory and punitive damages) and criminally liable for their actions.**
- 7. Opposition to mandatory federal labeling not required by the FDA or other federal agencies on food or agricultural products derived through biotechnology.**

## **NEW YORK STATE DEPARTMENT OF AGRICULTURE AND MARKETS**

The Department of Agriculture and Markets plays a number of important roles for New York's agriculture and food industry, as well as for local and state economies. It serves our state through the marketing and promotion of agricultural products, developing and supporting agricultural businesses and ensuring food safety.

### **WE RECOMMEND:**

- 1. Ensuring appropriate funding for the Department of Agriculture and for necessary staffing levels, product grading, inspection services, food safety and other essential functions. Funds should not be taken from one function to pay for another, compromising the Department's ability to meet those needs.**
- 2. Opposition to fee increases on all agribusiness related licensing and inspection programs.**
- 3. Given the importance of credible statistical information, continued support for state funding for the Division of Agricultural Statistics, and possible collaboration with Empire State Development, for expanded commodity specific data.**
- 4. Appropriate funding to the Department of Agriculture and Markets apiary research and inspection programs.**
- 5. Support for a thoughtful and thorough review of Article 20, The Agriculture Producers Security Program, by focusing on the impact of the law on all impacted commodities and marketing channels. We recommend all "food hubs" purchasing New York farm products be registered and bonded through the**

**Agricultural Producers Security Program and the USDA's Perishable Agricultural Commodities Act, if appropriate.**

- 6. The Department take a lead role in identifying issues related to cross border trade with Canada and ensure laws and codes are enforced.**
- 7. Support for a survey and an economic impact study of nurseries, dealers and all other green industries.**
- 8. Support for a comprehensive effort at the state and federal level to deal with invasive pests and pathogens on a scientific basis so as to protect agricultural and horticultural industries.**
- 9. Support for the Cooperative Agriculture Pest Survey Program (CAPS) within the New York State Department of Agriculture and Markets.**
- 10. Support for the Department of Agriculture and Markets' efforts to promote the use of renewable fuels from perennial and annual crops and to bring underutilized land into production.**
- 11. Continued funding and staff support for the Wood Products Marketing Development Council.**
- 12. Any food labeling laws and regulations at the state level be consistent with Federal regulations.**
- 13. Adequate support and maintenance for the farm products grading and inspection services.**
- 14. Support for a continued role in the development of new commodities and markets in the agricultural industry.**
- 15. Support for initiatives for encouraging diversity and inclusion in all aspects of New York State agriculture.**
- 16. Support for animal response teams.**

## **EMPIRE STATE DEVELOPMENT**

Empire State Development promotes the growth of the state's economy by encouraging business investment and job creation through loans, grants, tax credits, real estate development, marketing and other forms of investment. Agribusiness is one of the agency's 15 key strategic industries for investment and support.

### **WE RECOMMEND:**

- 1. Support for state sponsored economic development programs, tailored to provide significant investment in agricultural and rural business development projects.**
- 2. Continued and increased funding for the new Farmer Grant Program.**
- 3. Support for regional council prioritization for agribusiness projects.**
- 4. Prioritization by the Broadband Programs office for rural broadband investments to support growth of agribusiness and in general, improve telecommunications access, both wireless service and broadband for rural areas in the state.**
- 5. Continued support for agribusiness growth through Cornell AgriTech's Center of Excellence, tax credits, low interest loans, grants, marketing and Taste New York welcome centers.**
- 6. Continued support for the Grow NY Food & Agriculture Competition and expansion into more geographic areas in the state.**
- 7. Improved metrics for evaluation of agricultural projects under the REDC process including downstream job growth multipliers and enabling additional projects without strict jobs and matching fund requirements.**

## NEW YORK STATE FAIR

The State Fair has showcased agricultural exhibits and exhibitions of excellence throughout its history. This institution has been an important venue for bringing together farmers and the non-farm public and effectively building bridges between the two diverse communities.

### **WE RECOMMEND:**

- 1. Encouraging agriculturally based organization participation by offering discounted marketing/promotions/sales venues supporting state industry-based initiatives.**
- 2. Revitalization of the infrastructure in the agriculture 4-H and FFA youth and livestock sections of the fairgrounds that will safely and prominently showcase cutting edge agriculture industry practices, celebrate youth accomplishments in agriculture and recognize the work of those engaged in agriculture and agribusiness.**
- 3. Support for promotion of agricultural careers and opportunities.**
- 4. Support for recognition of farmworkers, farmers and agriculturists through continued efforts and emphasis at the New York State Fair that highlight people engaged in the agriculture industry.**
- 5. Support for expedited construction of a new sheep and continued renovations of equine facilities at the New York State Fair for which funding has been made available.**
- 6. Support for the expedited construction of a greenhouse at the New York State Fair; maximizing opportunities for youth engagement with 4-H, FFA, BOCES and area agricultural and environmental community colleges and universities.**

## FOOD SAFETY

U.S. consumers enjoy a food supply that is regarded as the safest and most plentiful in the world. We commend the Department of Agriculture and Markets for establishing the task force on food safety and security to review the safety of New York's food system from farm to store.

### **WE RECOMMEND:**

- 1. Continued support for the state's food and dairy inspection, testing, outreach and regulatory programs of the Department of Agriculture and Markets to ensure the safety of all foods. For example, we support adequate funding to verify that imported dairy products comply with legal and regulatory requirements.**
- 2. Support for the continued development and implementation of the New York State Cattle Health Assurance Program, Produce Quality Assurance Program, Veterinary Diagnostic Laboratory, Sheep/Goat Health Assurance Program, Quality Milk Production Services and Pro-Dairy.**
- 3. Support for state and federal efforts together with trade associations to combat food and agriculture bioterrorism.**
- 4. Increased resources for Department of Agriculture and Markets, Cornell Cooperative Extension and Cornell University, including the On-Farm Readiness Review Project, to assist farmers and food, feed and transportation businesses' compliance with the requirements of the federal Food Safety and Modernization Act (FSMA).**
- 5. Support for the Produce Safety Alliance and the Institute for Food Safety at Cornell University AgriTech, to train farmers in good agricultural practices necessary to obtain appropriate food safety certifications.**

## **FERTILIZER, LIME AND SEED PROGRAMS**

The Agriculture and Markets law regulates the sale and inspection of seeds, the sale of agricultural liming materials and the sale and analysis of commercial fertilizer.

### **WE RECOMMEND:**

- 1. Support the continued availability of seed coatings, containing insecticides, to assist in ensuring a viable crop.**
- 2. Adoption of the Association for American Plant and Fertilizer Control Officials standards.**
- 3. Legislation to establish a mandatory non-binding arbitration system to ease settlement of disputes between farmers and seed distributors.**
- 4. Support for the state pre-emption of regulatory control over seed and fertilizer laws and regulations.**
- 5. Adequate funding and staffing be provided to the NYS Department of Agriculture and Markets to operate and enforce these programs.**
- 6. The Department of Agriculture and Markets be given authority to regulate products that are sold or bartered and claim a nutrient value such as the by-products of municipal solid waste and municipal sewage sludge.**
- 7. Continued support for making seed testing services available for regulatory and agricultural sampling purposes.**
- 8. The state not duplicate federal regulation of pesticide products applied as coatings to seeds.**

## **PLANT INDUSTRY PROGRAMS**

The New York State Agriculture and Markets law regulates the inspection of wholesale nurseries, plant shipping and administration of plant quarantines. The law also authorizes the Department to register nursery growers and dealers. Without the program of the Division of Plant Industry, agriculture and the environment of New York are at risk from exotic and potentially invasive pestilence that affect plants, plant product and real property values. Without this surveillance, consumers and landowners would not be protected and legitimate growers and dealers would be at a disadvantage in the marketplace.

### **WE RECOMMEND:**

- 1. Continued support for an early warning notification system for all plant pests and diseases. All agricultural industries, especially registered greenhouses, nurseries and plant dealers should have access to plant pest information on a real-time basis. Further, we support the ability to include the voluntary submission of email addresses on registrations and renewals.**
- 2. Support for an active plant industry advisory council in the Department of Agriculture and Markets to meet at least annually.**
- 3. Effective funding levels for plant programs and inspection services.**
- 4. Adequate resources be provided to establish taxonomic and diagnostic support to assist in timely identification of plant pests and plants that are considered invasive pests themselves.**
- 5. Adequate resources for the Cooperative Agricultural Pest Survey (CAPS) for the early detection of exotic plant pests and pests of “export” significance and to administer phytosanitary certificates that enhance opportunities for New York products (ie. fruits, vegetables, nursery stock) in new domestic and foreign markets.**

6. Support for the State’s Cooperative Agricultural Pest Survey (CAPS) to “bundle surveys” based on a common factor, such as business, site, habitat, urban – rural – significant ecological communities, etc., that makes biological, environmental, and/or economic sense in the state.
7. Support for the State’s Cooperative Agricultural Pest Survey (CAPS) to maintain and enhance outreach to stakeholders and cooperators so as to improve existing or new survey initiatives at the same time communicating risks and needs to land relevant industries, management personnel, and the public.
8. Support continued state funding for the Plum Pox Virus program.
9. Strategic and coordinated efforts to control with, in some cases the aim of elimination of invasive species and other pests, pathogens and plants, including, but not limited to Asian Longhorn Beetle, Brown Marmorated Stink Bug, European Crane Fly, Allium Leaf Miner, Q Biotype White Fly, the Sirex Woodwasp, *Phytophthora capsici*, Emerald ash borer, Sudden Oak Death (*Phytophthora ramorum*), Spotted Wing Drosophila, Swede Midge, Spotted Lanternfly, Balsam and Hemlock Woolly Adelgid, European Cherry Fruit Fly, Light Brown Peppered Moth, Southern Pine Beetle and Bloat Nematode on garlic.
10. Live plant, transplants, Christmas trees, and cut flower shipments from Canada be subject to the same standards as those imposed on interstate plant shipments by the Department of Agriculture and Markets and that the standards be vigorously enforced.
11. The Department of Agriculture and Markets inspect and ban shipments of “starts” that are imported into the state that are found to be contaminated by disease.

## **IN-LAND PORT**

An in-land port to transport goods produced in New York and surrounding regions has been supported and approved by the state and federal government to be created in the Syracuse area. The in-land port will provide a cost effective and competitive railway transport system to allow agriculture products to be collected, stored and shipped to the Port of New York or New Jersey for overseas export opportunities. No other in-land port exists in the Northeast. Creating the concept in Syracuse will create jobs, increase sales and provide increased demand for all types of agricultural products in the region.

### **WE RECOMMEND:**

1. Support for the construction of an in-land port initiative.
2. Support for this initiative to increase the competitiveness for New York State agricultural products.
3. Support for capital spending on infrastructure such as warehousing near railway services for the in-land port.
4. Support for creating export opportunities for New York State agriculture products utilizing the in-land port.

## NEW YORK STATE SCHOOL MEAL PROGRAM

Child hunger is often associated with lower grades, higher rate of absenteeism, repeating a grade, and an inability to focus among students, according to the Centers for Disease Control and Prevention. For many children, the National School Lunch Program and School Breakfast Program offer the best opportunity to receive a regular nutritious meal. Cornell University's analysis conducted in the Buffalo School District, and extrapolated throughout the state has demonstrated every dollar of taxpayer funds generates an added economic impact/benefit to the state of New York in the amount of \$1.54. Effectively, the Farm2School program's 30% reimbursement is working to generate additional economic impact, more than offsetting the taxpayer investment.

### **WE RECOMMEND:**

- 1. Continued support for the "No Student Goes Hungry Program" reimbursement rate for all meals at \$0.30/meal for any school district purchasing at least 30% ingredients sourced from New York State farms and expand the program to other school meals.**
- 2. Support for the farm to school grants program, to assist schools in purchasing New York products.**
- 3. Support for continuation of a Regional Farm to School Coordinator program to help schools buy more products from New York farmers.**
- 4. All types of real™ milk should be considered essential and part of the USDA MyPlate Nutrition Guide. All types of milk are recognized and allowed as part of the MyPlate Guide for good nutrition. Schools should be allowed to sell all types of real™ milk and no restrictions should be placed on calories per serving size, flavors or containers.**
- 5. New York schools procure New York concord grape products, dairy and all other New York produced products to serve in schools.**
- 6. Support for expanding the New York Thursdays Program statewide.**
- 7. Support for the transfer of the New York State School Meals Program from the Department of Education to the Department of Agriculture and Markets.**

## ----- NEW YORK AGRICULTURAL INDUSTRIES -----

### **APPLE AND APPLE PRODUCTS**

The apple industry is a vital part of New York State agriculture, and apple production and apple products are of major importance to the state economy.

### **WE RECOMMEND:**

- 1. The State make a long-term financial commitment to the apple industry by funding the New York Apple Association and the Apple Research and Development Funds AS separate annual line items in the state budget.**
- 2. Increased support to the Department of Agriculture and Markets' Regulatory Inspection Division to enforce the state's package labeling laws as they relate to misbranding of apple varieties.**
- 3. The state match research funds collected from the industry. Total funding levels should reflect the 5-year average of collections by the Department of Agriculture and Markets' Regulatory Inspection Division.**
- 4. Support for the growing hard cider industry.**

## **BERRY INDUSTRY**

The expansion of the strong strawberry industry in New York State is now being joined by blueberries, raspberries and blackberries. In order to grow these new markets, consumer education and promotion is necessary.

### **WE RECOMMEND:**

- 1. The state to invest in the promotion of consumer education of both the nutritional attributes and seasonality of these berry products.**
- 2. Continued support for the research programs at Cornell to develop new varieties and insect and disease resistance in berry crops.**
- 3. Continued support for research on controlling Spotted Wing Drosophila.**
- 4. Support for a New York berry industry survey.**

## **BREWING INDUSTRY**

The New York State craft brewing industry has grown tremendously over the past decade. New York now has over 500 breweries, making it the state with the second-most amount of breweries in the country. New York breweries also have a \$5.4 billion impact in the state. There is, however, still room to grow and now is the time to ensure that growth continues in a constructive, responsible, and inclusive way. Funding for New York grown hops and barley research must continue. Additionally, funding for marketing New York State manufactured beer must continue, as breweries are still recovering from the COVID-19 pandemic. Finally, we recommend that all New York state-owned facilities that sell alcohol should have a preference for selling New York State manufactured beer, wine, spirits and cider.

### **WE RECOMMEND:**

- 1. Continued research funding for the hops and barley industries in New York to further support the brewing industry in our State and beyond.**
- 2. Continued funding support to the New York State Brewers Association to market New York beer.**
- 3. Have all New York state-owned facilities that sell alcohol to have a preference for selling New York State manufactured beer, wine, spirits and cider.**

## **CANNABIS**

The New York adult-use cannabis industry is expected to generate nearly 50,000 jobs and between \$3 and \$6 billion a year in new business activities by 2025. We actively advocate for laws and regulations that support the vision of a New York cannabis industry that is restorative, sustainable, and inclusive.

### **WE RECOMMEND:**

- 1. Legislation that would amend subdivision 2 of section 301 of Agriculture and Markets Law, to include cannabis in the definition of a crop. Further, amending Paragraph 6 of subdivision (a) of section 1115 of the Tax Law, to allow for cannabis cultivators to use standard tax exemptions when purchasing materials and vehicles used in the cultivation process.**
- 2. Support for removal of the Potency Tax (Section 493(a) of the MRTA) which significantly increases the total tax on cannabis making New York the highest taxed state in the nation for adult use cannabis, further empowering the grey market.**

3. **Support S. 159 - Tax enforcement of illicit cannabis (but remove increased criminal penalties)**
4. **Support for instructing the DEC to classify hemp / cannabis as a crop eligible for deer damage nuisance hunting permits.**
5. **Removing the ban on billboard advertising for adult use cannabis.**

## **COUNTY FAIRS**

There are more than 50 county and youth fairs in New York. Along with providing visitors with family-friendly fun entertainment and food, these fairs also connect the public to agriculture. There are agricultural educational exhibits, livestock competitions and farm-related demonstrations along with many opportunities for youth to showcase their livestock and competitive exhibits. It is important that these fairs can continue to offer a unique opportunity for the public to learn about New York agriculture, including where their food comes from.

### **WE RECOMMEND:**

1. **Support for funding for agricultural fairgrounds to aid in the construction, renovation, alteration, rehabilitation, improvement or repair of fairground buildings, exhibitors camping, restroom or facilities used to house and promote agriculture in New York.**
2. **Support for agricultural fair associations being able to hold exhibitions and events without unduly restrictive regulations and ordinances from local and state levels, except in instances to protect public health and safety.**
3. **Support for lowering the premium threshold that small fairs, including youth fairs, have to pay out in order to qualify for premium reimbursement from the state and increasing the overall premium reimbursement funds available.**
4. **Support for funding for promotion of local fairs in the Department of Agriculture and Markets budget.**

## **DAIRY INDUSTRY**

New York's dairy farms are significant economic engines for their communities and other farms and support a strong processing and manufacturing presence throughout the state. New York is the 5th largest milk producing state in the country. We rank as the nation's largest manufacturer of yogurt, cottage cheese, and sour cream. New York's thriving dairy farms provide half of all agriculture receipts in the state at a value of over \$2.9 billion annually. The entire dairy industry from farm, to processor, to consumer, creates opportunities for new jobs, businesses, ancillary supplier companies and investment in all areas of the state.

### **WE RECOMMEND:**

1. **Support for policies that promote and further the economic development and viability of all facets of New York's dairy industry.**
2. **Support for the New York State Milk Marketing Advisory Council to address key issues of the state's dairy industry as stipulated in section 254-a, Article 21, Milk Control law.**
3. **All types of real™ milk be considered essential and part of the USDA MyPlate Nutrition Guide. All types of milk are recognized and allowed as part of the MyPlate Guide for good nutrition. Schools should be allowed to sell all types of real™ milk and no restrictions should be placed on calories per serving size, flavors or containers.**
4. **Oppose changes in state laws or regulations that would expand the current raw milk certification program.**

5. **Repeal of Agriculture and Markets milk licensing laws that allow any monthly minimum quantity exclusions to any person transporting milk for resale.**
6. **Support for efforts to secure research dollars to develop new food ingredient uses for acid whey and dairy by-products and provide guidance to farmers and processors on appropriate land application strategies and digestion.**
7. **Support for the *National Action Plan for Combating Antibiotic-resistant Bacteria*. Quality Milk Production Services (QMPS) needs additional funding to promote and instruct dairy producers on the use of pathogen-based therapy in the treatment of mastitis. This program will result in significant reductions in antibiotic use and significantly increased revenue for milk producers.**

## **DISTILLING INDUSTRY**

New York State has 199 craft distillers according to the American Craft Spirits Association 2022 Craft Spirits Data Project – only California has more. Pre COVID, New York’s distilled spirits industry generated \$3.2 billion in direct economic activity in the state. The pandemic was crippling to the industry, and many small producers survived largely due to the state’s extension of a Temporary Privilege to ship their products directly to consumers. Legislation making this privilege permanent would mean survival for many distillers. The wine industry has shown for decades that such distribution can be done safely, and distillers saw the development of safe delivery and tax collection infrastructure during the Temporary Privilege period. We recommend enactment of direct-to-consumer shipping for spirits, hard cider, mead and braggot – as a matter of survival and parity with makers of other types of alcohol. We further recommend amendments to the Alcoholic Beverage Production Credit that would equalize the benefits of the credit for producers of all types of alcoholic beverages.

### **WE RECOMMEND:**

1. **Enactment of the authority for distillers and producers of hard cider, mead and braggot to ship directly to consumers.**
2. **Alignment of the Alcoholic Beverage Production Credit with the respective tax rates of makers of different alcoholic beverages, creating parity among the producers of beer, cider, wine, and spirits in New York.**

## **EQUINE INDUSTRY**

Encompassing racing, breeding, showing, sales and recreational aspects, the equine industry is vital to New York State agriculture and New York’s economy. New York ranks 16<sup>th</sup> among the states in its number of horses. The current value of New York’s 200,000 equine currently residing on farms and stables, is estimated to be more than \$2 billion and those equine contribute over \$1.5 billion to the state’s economy with a multiplier of about 2 times. It is incumbent on the state to provide a safe and viable economic platform to thrive as the industry supports the production of hay, feed and supports agribusinesses, thereby helping protect and retain farmland throughout the state.

### **WE RECOMMEND:**

1. **Re-establishment of the New York State Horse Health Assurance Program (NYSHHAP).**
2. **Support the revitalization, improvement, and establishment of New York horse venues, to include fairgrounds and parks, as an economic engine for the state.**

- 3. Opposition to legislation which explicitly or implicitly removes any equine from farm animal classifications and defines them as companion animals.**
- 4. Support the establishment of loan forgiveness for equine and large animal veterinarians who stay to practice in New York, in order to combat the veterinarian shortage and support the equine industry.**
- 5. Support the Carriage Horse industry as an instrument of urban outreach for agriculture.**
- 6. Support the exemption of horse riding equipment to be tax deductible, to encourage education about horses and improve affordability, helping to ensure the future of the equine industry.**

## **FLORICULTURE INDUSTRY**

In 2017 (the last reported figures), the USDA yearbook on agriculture shows New York ranks 9th nationally in value of floriculture production. The wholesale value of floriculture crops grown in New York State is \$110 million with 210 greenhouse growers registered in the state. Total sales of bedding plants is \$164 million, and all taxable.

### **WE RECOMMEND:**

- 1. Support for DEC to recognize credits from out of state seminars that offer pesticide credits for private certified applicators. There are several conferences offered in neighboring states attended by our growers and DEC does not recognize the credits, even when the same program with the same speakers are given in-state.**
- 2. Support for inclusion of flower farmers in any state organized advertising and or promotion of agriculture such as Taste NY or New York Grown & Certified.**
- 3. Floriculture continue to be considered an essential industry during times of pandemic and other emergency circumstances.**

## **GRAPE AND WINE PRODUCTS**

Grape growing is a vital part of New York's agriculture, and wine and grape products are of major importance to the state's economy, generating over \$6.5 billion in economic activity and supporting 71,000 jobs. New York has made great strides in the support of wine and grapes, and the continuing promotion of grape and wine products is essential to continued growth of the industry and its ability to contribute to New York's economy.

### **WE RECOMMEND:**

- 1. Continued funding for the New York Wine and Grape Foundation to support promotion and research.**
- 2. Funding for research to combat the spread of the Asian spotted lanternfly.**
- 3. No further increase in the excise tax.**
- 4. Support for legislation allowing the sale of wine in retail food markets.**
- 5. Continued support of virus testing of grapes, small fruit and nursery stock of Vitis at Cornell AgriTech; and establish virus indexing programs for nursery stock and small fruits.**
- 6. Seek to lower Canadian provincial tariffs on New York wines purchased by Canadian tourists visiting New York wine regions.**
- 7. Opposition to "at rest" and similar legislation which impedes and restricts the marketing of wine in New York.**
- 8. New York schools procure New York concord grape products to serve in schools.**
- 9. Support for supplemental funding for a sustainability certification program.**
- 10. Opposition to expansion of the bottle deposit.**

## MAPLE INDUSTRY

The maple industry in New York State contributes about \$32 million to the state's rural economy annually. Industry promotions and educational programs emphasize the unique features of maple products, the rich history of maple syrup-making, the authenticity and artisanal nature of sugar operations, and the contribution which the industry makes to Agri-tourism and to the quality of life for all New Yorkers.

### **WE RECOMMEND:**

- 1. Increased funding for the promotion and educational activities of the not-for-profit New York Maple Producers Association.**
- 2. Increased funding for the Cornell Maple Research and Extension program, which provides innovative technology, product development, and production research and education to the maple industry.**
- 3. Continuing financial support from state and other federal, philanthropic, and grants-based sources for the silvicultural maple specialist and a value-added-maple foods scientist as part of the Cornell Maple Research and Extension program.**
- 4. Forests (sugarbushes) utilized in the production of maple sap for pure maple syrup and value-added maple products should be explicitly designated as agricultural/agroforestry lands analogous to other recognized agricultural pursuits (i.e. row-crop agriculture, orchards, vineyard, nursery crops, etc.)**
- 5. Sugar and sap houses in active use should be considered by municipal codes as agricultural structures.**
- 6. Financial support for research on population controls, monitoring and eradication of all invasive species impacting the state's sugarbushes. (see Plant Industry Policy Section)**
- 7. Encourage all agricultural incentive programs from NYSERDA, Department of Agriculture and Markets and ESD recognize the energy efficiency opportunities in maple production and provide matching funding for producers' innovation and new equipment installations. Emphasis should be placed on technology and practices that reduce carbon footprint, increase production, enhance safety, and foster product development.**
- 8. Support for the development of standards and guidelines for issuance of multi-year permits that would provide for tapping maple trees on lands owned by the state by private producers with existing operations. It is our understanding the current leasing policy is formulated with timber harvest in mind and faces a restriction that leasing cannot be multi-year due to policy from the comptroller's office.**

## SHEEP INDUSTRY

The sheep industry in New York continues to grow despite a national declining trend and is one of only 4 states in the US in which there is an increase in both the number of sheep and in the number of sheep farmers. New York ranks 13<sup>th</sup> in lamb, wool, and sheep dairy production combined. As such, it supports the production of hay, feed, and other agribusinesses; and is keeping farmland in production across the state. With relatively low costs of entry and small acreage requirements, sheep farming is also attracting many young and beginning farmers.

### **WE RECOMMEND:**

- 1. Continued funding to assist with research, education and marketing that enables producers to take advantage of consumer demand and available distribution systems for locally-produced wool products and foods including sheep dairy products and lamb.**

- 2. Support for implementation of the New York Textile Act, including collaborative research and marketing projects being undertaken through partnerships among the Empire Sheep Producers Association, individual farms and fiber processing facilities, colleges and universities. These initiatives will link fashion and interior designers with New York-sourced, milled, and manufactured wool products to meet consumer demand for local farm products.**
- 3. Continued support and promotion of the New York State Sheep/Goat Health Assurance Program (NYSSGHAP) to increase the herd's/flock's health, productivity, and profitability, assure food safety, public health, and consumer confidence in animal agriculture and promote environmental stewardship.**
- 4. Support for New York State Fair Sheep Barn and Wool Center re-development. Reconstruction will allow programming to expand and, as a result, increase awareness of fair goers as to the value NYS's sheep industry adds to their lives and to the state's economy.**
- 5. Have all New York state-owned facilities that sell wool products and textiles to have a preference for selling New York State manufactured wool products and textiles.**

## **TURFGRASS INDUSTRY**

The New York turfgrass industry is large and multi-faceted. It serves the functional and recreational demands of the populace, beautifies the landscape and greatly improves the quality of life for citizens. The turfgrass industry contributes \$5.1 billion to the state economy. Increasing consumer demand on turf managers for perfection has coincided with increased public awareness of environmental protection. Turf managers require research to equip them to meet stringent demands of consumers while maintaining the ideals of environmental stewardship.

### **WE RECOMMEND:**

- 1. The state continue a financial commitment to the turfgrass industry by funding an annual line item in the budget for the Turfgrass Environmental Stewardship Fund for research, outreach and education.**
- 2. Golf course maintenance and residential/commercial lawn care should be considered essential services.**
- 3. Support for state funding to improve turfgrass research facilities to ensure the continuation of cutting-edge research beneficial to the industry.**
- 4. Support for an updated Turfgrass Survey.**
- 5. Support for golf courses being exempt from any regulation and legislation banning the use of neonicotinoids.**

## **VEGETABLE INDUSTRY**

New York has a dynamic vegetable industry comprised of both fresh and processing vegetable growers. Public policy efforts should be dedicated towards continuing the growth of this industry by capitalizing on recent consumer interest in locally grown and healthy eating, and support of related processing and distribution channels.

### **WE RECOMMEND:**

- 1. Support funding for research in controlling and fighting Phytophthora Blight and Downy Mildew as a line item in the budget.**
- 2. Adequate support for research into vegetable diseases, weed control and other pests.**
- 3. Adequate support for efforts to increase New York grown vegetable consumption through state and local institutions.**

4. Support for refilling and maintaining key faculty and extension positions at Cornell.
5. Adequate support for research on new herbicide active ingredients to reduce reliance on older less environmentally friendly products.
6. Increased support for an “Action Plan” to deal with Potato Late Blight (*Phytophthora infestans*).
7. The Department of Agriculture and Markets seek federal support and funding for New York scientists and researchers working against this global disease.
8. Support the following organizations continuing to work together to develop strategies for combating Potato Late Blight (*Phytophthora infestans*): Departments of Agriculture and Markets and Environmental Conservation, Empire State Potato Growers, USDA, EPA, Cornell University, the National Potato Council and others.
9. Continued support for the Golden Nematode control program at Cornell and Department of Agriculture and Markets, to ensure all root vegetable crops can be shipped across state lines.

----- AGRICULTURAL BUSINESS CLIMATE -----  
**AGRICULTURAL TRADE ISSUES**

In an international marketplace, trade plays an essential role in all agricultural markets today. While trade agreements and relationships are maintained on a federal level, there remain actions that the state can undertake to encourage healthy trade relations for New York farmers.

**WE RECOMMEND:**

1. The state support efforts to resolve trade issues that negatively impact New York agricultural industries.
2. New York take immediate, appropriate, and legal action available to ensure all Canadian goods entering the U.S. meet and abide by the strict requirements set forth in all federal trade agreements and New York law in response to unfair trade practices being imposed on U.S. goods entering Canada by the Canadian government.
3. The state consider the needs of all agricultural commodities during trade negotiations and disputes.
4. The Department of Agriculture and Markets take a lead role in identifying issues related to cross border trade with Canada and ensure laws and codes are enforced.
5. Support for rapid resolution of current trade disputes and return to multinational trade agreements.
6. Support to ensure all commercial vehicles coming from Canada comply with new electronic tolling systems.

**ENERGY**

The energy problem facing the state and nation requires conservation and the development of alternate renewable energy sources. The northeast is very dependent upon energy supplies from outside the region. Energy plans should emphasize conservation, yet not inequitably burden agriculture with increased energy costs. Biofuels are an important domestic source of renewable energy and can be used as a clean fuel in vehicles (E85).

**WE RECOMMEND:**

1. Public policy guiding the development of large-scale solar installations that incentivizes siting away from actively farmed lands and high-quality agricultural soils. Further, actively farmed lands and those containing soils Classifications 1-4 should be avoided for solar installations whether in an agricultural district or not.
2. Establishment of best practices guidelines for farmers and large-scale developers that will assist in

finding the most suitable installation locations that minimizes impact on agricultural activities and soils. Such BMPs when adopted through public policy can provide an expedited review process for developers on farmland.

3. Establishment of a low carbon fuel standard in New York that creates market incentives to develop and grow renewable natural gas production on New York dairy farms.
4. Support for research and incentives that provide proof of concept for Agrivoltaics in New York or dual use of the same parcel for solar and bona fide agriculture, including crops and livestock.
5. Support for prioritizing siting on rooftops and previously disturbed lands such as brownfields and landfills through incentives first before siting on greenfield locations.
6. Requiring that power companies ensure the infrastructure is in place to encourage economic development.
7. The executive and legislative branches review and reduce excessive taxes on utility bills.
8. State government support of the use of E85 in New York State by:
  - a) encouraging the Office of General Services and all authorities to include E85 vehicles/ fuel in its bid contracts,
  - b) working with farmers, ethanol suppliers/distributors, state agencies, authorities and municipalities to target sites for infrastructure development to support agency fleets large enough to create sufficient demand for E85.
9. Support for NYSERDA's Agricultural Energy Efficiency Program.
10. Support for biofuel, solar and wind producer tax incentives and other measures to promote the use of renewable energy.
11. Support for efforts to establish ethanol and biodiesel production facilities in New York.
12. Support for tax credits to incentivize the establishment of necessary infrastructure for providing biofuels to the general public.
13. Support for a property tax credit to offset land preparation costs for growing energy feedstocks.
14. Electricity produced by on-farm anaerobic digester generators (ADGs) should be valued at a rate that sustains current facilities and incentivizes growth. Rules governing demand charges, imposed on farms with anaerobic digesters, should reflect the consistent high-performance level of ADG power when determining the monthly demand charge.
15. Support of drilling for natural gas, so long as appropriate safeguards for drinking and ground water are developed and appropriate, and strict enforcement/oversight is conducted by the Department of Environmental Conservation.
16. Support for continued landowner operation of existing noncommercial self-use gas wells in compliance with existing regulations.
17. Support for compensation for the value of methane destroyed as a function of generating renewable energy from anaerobic digesters (ADGs). Such compensation would complement the current net metering or Value of Distributed Resources (VDER) programs by compensating ADGs for the environmental attribute of reducing methane, a greenhouse gas 34 times more potent than carbon dioxide.

## REAL PROPERTY TAXATION

Property taxation places an inequitable burden on the farm community in New York. Inequalities in the application of the property tax on farms and the services it funds need to be addressed. Ownership of property is not an equitable measurement of one's ability to pay taxes, nor does it reflect the owner's obligation to support or demand for public services.

### **WE RECOMMEND:**

- 1. Support for meaningful mandate relief for local governments and school districts to give them the flexibility to control spending to meet the annual property tax cap.**
- 2. Adequate and equitable state funding of rural school districts.**
- 3. Strengthening the staff at the agricultural assessment unit currently within the Department of Tax and Finance. Further, we support the relocation of the unit to the Department of Agriculture and Markets.**
- 4. Town assessors and revaluation contractors receive training to ensure farm properties be assessed at their current use and not be assessed a value at their highest and best use.**
- 5. Support for an adequately funded and fully appointed Governor's Advisory Council on Agriculture. Further, we recommend that the Council review the current agricultural assessment formula and make recommendations that will enhance the program's responsiveness to New York farmers.**
- 6. Local taxing jurisdictions be required to tax farm property based on agricultural assessment values. Further, farmland should be exempt from fire district assessments.**
- 7. Town assessors accept a letter from tax professionals when verifying farm income to qualify for an ag assessment.**

## FARMLAND PROTECTION AND RETENTION

To ensure that New York's agricultural economy thrives, agricultural lands must be protected from urban encroachment and other threats. Profitability and agricultural economic development are key to keeping farmland in production.

### **WE RECOMMEND:**

- 1. High quality agricultural soils should be considered "irreplaceable" and receive similar protection as wetlands in context to infrastructure siting by utilities. These soils should also be lower priority, or disincentivized, for hosting solar energy projects, particularly large-scale projects, through state and local policy.**
- 2. A comprehensive examination of the Eminent Domain Procedures Law to ensure that government is able to carry out its duty and responsibility to the people of the state while respecting and balancing individual rights.**
- 3. Support for requiring an agricultural impact statement when any land within an agricultural district, is considered for taking under eminent domain.**
- 4. Increased funding for farmland protection within the Environmental Protection Fund (EPF).**
- 5. Support for a streamlined process at the Department of Agriculture and Markets that accelerates the timeline from PDR project approval to landowner payment from the EPF.**
- 6. Support for legislation creating a tax credit to landowners who sell or rent their agricultural land to a beginning or new farmer.**
- 7. Support funding for the Farmland for a New Generation New York program.**
- 8. Solar development and the aggregate value of solar lease payments should be utilized as potential development value, when property is appraised for PDR values or similar farmland preservation programs.**

## **TRANSPORTATION AND HIGHWAY SAFETY**

Maintaining a modern transportation infrastructure and dealing with highway safety problems facing New York are of importance and concern for farmers and agribusiness.

### **WE RECOMMEND:**

- 1. Support development of a Department of Transportation plan to maintain appropriate bridges, in order for farmers to be able to move their farm equipment and transport their farm commodities to the marketplace.**
- 2. Opposition to any state, city or municipal ordinance, law, regulation, or mandate which would prohibit using public roadways for distribution of any consumable food product at any time of day or night to any processing, manufacturing, distribution, wholesale, retail, foodservice, school, hospital and nursing home locations, where consumers purchase or consume food.**
- 3. Support creating a designation that employers can provide agricultural and food manufacturing employees allowing them to travel during state and locally mandated travel bans to ensure the continuity of our food supply during emergencies. Providing this designation would not allow employers to require employees to report to work, but rather as proof to local law enforcement that they are permitted to travel.**
- 4. Opposition to new policies and regulations that would prohibit legal transportation of goods by privately owned commercial large trucks of any size on state roadways.**
- 5. During travel bans, after emergency and other vehicles critical to public safety and well-being, vehicles associated with transporting, processing, or distributing perishable agricultural products should be given priority on roads.**
- 6. Appropriate state agencies work with agriculture to analyze railroad abandonments/mergers.**
- 7. Continuing the Department of Transportation plans for the preservation of rail services essential to agriculture.**
- 8. Support for the Consolidated Highway Improvement Program (CHIPS), highway maintenance or any new program for highway improvements.**
- 9. Roadside safety inspections conducted by local law enforcement agencies in cooperation with the Department of Transportation be encouraged to use Commercial Vehicle Safety Association (CVSA) identification stickers as a sign of a vehicle's record of roadside inspection and compliance.**
- 10. Agricultural equipment be governed by the same regulations governing bulk agricultural commodity implements provided they adhere to the Slow Moving Vehicle (SMV) law.**
- 11. Opposition to New York State Thruway toll increases for commercial vehicles.**
- 12. Support for reduced tolls on designated trucks hauling agricultural products across toll roads, bridges, and tunnels.**
- 13. Support for exempting self-propelled agricultural equipment for Highway Use Tax (HUT), state inspection and any DMV registration other than as special-commercial.**
- 14. Support for an agricultural exemption for the electronic logging device.**
- 15. Support for an amendment to the Vehicle and Traffic Law changing the definition of motor vehicles as it relates to farm tractors and self-propelled agriculture equipment from used "exclusively" to used "primarily" for agricultural purposes.**

----- **AGRICULTURAL EDUCATION, RESEARCH AND EXTENSION** -----  
**NEW YORK COLLEGE OF AGRICULTURE AND LIFE SCIENCES**

The College of Agriculture and Life Sciences (CALs) at Cornell University is one of four statutory colleges supporting the land grant mission in New York. CALs' role is to support agriculture and food systems research and innovation, nutrition, life and social sciences, and, as statewide administrators of the Cornell Cooperative Extension system, ensure the transmission of research-based knowledge into New York communities. CALs is consistently ranked in the top five in the world among global research universities, for scientific discovery and teaching in the area of plant and animal sciences. This critical expertise directly supports the New York State farm and food industries.

**WE RECOMMEND:**

- 1. A substantial increase in SUNY operational funds specific to the land grant mission and the statutory colleges, to ensure that CALs can refill, maintain, and hire key faculty to aid in teaching, research, and extension.**
- 2. Additional state support to CALs to maintain research farm locations critical to providing cutting edge research and development to New York farmers, such as Cornell AgriTech in Geneva, the Hudson Valley Research Lab, etc.**
- 3. An increase in SUNY capital funding specifically to support critical infrastructure needs in the farm, food processing and craft beverage areas, as well as student research and teaching infrastructure.**
- 4. Establishment of a Plant Sciences Innovation Center at Cornell University, catalyzing new innovations in plant metabolomics for better plant varieties and serving as an incubator for new plant-based businesses.**
- 5. Support for the Northeast Center for Excellence for Vector Borne Diseases at Cornell.**

**SUNY COLLEGES OF AGRICULTURE AND TECHNOLOGY  
AND COMMUNITY COLLEGES WITH AGRICULTURE RELATED PROGRAMS**

The global food system is rapidly changing along with increased demand for professionals who understand the processes, businesses and policies from farm to plate all over the world. The green industries and outdoor living are of increasing economic importance to the state. The agricultural and technical colleges and community colleges within the State University of New York (SUNY) system are uniquely suited to training these professionals because of their commitment to market-relevant, experiential education. These colleges require strong financial and administrative support from the SUNY system in order to continue to cultivate innovation through intimate exposure to real-world challenges that farm, food businesses and the green industries face and their students live and learn among state-of-the-art technology and facilities.

**WE RECOMMEND:**

- 1. Increased SUNY Capital Funding targeted specifically toward agricultural and food processing program equipment critical to the maintenance of existing programs and development of new agriculture technology programs.**
- 2. Adequate SUNY funding for academic personnel and other necessary resources to support agricultural education, technology, workforce and economic development.**
- 3. Increased funding that better connects youth with higher education and career pathways in agriculture by developing more educational opportunities, such as the Agricultural P-Tech program, throughout New York.**
- 4. Support for strengthening the connections of college agricultural programs with New York agricultural industries and organizations (ie: John Deere, CAT, PAS) to ensure the development of an appropriately trained workforce.**

## **NEW YORK STATE VETERINARY DIAGNOSTIC LABORATORY**

The health and well-being of the livestock and poultry sector, which represents over 70% of our agriculture industry in New York, are protected by services solely provided by the Veterinary Diagnostic Laboratory at the New York State College of Veterinary Medicine at Cornell University. Primary funding for the laboratory is through the Department of Agriculture and Markets. Services provided by the Diagnostic Laboratory make possible the diagnosis, control, suppression, eradication and prevention of diseases of all animals of the state.

Programs include services that provide rapid and accurate detection and characterization of highly infectious diseases like foot and mouth disease, African swine fever and classical swine fever and currently high pathogenicity avian influenza (HPAI); animal diseases that also may affect humans like SARS-CoV-2, avian influenza, Salmonella Dublin infection, and Lyme disease; and diseases that year after year cause high economic losses like mastitis addressed by Quality Milk Production Services (QMPS) and Johne's disease in dairy cows that also are addressed within the NYS Cattle Health Assurance Program (NYSCHAP). The NYSVDL also detects and measures antimicrobial resistance in disease agents, helps reduce usage of antibiotics in food production (QMPS), and characterizes SARS-CoV-2 from animals and humans and animal influenza isolates from animals from New York State for early detection of introduction and mutations of viruses that endanger human and animal populations. The Forensics Program at the NYSVDL is responding to continually increasing demand by law enforcement for forensic necropsies that require extensive case workup under rigorous chain of custody for determination of cause, manner and mechanism of death, timing of injuries and degree of suffering, with review of police reports, statements of witnesses, crime scene photographs, postmortem radiographs and toxicology reports.

### **WE RECOMMEND:**

**1. Maintaining the budget allocation for the New York State Veterinary Diagnostic Laboratory (NYSVDL) programs to meet current and future operational needs.**

## **NEW YORK STATE COLLEGE OF VETERINARY MEDICINE**

It is important that the New York livestock and equine industries remain competitive through the improvement of animal health and productivity. There is a need to enhance veterinary education on livestock, particularly dairy cattle, equine and regulatory medicine and provide veterinary practitioners for rural communities. Class size at the College of Veterinary Medicine at Cornell is increasing to fulfill those needs.

The Summer Dairy Institute (SDI) at Cornell University offers fourth year veterinary students and recent graduates an intensive six-week course in advanced production medicine methods. Academic support comes from Cornell University, including CALS, Pro-Dairy and Cornell Cooperative Extension, other universities and guest faculty. The SDI is supported financially by grants, scholarships, contributions from the industry and participants.

### **WE RECOMMEND:**

- 1. Support for increased operating funds for the College of Veterinary Medicine to accommodate increased class size. Particular emphasis should be placed on graduating a larger number of veterinarians to serve the needs of New York's animal agriculture industries and rural communities.**
- 2. Support for funding for the Summer Dairy Institute, to enhance education on the practice of dairy cattle production medicine.**

- 3. Support for legislation to amend the New York State Education Law to create a large animal rural veterinary education loan forgiveness program.**
- 4. Broad based funding for a residence training program in diagnostic medicine at the New York State Veterinary Diagnostic Laboratory.**

### **THE CORNELL COOPERATIVE EXTENSION SYSTEM**

Cornell Cooperative Extension is a unique county, state, and federal partnership combined with the strengths of Cornell University's research and teaching capacity. Designed to transmit research-based knowledge into local communities, Cornell Cooperative Extension plays a critical role in fostering farm and food economic development, agricultural youth development through 4-H, and community betterment in the form of nutrition and energy education.

#### **WE RECOMMEND:**

- 1. An increase in County Law 224 funding in the SUNY budget, which would ensure that local extensions receive a much-needed financial boost.**
- 2. Maintaining and increasing County Law 224b funding in the SUNY budget, to assist in direct support for the operations of regional farm teams and Harvest New York extension personnel.**
- 3. Maintaining and financially supporting the regional team approach to extension, ensuring that farmers have access to well qualified experts in different commodity areas of importance to New York agriculture.**
- 4. Support for the 4-H youth development program, and locally based agriculture in the classroom educators to provide experiential learning in agriculture and the STEM disciplines directly in the classrooms.**

### **PRO-DAIRY MANAGEMENT PROGRAM OF CORNELL COOPERATIVE EXTENSION**

The Pro-Dairy Management Program is an important resource for continuing education and individualized feedback and assistance including bilingual courses for all dairy farm workers and owners. Maintaining and improving this critical asset is crucial for ensuring affordable access to continuing education in areas of animal agriculture that emphasize proactive and preventive approaches to cattle health issues as a means to ensure a safe milk and meat supply, and also in areas of sustainable agriculture such as waste handling/treatment systems and on-farm climate adaptation strategies aimed at mitigating today's environmental challenges. Education is provided in animal welfare, calf and cow nutrition and feed management, safe and clean management of the milking parlor and cattle environment to avoid mastitis that also helps reduce antimicrobial usage. In addition, Pro-Dairy has demonstrated timely adaptability by providing education on emerging issues through its offering of vital information for dairies managing cattle and financial stress during a pandemic. Pro-Dairy has worked with farm managers to improve the New York dairy industry's competitive position through improved management and greater technical skills resulting in cost savings and additional milk production per cow.

#### **WE RECOMMEND:**

- 1. Increased funding for the Pro-Dairy and Dairy Advancement program.**
- 2. Support for the Climate Leadership Specialist within Pro-Dairy.**

## **CORNELL AGRITECH AT THE NEW YORK STATE AGRICULTURAL EXPERIMENT STATION**

The New York State Agricultural Experiment Station is a component of the College of Agriculture and Life Sciences at Cornell that has a unique capacity for conducting research and extension that directly impact the NY state economy. Programs focus on expanding food systems through development of new fruit and vegetable varieties, improving crop production practices, managing devastating pests and diseases and assisting state farm and food businesses in production of safe and profitable value-added products.

### **WE RECOMMEND:**

- 1. The establishment of an annual capital fund for Cornell AgriTech to ensure that land grant research and development farm, laboratory and building infrastructure is revitalized and modernized to meet New York farm and food system needs.**
- 2. Continued support for the Center of Excellence in Food and Agriculture Innovation at Cornell AgriTech, with a focus on increasing economic opportunities throughout New York.**
- 3. Support for the establishment of an agritech accelerator program, and start-up incubator space at Cornell AgriTech.**

## **AGRICULTURAL EDUCATION**

Agriculture education programs in New York play five important roles - public education on food, fiber and natural resource systems, K-12 education, college and university ag science programs, preparation and certification of ag teachers, and ag workforce education and leadership development. There is a growing need to explain agriculture and food systems to the general public and to youth as fewer people live on or near farms. There are approximately 230 secondary agriculture education programs in the State, over 8,000 students active in FFA, and 400,000 students impacted by Agriculture in the Classroom programming. The availability of certified agriculture teachers is essential to the continuation of these programs, yet there is a current critical shortage of certified agriculture teachers. Rapid changes in agriculture and food systems increase the need for continuing education which will enable individuals in the food and agriculture workforce to implement new technologies and methodologies.

### **WE RECOMMEND:**

- 1. Support for increasing the capacity of all agriculture education teacher certification programs in New York to recruit, train and retain agriculture teachers to meet the growing demand for agriculture education in New York's public schools.**
- 2. Support for the designation of agricultural education as a critical teacher shortage area thus making ag teachers eligible for the Federal Family Education Loan (FFEL), Federal Supplemental Loans for Students (SLS) and for cancellation of up to 100% of debt under the Federal Perkins Loan Program (34 CFR 674.53(c)), and teaching obligation fulfillment for recipients under the Teacher Education Assistance for College and Higher Education (TEACH) Grant Program (34 CFR 686).**
- 3. Continued funding in the state budget for the Agricultural Education Outreach Program housed at Cornell University, which coordinates pre-K through grade 12 agricultural education through Agriculture in the Classroom, FFA, professional support to the New York Association of Agricultural Educators, and Urban Agricultural Education. Agriculture programs offer relevance to core academic concepts as they are applied to the food and fiber systems and prepare students for high-demand, high wage careers and higher education in agriculture. We support continuation of the funding program established that assists school districts and career and technical education centers to establish new or expand existing agricultural education and FFA programs guided by the Agricultural Education and New York FFA strategic plan.**

**4. Establishment of a New York State Commission for Agricultural Education through the Department of Agriculture and Markets, and the Department of Education.**

**We encourage the Department of Education to require the inclusion of agriculture education in schools at each grade from level K-12 and encourage the use of relevant STEM (Science, Technology, Engineering and Math) based curriculum that meets and exceeds current state education standards.**

**5. Continued support for the Empire State Food and Ag Leadership Institute (LEAD-NY), at Cornell CALS.**

**6. High school career counselors include promotion of agriculture careers and post-secondary agricultural education.**

**7. Support for comprehensive agricultural education programs that include classroom/lab instruction, supervised agricultural experiences and FFA chapters. FFA is integral to the instruction of agricultural education by developing premier leaders, personal growth and career success.**

## **NORTHERN NEW YORK AGRICULTURAL DEVELOPMENT PROGRAM**

The Northern New York Agricultural Development Program supports food production industries in the St. Lawrence and Lake Champlain regions of the state. Research and education funded through this project will support this industry and encourage its future development, improve overall production efficiency, and enhance its ability to contribute to rural and urban citizens of New York.

### **WE RECOMMEND:**

**1. Support for the Northern New York Agricultural Development Program.**

## **INTEGRATED PEST MANAGEMENT**

Integrated Pest Management (IPM) is a sustainable approach to managing weed, insect, plant disease, vertebrate and other pests by combining biological, cultural, physical, and chemical tools to minimize economic, health, and environmental risks. IPM programs provide safe and effective pest management options for both the agricultural and non-agricultural sectors of the state.

### **WE RECOMMEND:**

**1. Increased funding for the Agricultural IPM Program to ensure continuation of IPM research and extension programs that address pest problems of livestock and field crops, vegetables, fruits, hops and ornamentals.**

**2. Adoption of the following definition of IPM for New York State: Integrated Pest Management (IPM) is a sustainable approach to managing pests by combining biological, cultural, physical, and chemical tools to minimize economic, health, and environmental risks.**

**3. Maintenance of full funding for the Community IPM program to ensure that the large non-agricultural sector in the state has sustainable pest management tools that address pest problems in schools, homes, landscapes, wherever our state's citizens work, live and play.**

**4. Development of integrative learning tools to help maintain availability of qualified professionals for integrated pest management.**

## NEW YORK FARMNET

FarmNet provides farm families with a network of contacts and support services to help them deal with significant life challenges and transitions through personal education, confidential consulting and referral. It targets New York farmers who have financial or personal problems or require assistance to transition into or out of farming.

### **WE RECOMMEND:**

- 1. Support for state funding for the FarmNet program at a level based on the demand for program services.**
- 2. Support for New York FarmNet's Integrated Business and Succession Planning.**
- 3. Support for New York FarmNet's targeted efforts to assist farm families with stress management and counseling.**
- 4. Recognition and support for FarmNet as a critical mechanism for delivering mental health services to farm families in rural communities.**
- 5. Support for training of agri-service professionals, including Cornell Cooperative Extension on recognizing signs of farmer stress and identifying appropriate referrals.**

## ----- AGRICULTURE AND THE ENVIRONMENT ----- PEST CONTROL

Pest control products have made it possible for farmers to produce abundant, high quality food at affordable prices and help protect public health. Decisions that impact pesticide use must be based on sound science that employs risk-benefit analysis so as to protect the environment and the ability to farm effectively.

### **WE RECOMMEND:**

- 1. Opposition to legislative efforts to ban pesticides.**
- 2. Opposition to efforts to allow localities to regulate pesticides.**
- 3. Funding pest management education and services provided by the DEC and Pesticide Management Education Program.**
- 4. New York accept the U.S. Environmental Protection Agency's pesticide product registration and labeling decisions as the sole basis for product use in the state. Until such time, DEC should prioritize the review of new active ingredients, as they often offer superior pest control properties and reduced environmental impacts.**
- 5. Continuation of the New York State Pesticide Registration Guidance Law and the pesticide registration fee program at current fee levels.**
- 6. The use of crop protectants should be determined by the Department of Agriculture and Markets in collaboration with the Department of Environmental Conservation, and not through state or local legislative initiatives or actions by the Attorney General's office.**
- 7. Opposition to any pesticide use database established without sound scientific justification.**
- 8. Fees collected for pesticide and business registration, applicator certification, and permits should remain in the DEC Bureau of Pesticides and be used to expedite the registration of pesticides and enhance applicator training.**
- 9. Opposition to the state adopting residue tolerances for pesticides more stringent than federal tolerances.**
- 10. Support for posting and notification requirements as outlined by the Federal Worker Protection Standard without additional regulations imposed by the state.**

11. **Repeal of the Neighbor Notification Law and substitution of a voluntary statewide registry for commercial applicators to achieve practical off-site notification without expanding notification requirements to producers of agricultural commodities.**
12. **The DEC and the Health Research Science Board at the Department of Health solicit the agricultural community’s input on research projects/grants related to the Pesticide Reporting Law.**
13. **The DEC adopt agency directives and technical guidance that encourages the best use of pesticides in the control of destructive pests in crop production and on grounds, trees and shrubs.**
14. **Pesticides registered for use in New York State may be used by commercial applicators in a dosage, concentration, or frequency less than that specified on the labeling unless the labeling specifically prohibits such use,**
15. **Reasoned science-based approach to neonicotinoid pesticides with emphasis on consumer education.**
16. **Support for funding to continue implementation of the Senate Task Force on Lyme and Tick-Borne Diseases; recommendations for a state action plan to enhance research, prevention, diagnosis and treatments for harmful tick-borne illnesses; and for the Health Department to implement an action plan that incorporates the Task Force recommendations.**
17. **Opposition to the state duplicating federal regulation of pesticide products applied as coatings to seed.**

## **INVASIVE SPECIES**

Invasive Species introduced into New York State from around the globe are affecting plant and animal communities on farms, parks, waters, forests, coasts and backyards. As global climate patterns shift, the distribution of species will change, and so will the susceptibility of particular habitats to the impacts of new species introductions. Human activity such as trade, travel and tourism have all increased substantially, increasing the speed and volume of species movement to unprecedented levels. Invasive species are often unintended hitchhikers on cargo and other trade conveyances. Still more species are deliberately introduced as pets, ornamental plants, crops, food, or for recreation, pest control or other purposes. Most nonnative species, including most of our sources of food and fiber, are not harmful; and many are highly beneficial. A small percentage of nonnative species cause great harm to the environment, the economy or human health. Nonnative species that cause harm are collectively known as invasive species.

### **WE RECOMMEND:**

1. **Support for the Invasive Species Advisory Committee as described and established pursuant to Title 17 of ENV. Law –Invasive Species Council and suggest that the department consider representation from the IPM Program and the Health Department.**
2. **DEC “Deliver” notice to all eight DEC Partnership for Regional Invasive Species Management (PRISM) regions of the state, to interested parties, and to all member-organizations and agencies of the invasive species advisory committee, the list of potential species to be considered prior to departments’ review and publishing in the *State Register* and *Environmental Notice Bulletin*, pursuant to the classification system of 6 CRR-NY V C 575 of current regulation**
3. **Support for an agriculture invasive species Eradication Grant Program, administered by the Department of Agriculture and Markets.**
4. **Support for appropriate funding, staffing and adequate administration of the review process for petitions of candidates for non-invasive plant cultivar–to the list of regulated plants as per NYCRR Part 575.8 (a)(4).**
5. **Woody perennial plant species of “Terrestrial Cultural Communities” widely distributed and maintained on private or public property in various regions of the state for any beneficial use such as; food, carbon sequestration, stormwater management, shade and air purification, and not harmful to the environment when managed, NOT BE LISTED AS “PROHIBITED” and unlawful to possess.**

6. Funding to provide rapid response to discoveries of plant and animal pests that pose a significant agricultural threat or will impede the movement of agricultural goods in commerce.
7. Funding for science-based prediction, detection, GIS mapping, education, management, and control of invasive species.
8. Maintaining support for the Invasive Species Institute at Cornell and Cornell Cooperative Extension, that respond to the needs of agricultural and production issues.
9. Stricter surveillance at Canadian and state borders and New York's ports of entry for species that have a high probability to become invasive.
10. That the Commissioners, when listing species, consider only species with Very High (VH) invasiveness ranking and exclude any sub-species and cultivars of non-native species that do not have VH invasiveness when implementing the socio-economic evaluation.
11. Regulatory programs that document, establish, prioritize, and enforce regulated species also identify the statewide methods of informing new technical guidance for sellers, service providers and end users of best management practices of non-native species. In addition, verified information on potential benefits, as well as negative environmental, economic or human health effects should be provided at The New York Invasive Species – Clearinghouse Cornell Cooperative Extension Invasive Species Program (<http://nyis.info/>).
12. Opposition to the Tree-SMART initiative.
13. Support for new additions to the invasive species plant list be evaluated for their economic impact.

**NYS DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION**

New York farmers and agribusinesses are dedicated to environmental protection. Sound environmental practices are a key to successful farming and part of traditional good management. Farmers and food processors that may be threatened by having recreational or industrial development proximate to farmland, also have a need for adequate protection for normal farming practices.

**WE RECOMMEND:**

1. Support for an expansion of recycling programs, but opposition to Extended Producer Responsibility (EPR) legislation without an exemption for agricultural and food products packaging. Any potential new EPR law for NYS should be required to undergo extensive stakeholder review and comment, especially including material input from the agriculture sector.
2. Repeal of the state pesticide reporting law.
3. Opposition to reintroduction of moose, rattlesnakes, wolves, cougars, and elk in New York.
4. DEC provide funds for wildlife control measures, including but not limited to fencing and contraceptives/repellents, to minimize damage to agricultural crops and danger to animal and human health.
5. Opposition to the Attorney General taking independent legal action against agriculture outside the normal regulatory enforcement process.
6. Continued funding for the Clean Sweep Program.
7. Opposition to any unworkable restrictions on the use of outdoor wood boilers in New York.
8. Requiring all local governments, that seek to enact environmental standards more stringent than current state standards, employ the following actions:
  - a. Provide notice of all hearings and workshops on proposed environmental standards in the Environmental Notice Bulletin (ENB).
  - b. Provide a peer reviewed scientific report, supporting the proposed environmental standard, to the public and all pertinent state agencies.
  - c. Complete the Full Environmental Assessment Form when satisfying SEQRA Act requirements.

9. Support funding for the Long Island Pesticide Pollution Prevention Strategy.
10. Support for pesticide certification credits to be available on weekends.
11. DEC Bureau of Pesticides transition to a digital system to accept applications for Certified Applicator testing, credits, and attendance records, such as QR codes and smartphone apps.
12. Support for a 21-day review period for pesticide applicator credit requests.

## **PROTECTION OF WATER RESOURCES**

Water protection is a public health and natural resource issue. A major challenge is to properly classify groundwater for its intended use. Another challenge is to use sound management practices to protect against groundwater contamination.

### **WE RECOMMEND:**

1. Support for continuing the current membership on the soil and water conservation boards of directors, as defined in state statutes, and continued funding in the New York State Environmental Protection Fund at current inflation-adjusted or increased levels within the inflation-adjusted budgeted amount to the district.
2. Opposition to any alteration to state law that would change the mission and function of the Soil and Water Districts without input from County Boards of Supervisors, county legislatures, New York Farm Bureau, New York State Grange, Department of Agriculture and Markets, and the four-way partnership (NRCS, NYACD, the State Committee and the Employees Association) of the Soil and Water District system.
3. That no restrictive standards for chemicals in groundwater be established without scientific basis.
4. Opposition to control over agricultural use of surface or groundwater resources by permit and opposition to a fee provision for agriculture.
5. Support for adequate funding of Soil and Water Conservation Districts.
6. Support for amending Soil and Water Conservation District law to allow the state to reimburse Districts for a portion of their rent, building expenses, and utilities.
7. Support for amending the Executive law to allow Soil and Water Conservation Districts, acting in cooperation with a local government, to be eligible applicants to the EPF's Local Waterfront Revitalization Grant Program.
8. Department of Environmental Conservation implement and enforce Phase II Stormwater regulation guidelines but that no other local authority establish restrictive standards without scientific basis.
9. Opposition to any proposed fees for the water withdrawal program.
10. Creation and implementation of a voluntary management plan, for the residential and commercial landscape industry that will prescribe best management practices to ensure the integrity of our soil and water resources, particularly those on Long Island, incorporating existing industry stewardship efforts.
11. Opposition to the mandated collection of runoff greenhouse water.

## **ENVIRONMENTAL LIABILITY**

The liability of farmers and agribusinesses for environmental contamination from the use of agricultural chemicals is a potentially devastating burden for a producer and for agriculture. A fair standard of liability will recognize the farmers' role as a user of agricultural chemicals, and the important role agribusiness plays in the production of the necessary farm commodities.

### **WE RECOMMEND:**

1. Opposition to legislation allowing citizens the right to sue for alleged violations of conservation laws.
2. Landowners not be held liable for chemical contamination caused by a previous landowner or tenant.

3. That no landowner, applicator or business be held liable for contamination of land or water by chemicals that were properly used for agricultural purposes according to existing laws and instructions as set forth on the product label at the time of application.
4. With respect to the land application of wastewater and sludge, that:
  - a. Any policy, contract or agreement addressing the application of waste on farmland permit voluntary participation by farmers; afford participating farmers flexibility in the amount and timing of applications; provide economic incentives for the adoption of new or improved techniques for handling wastewater and sludge; and require certification by waste handling authorities that heavy metals and other non-degradable materials have been removed from the waste.
  - b. Farmers and landowners not be held liable for any contamination of land and water resulting from approved land application of municipal waste, and that public monies be used to clean up any such contamination and to indemnify the farmer or landowner against any loss.
  - c. Any approved land application program indemnify farmers for any crop or livestock losses sustained because of components in the waste or because of governmental regulation affecting the marketability of crops grown or livestock pastured on treated land.
5. Support for the Department of Environmental Conservation to establish a training program to foster awareness of laws, rules and regulations pertaining to agriculture.

## **ANIMAL NUTRIENT MANAGEMENT**

The United States Department of Agriculture and the Environmental Protection Agency have developed a Unified Animal Feeding Operations Strategy calling for all animal feeding operations to develop and implement comprehensive nutrient management plans. Concentrated Animal Feeding Operations (CAFOs) are required to develop nutrient management plans and get permits under the authority of the Clean Water Act. The Department of Environmental Conservation has developed a general permit for animal feeding operations.

### **WE RECOMMEND:**

1. Increased funding for the agricultural nonpoint source abatement program within the Environmental Protection Fund.
2. Support for a linked deposit program to provide assistance to agricultural producers through reduced interest rate loans for environmentally related projects to be administered through Farm Credit and other commercial lenders.
3. Continued support for the Agricultural Environmental Management (AEM) Program which provides:
  - a. Financial assistance for farmers to develop plans and implement economically achievable site-specific best management practices.
  - b. Cost sharing, technical assistance and educational resources necessary for the success of this program.
  - c. Incentives for government agencies to work together and with academia and the private sector to ensure simplicity and coordination.
4. Any regulations related to animal feeding operations, including those related to nutrients, chemicals and pathogens, should be based on sound science.
5. Clarification to the definition of “point source” pollution to exclude runoff as a result of natural drainage patterns on agricultural land and from manure spreaders.

## CLIMATE CHANGE AND EXTREME WEATHER

Climate change is projected to have major implications for agriculture in New York, including a longer and hotter growing season, less snowfall, more extreme rainfall events and other significant weather challenges. New York has already gained five additional growing degree days over the past decade, which has implications for crop production, including double cropping. While climate change will bring challenges, opportunities will accrue in the form of new markets and new crop possibilities.

### **WE RECOMMEND:**

- 1. Support for the development of a policy framework to reach the economy-wide net zero goals of the CLCPA that actively pays farmers for practices that provide ecosystem services and technologies that sequester or reduce GHG emissions.**
- 2. Support for the Climate Resilient Farms program administered by Soil and Water Conservation Districts and the Department of Agriculture and Markets, to help farmers gain access to resources to mitigate greenhouse gas emissions while adapting to climate change.**
- 3. Collaborative engagement with Cornell Cooperative Extension's Disaster Education Network, (EDEN) designed to help facilitate rapid response by industry, extension personnel, state and local emergency management and other pertinent agency personnel to handle hazard and emergency situations within the farm and natural resources community caused by extreme weather events.**
- 4. Support for impactful research and extension from the Cornell Soil Health and Resiliency Program, designed to assist farmers in improving their climate resiliency, including managing soil health, water resources, agronomic practices and livestock facilities in a way that improves farmer profitability and adaptability to the challenges of climate change.**
- 5. Support for the active inclusion of farmers in the advisory structure of the Climate Leadership and Community Protection Act (CLCPA) and that farms be viewed as part of the climate solution.**
- 6. We recommend that regulations implemented as part of the Climate Leadership and Community Protection Act not outpace the technological and economic feasibility of industry to comply using today's readily best available and scalable technologies. We also believe that NYS should:**
  - a. Expand the use of ethanol and biodiesel and recognize the impact that renewable fuels have on reducing emissions related to transportation and home heating.**
  - b. Continue to incentivize climate smart practices, such as advanced nutrient management, cover cropping and reduced tillage, through the expansion of existing programs and/or creation of new programs.**
  - c. Minimize the impact on the supply chain addressing food and dairy processing, including manufacturing and transportation using heavy duty vehicles.**
  - d. Ensure that any regulatory changes made to transition New York's energy production to non-carbon sources will continue to provide consumers with consistent and reliable service that meets today's standards.**
- 7. We oppose the mandatory use of environmental, social, governance (ESG) to rank farms for any determination.**

## POLLINATORS

Insects that pollinate agricultural and horticultural crops play a critical role in assuring that the annual plant life cycle, including fruit development, is completed successfully. New York's agricultural and horticultural industries are extremely dependent on sufficient pollinators for the plethora of crops grown each year. In addition, the apiary industry is a significant element of the food and agriculture system, generating over \$5 million per year in sales from honey products.

### **WE RECOMMEND:**

- 1. Continued study of the complex scenario leading to pollinator decline. Further we recommend that best management practices be developed and employed to manage honeybee colonies and the environment where they are deployed, to minimize the various risks. We do not support banning specific pesticides due to their alleged relationship with pollinators.**
- 2. Support for increased funding for the Cornell Honeybee Research and Extension program.**
- 3. Support for implementation of the Pollinator Protection Plan.**
- 4. Support for a pollinator disease diagnostic program at the New York State Veterinary Diagnostic Laboratory.**
- 5. Encouraging the chemical pesticide industry to research, develop and relabel pesticides that are not harmful to honeybees and other insects/pollinators beneficial to the environment.**
- 6. Support for continued study and funding of the Honeybee Colonies Report, in light of the potential economic disaster as a result of the decline in pollinators.**
- 7. Support for the Department of Agriculture and Markets' Bee Registry.**

## ----- AGRICULTURAL LABOR ----- LABOR

Agricultural working conditions and employment differ drastically from those of other industries and other states. Such factors as crop perishability, the influence of the weather and unpredictable working hours result in a unique situation that requires suitable regulations. A trained and available workforce is also important to the future of the agricultural industry. Fruit, vegetable, nursery and greenhouse producers have for many years used the federal H2A program to secure a seasonal workforce when local help is unavailable.

### **WE RECOMMEND:**

- 1. Opposition to reducing farmworker overtime requirements below 60 hours per week.**
- 2. Support for increased funding of a state supported agricultural labor specialist provided for in the Cornell Agricultural Workforce Program, to provide educational programs to farm owners and managers, for the purpose of enhancing the overall human resource skills of farm owners and managers.**
- 3. Family members of farm owners of all farms, regardless of the legal business structure, should be exempt from overtime and day of rest provisions.**
- 4. Salaried farm employees, assigned management responsibilities, should be exempt from overtime and day of rest provisions.**
- 5. Removing the requirement for paying overtime on the seventh day of work for farmworkers who volunteer to work.**
- 6. Guestworkers, employed through the federal H-2A visa program, should be exempt from overtime and day of rest provisions.**

7. H-2A employees should not be subject to wage deductions for paid family leave or disability insurance if they are unable, for whatever reason, to take advantage of these benefits.
8. Permanently increasing the workforce retention tax credit for farmers to better offset the scheduled escalation of the state's minimum wage and impact of the Farm Laborers Fair Labor Practices Act.
9. Support for adequate funds being allocated to the Unemployment Insurance Trust Fund, to ensure businesses do not have to bear the burden through rate increases.
10. Opposition to any mandatory paid medical leave requirements on employers.
11. Opposition to the mandated carryover of accrued sick leave time from year to year for all employees. This should be agreed upon by the employer and employee.
12. The value of meals, housing, utilities, and other allowances, provided as a condition of farm employment, should be disconnected from the minimum wage calculation and should be valued at the market rates for the respective benefits. Further, farm employers should have the option to charge for the fair market value of non-cash benefits provided that the deductions do not depress total wages below the minimum wage.
13. Opposition to minimum wage above the federal level and support the establishment of a training wage.
14. A registry, administered by the Department of Agriculture and Markets, for the purpose of identifying the legitimate organizations and individuals who serve the farmworker population to ensure the protection of farm employees' civil rights and personal property. Information, such as locations served, services provided, type of farmworker population served and anticipated visitation schedule should be provided to the Department upon completion of this registration. The Department would provide a list of registered organizations which could be posted on the farm.
15. Maintaining an active Agriculture Employer/Employee Advisory Board to the Departments of Labor and Agriculture and Markets, with a focus on the Division of Immigration Policies and Affairs (DIPA).
16. Agriculture Labor Program Staff in the Division of Immigration Policies and Affairs (DIPA) within the Department of Labor be required to have a knowledge and understanding of agriculture practices.
17. The Department of Labor Division of Immigrant Policies and Affairs (DIPA) rebalance its mission to support both farmers and farmworkers to ensure that agriculture remains a viable, profitable and safe industry for growers.
18. Opposition to the state mandating agricultural employers' usage of the federal e-verify program.
19. Workforce Investment Act funding within the Department of Labor be used to train employees for agricultural work, rather than redirecting employees outside of agricultural work.
20. State inspection agencies be required to use federal standards when making inspections on any businesses and operations which qualify for federal jurisdiction and inspections.
21. Opposition to placing a value on farm labor housing to determine the unemployment insurance premium.
22. Continued efforts to enhance the State Workers' Compensation Insurance system through action on the following:
  - a. Opposition to removal of funds from the State Insurance Fund.
  - b. Elimination of exorbitant lump sum awards for minor injuries.
  - c. Creation of provisions for employer deductibles.
  - d. Improvement of administrative efficiency.
  - e. Development of a joint employer/worker's compensation insurance board definition of independent contractor.
  - f. Maintaining an agricultural representative to the Workers Compensation Advisory Board.
  - g. Opposition to Workers Compensation assessments and using the money to balance the state budget.
23. State and federal youth work standards be the same and more flexible.
24. Opposition to blatant racial profiling and abusive enforcement tactics by law enforcement agencies for immigrant and full-time farmworkers.

**25. Support for continued research and extension at the College of Agriculture and Life Sciences on the issues related to farm labor supply and management and state and federal policy impacts on the farm labor force.**

**26. Opposition to skyrocketing business related taxes and fees, such as paid family leave insurance.**

**27. Support for New York State Department of Labor’s enforcement of requirements for approval of benefits, such as the Actively Seeking Work requirement.**

## **FARMWORKER HOUSING**

Clean, comfortable and economical labor housing serves agricultural producers and their employees equally well. The availability of such housing improves the ability of New York producers to compete for help in an increasingly tight job market. The funding cap of the Farmworker Revolving Loan Fund, administered by the Department of Housing and Community Renewal, has been increased to \$15 million and the maximum size of each farmworker housing project increased to \$200,000.

### **WE RECOMMEND:**

- 1. Support for legislation or regulation for housing allowances being updated and calculated as part of employee wages and increasing the employee dollar housing allowance to a level reflective of current housing costs. Further, an inflation adjuster should be incorporated into state policy to keep this allowance reflective of these benefits value.**
- 2. Ensuring efficient administration and prompt availability and disbursement of funds from the Farmworker Revolving Loan Fund. . . Further, community organizations, agriculture labor cooperatives, as well as individual farmers, should be recognized as qualified applicants to this revolving loan program.**
- 3. Establishing a cost share program to allow agricultural producers to construct seasonal housing.**
- 4. State agencies that regulate farmworker housing develop uniform standards.**
- 5. Support for the ability to charge for rent on a year-round basis to year-round workers.**
- 6. Support for the ability to request a security deposit for employer furnished housing, at a rate based on prevailing practice.**

## **----- GENERAL ISSUES -----**

### **AGRICULTURAL SAFETY AND HEALTH**

Agriculture is a leading New York industry with the health and safety of the agricultural workforce being critical to its long-term viability. Agriculture as an industry has one of the highest work-related fatality rates of any industry both nationally and statewide. Health and safety remain one of the industry’s primary concerns.

### **WE RECOMMEND:**

- 1. Support for the state’s coalition of agricultural health and safety organizations to address illness and injury in agriculture.**
- 2. Support for a state funded agricultural health and safety specialist position.**
- 3. Support for increased funding for the state’s Center for Agricultural Medicine and Health (NYCAMH), which researches the causes of health and safety problems and provides education and intervention programs aimed at reducing occupational risk.**
- 4. Continuation of funding and support of the NYS ROPS Rebate Program.**

## LIABILITY AND PRODUCT LIABILITY

The number of liability claims and the dollar amount of awards on claims continue to increase, resulting in exorbitant premiums and a restrictive insurance market. Many municipalities and individuals are unable to obtain liability insurance or the necessary coverage at a reasonable cost.

### **WE RECOMMEND:**

- 1. Legislation to restore fairness, balance and common sense to New York's tort litigation system through comprehensive reform of the civil justice system.**
- 2. Support for adding all forms of outdoor recreation to the General Obligations Law, Section 9-103.**
- 3. Repealing sections 200, 240 and 241 of the NYS Labor Law, which places absolute liability on a property owner for construction workers employed by a contractor.**

## ANIMAL DISEASES

A strong Animal Health Diagnostic Center must be maintained so that New York's animal industry can continue to receive the vital health services required to ensure animal health and well-being and protect the public health, water and food supply.

### **WE RECOMMEND:**

- 1. Funding for the increased cost of operational management of the new Veterinary Diagnostic Laboratory building.**
- 2. Continued funding of the Veterinary Diagnostic Laboratory to support the Cattle Health Assurance Program, Quality Milk Production Services and the Avian Disease Program.**
- 3. Support for funding for the avian disease program to respond to the global outbreak of Avian Influenza and to keep the state's poultry flock influenza free.**
- 4. Monies be allocated to the Department of Agriculture and Markets for the condemnation and indemnification for farm animals, where necessary, for disease control.**
- 5. Support for increased state funding for the rabies oral vaccination program for research of new vaccines and control leading to elimination of raccoon rabies. Also recommend leveraging funding and support from USDA, APHIS, Wildlife Service and Ontario Ministry of Natural Resources/Canada. (The North American Rabies Management program).**
- 6. State funding for the Division of Animal Industry, Department of Agriculture and Markets, to manage new or re-emerging diseases and to protect the human and animal health of the state through the Cattle Health Assurance Program.**
- 7. Support for the testing, control and elimination efforts for the equine diseases, specifically Equine Infectious Anemia, West Nile Virus, Equine Viral Arteritis, Lyme Disease, Equine Protozoal Myeloencephalitis (EPM), Equine Herpes Virus (neurotropic form) and contagious equine metritis.**
- 8. The development of a statewide arthropod borne disease monitoring and control program to minimize animal and public health concerns.**
- 9. Funding for surveillance and elimination of feral swine in New York.**
- 10. Sustained annual state funding for the new joint aquaculture and marine animal diagnostic laboratory system between Cornell University and SUNY Stony Brook.**
- 11. Support for continuation of state and national programs to control and further eliminate Johnes Disease, bovine tuberculosis, and Salmonella Dublin.**
- 12. Encouraging the cooperative efforts of the Departments of Environmental Conservation, Agriculture and Markets and Health, for veterinarians and wildlife biologists to coordinate the control of diseases that are common to domestic animals and wildlife that have significant public health or animal**

agriculture production implications. This includes funding for DEC to maintain a staff veterinarian to work with the College of Veterinary Medicine.

**13. Increased awareness and transparent development of policies to address antimicrobial resistance on New York farms.**

**14. Opposition to legislation that would further restrict the use of antimicrobials and antibiotics beyond federal regulation.**

## **ANIMAL WELL-BEING**

Animal well-being is a human responsibility that encompasses proper housing, management, nutrition, disease prevention and treatment, responsible care, humane handling and, when necessary, humane euthanasia. Farmers in New York are using properly researched and industry tested animal husbandry practices. Guaranteeing the health and well-being of animals provides the farmer an economic return in the form of wholesome, high-quality foods valued by consumers.

### **WE RECOMMEND:**

**1. Opposition to moving the animal cruelty statute to the Penal Law.**

**2. Support for the voluntary enrollment of New York cattle herds in the New York State Cattle Health Assurance Program and the National Dairy FARM Program.**

**3. All state agencies be encouraged to prosecute illegal actions such as trespassing and property damage to the full extent of existing laws.**

**4. Opposition to legislation that gives animal rights organizations or any public agency the right to establish standards for the raising, handling feeding, housing or transportation of livestock, poultry, aquaculture and fur bearing animals. We also oppose any legislation that would pay bounties to complainants.**

**5. The State Veterinarian have jurisdiction over all complaints dealing with cruelty to farm animals. Humane societies should not be empowered to enforce complaints related to farm animals and horses. Further, only officers and employees of the Department of Agriculture and Markets should enforce farm animal cruelty statutes.**

**6. The Department of Agriculture and Markets provide educational materials and statutes on animal cruelty to local law enforcement agencies and organizations.**

**7. Support for the rights of farmers to engage in scientifically acceptable animal husbandry practices in the management of their herds and flocks.**

**8. Support for full funding to implement the Animal Cruelty Education Bill.**

## **DIVERSITY, EQUITY INCLUSION IN THE AGRICULTURE INDUSTRY**

In the 2017 Census of Agriculture, systemic inequities in our agricultural system were highlighted which have led to less than 2% of farmers in New York state identifying as people of color. We support policies that foster a more diverse, equitable, and inclusive agricultural industry that provides opportunities for all to be successful in farming New York state.

### **WE RECOMMEND:**

**1. State agriculture lending and granting priorities should include those inheriting family farms as well as particular groups such as, but not limited to, veterans, young farmers and members of the Black, Indigenous, People of Color (BIPOC) community.**

# ***REGIONAL AND NATIONAL ISSUES RECOMMENDATIONS***

## **NATIONAL FARM, FOOD AND TRADE POLICIES**

National policies have a significant influence on the agriculture and food industries in New York, and these issues will be debated in Congress in 2023 as part of the Farm Bill.

### **WE RECOMMEND:**

- 1. Continued support for federal legislation and regulation that would bring consistency in labeling standards throughout the United States.**
- 2. Support for full funding of the Federal Farm Bill. Of special interest to New York agriculture are:**
  - a) Programs and policies that will help farm businesses enhance profitability and competitiveness and gain a greater share of the consumer food dollar,**
  - b) Sound federal farm programs including effective dairy policies that will strengthen New York's dairy industry,**
  - c) Expansion of the USDA value-added producer grant program that helps provide funding for projects to create improved market opportunities for farm businesses,**
  - d) Specialty crop program assistance as part of the Farm Bill and mandatory funding for this program.**
  - e) Federal conservation programs including the Environmental Quality Incentives Program (EQIP), Conservation Stewardship Program, and the Farm and the Agricultural Conservation Easement Program.**
  - f) Incentives to encourage further development of biofuels as part of an Energy Title in the Farm Bill.**
  - g) The Farmers Market Nutrition Program including the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) and senior nutrition programs; and**
  - h) The Agriculture and Food Research Initiative (AFRI), Specialty Crops Research Initiative (SCRI), Federal Capacity Funds, and the Agricultural Genomes to Phenomes Initiative.**
  - i) Increased USDA funding for competitively awarded agricultural research.**
  - j) Amending the USDA Farm Service Agency's definition of "eligible farm businesses" with regard to farm programs authorized through current and future farm bills. Specifically, the amended definition should accommodate the various legal farm business structures currently in use today and address how Section 179 deductions are factored into determining adjusted gross income.**
- 3. Federal farm programs and disaster assistance support all farms equitably regardless of size.**
- 4. Support for rapid resolution of current trade disputes and return to multinational trade agreements.**
- 5. Ongoing support for the Child Nutrition Act and increased opportunities for the consumption of healthy agricultural products, including dairy/milk products in our school system.**
- 6. Support for pest and animal disease detection through APHIS and the National Animal Health Laboratory Network.**
- 7. Support for technical assistance to assist businesses and funding for state agencies to implement and provide education on Food Safety Modernization Act compliance.**
- 8. Support for a strong crop insurance program as an important risk management tool necessary for today's farm businesses. Furthermore, we support efforts to improve the program and expand crop insurance availability for more farm crops in underserved areas such as New York.**
- 9. Support for increased federal formula funds into the land grant education research and extension systems, specifically Smith-Lever and Hatch Act appropriations.**

- 10. Support for legislation that would require manufacturers of digital electronic parts to offer for sale diagnostic and repair information in the same manner as such manufacturers provided such information to their own repair channels.**
- 11. Increased federal funding for export promotion programs administered by USDA Foreign Agricultural Service (FAS).**
- 12. Support for the concept of the Beginning Farmer and Rancher programs in the 2018 Farm Bill, which modifies several Department of Agriculture (USDA) Programs that address conservation, credit, rural development, research and education, and crop insurance to authorize additional assistance for beginning farmers and ranchers.**
- 13. Support for the development of clear rules of compliance by the Department of Justice for the Americans with Disabilities Act Title III (ADA). Furthermore, a grace period for implementation is necessary once these rules have been established. We support New York State passing law to address frivolous lawsuits without compromising the underlining goal of the ADA.**
- 14. Support for continued study and funding of the Honeybee Colonies Report, in light of the potential economic disaster as a result of the decline in pollinators.**
- 15. Support for farmers to receive equitable relief for any future disaster or pandemic.**
- 16. Continued funding of the TAP Act.**

## **NATIONAL DAIRY POLICY**

The economics of the dairy industry rests upon effective national policy which establishes minimum prices and marketing conditions for milk producers. Milk producers are provided a level of income adequate to maintain sufficient production capacity to meet anticipated consumer needs.

### **WE RECOMMEND:**

- 1. Continued support for the USDA Federal Milk Market Order (FMMO) system. Support improving price discovery in FMMOs by using a “basket” of several price discovery tools that will more accurately reflect market conditions, and supply and demand dynamics.**
- 2. Support for a tariff rate quota similar to the non-fat dry milk quota for milk protein concentrates and casein.**
- 3. Opposition to any changes in dairy standards that encourage manufacturers to displace milk protein, undermine consumer confidence in the quality of dairy products and have a negative impact on farmer prices.**
- 4. Accurate classification by the U.S. Customs agency of dairy protein blends.**
- 5. All dairy farm safety net programs treat all size farms equitably.**
- 6. USDA and FDA strongly enforce the WTO rules regarding out of quota production of milk by Canadian farmers and disallow export of such milk through the Dairy Export Permit Program, until such time as free and fair trade in fluid and processed dairy products is allowed between the U.S. and Canada.**
- 7. Opposition to misbranding of food items (such as soy drinks) that are imitations of standardized dairy products.**

## **FARM CREDIT SYSTEM**

The Farm Credit System is America's largest cooperatively owned lender and is a vital source of credit to agriculture and rural America. A strong Farm Credit System helps meet the credit needs of farmers, agricultural cooperatives and other rural businesses and enhances exports of U.S. agricultural goods.

### **WE RECOMMEND:**

- 1. Support for continuation of the Farm Credit System as a cooperative lender with an independent regulatory agency (Farm Credit Administration) under the jurisdiction of the House and Senate Agriculture Committees. As financial services legislation is considered, we oppose new regulatory approaches that will add additional costs to the Farm Credit System or undermine the ability of Farm Credit to serve its customers. We support the efforts of the Farm Credit System to access financial markets to ensure an adequate supply of capital to agriculture.**
- 2. Support for legislative and regulatory actions to expand Farm Credit lending authority for agriculture, small rural businesses, and rural communities.**
- 3. Opposition to any changes to federal and state tax provisions for Farm Credit institutions that could adversely affect the farmer-owners of Farm Credit cooperatives.**
- 4. Opposition to restrictions by Congress or regulatory agencies on the Farm Credit System's ability to serve the equine industry and other rural, farm and forest product related businesses.**
- 5. The exemption of financial institutions such as Farm Credit from proposed consumer data privacy legislation related to maintaining and sharing consumer data, given that as regulated financial institutions there is some customer data they are required to maintain, and they are already prohibited from sharing such data.**

## **IMPORTED PRODUCTS**

We support the continued Federal APHIS and USDA inspection process for all imported agricultural products, including the inspection of food products for the presence of pesticides not currently labeled by the U.S. EPA.

### **WE RECOMMEND:**

- 1. That the federal inspection system be strengthened to ensure that imported agricultural products meet standards, risk analysis or assessments equal to those set for domestic products and protect U.S. agriculture and the environment from exotic pests and diseases.**
- 2. All imported food and horticultural products in markets and food stores be clearly and prominently labeled as imports indicating the country of origin.**
- 3. Strict enforcement ensuring that all imported plants, plant product and their shipping materials are certified as pest and pathogen free.**

## **STANDARDS FOR CONTROL AND ERADICATION OF BRUCELLOSIS AND BOVINE TUBERCULOSIS**

The State-Federal brucellosis and bovine tuberculosis eradication programs must maintain a uniform code for eradication, surveillance and prevention of these diseases. Standards for surveillance during interstate shipment of wildlife and livestock including all farmed, zoological or pet ruminants and swine must be maintained.

### **WE RECOMMEND:**

- 1. Present national standards for control and eradication of brucellosis and bovine tuberculosis must be strengthened by applying scientifically supported methods that lead to eradication.**
- 2. Adequate funding for the continuation of the programs.**
- 3. Support for the new multi-state initiative on Mycobacterial diseases in animals for research on bovine tuberculosis and Johne's disease.**

## **LIVESTOCK HEALTH AND FOOD SAFETY ISSUES**

The agriculture industry is very committed to a healthy and safe food supply.

### **WE RECOMMEND:**

- 1. All available measures should be taken to ensure a safe U.S. food supply and to promote animal and human health issues based on sound science discovered through our national research institutions and to ensure consumer confidence in the safety of our food. Before a drug is approved for use in beef or dairy cows, feasible testing needs to be commercially available to detect that drug in milk at farms and plants within a few hours before the milk is co-mingled with other milk or can be processed.**
- 2. USDA work to maintain a solid animal health infrastructure and surveillance system to ensure a safe U.S. meat supply.**
- 3. The availability to producers of equitable cost share measures.**
- 4. Support for continued education and dissemination of information on the importance of feral pig control, including the control of released domestic pigs, and surveillance for illegal importation of pork products to control the potential spread of African swine fever into the US feral pig population and to protect the animal health, welfare and economic impact on domestic swine.**

## **FARM LABOR**

One of the most serious problems facing American agriculture is the lack of a stable labor supply. Revisions are needed to federal programs to ensure that production agriculture has an adequate supply of qualified labor.

The current H-2A Temporary and Seasonal Alien Worker Program is cumbersome, slow and costly for farmers to utilize. As a result of our failed guest worker program, it is estimated that over 50% of the agricultural workforce nationwide is comprised of undocumented workers.

Failure to enact federal immigration legislation to address the farm labor issue will force farms out of business, reduce overall U.S. employment and result in an increase in food imports from foreign sources.

### **WE RECOMMEND:**

- 1. Support for the framework laid out in the Farm Workforce Modernization Act of the 118<sup>th</sup> Congress.**
- 2. Opposition to mandatory E-Verify legislation that fails to provide a permanent and effective agricultural temporary guest worker program that includes adjustment to legal status for current farmworkers.**

3. Strong support for federal immigration legislation which provides for a workable, easy-to-use agricultural guest worker program administered by the US Department of Agriculture and a program to allow adjustment to a legal status for current farmworkers.
4. Opposition to immigration enforcement actions, including I-9 audits, that undermine farm labor availability and place the continuation of farms in jeopardy.
5. All farms, including dairy farms, be fully eligible for agricultural guest worker programs, including the H-2A program.
6. Support permanent enactment of the Dream Act.
7. Opposition to increased immigration enforcement measures and fines on producers.
8. Elimination of the 50% time period rule in the H-2A program.
9. Review and revamp of the USDA NASS Wage Survey and its relationship with the Adverse Effect Wage Rate and H-2A pay rates, in order to be more reflective of the agricultural wage rate.
10. Opposition to DOL regulations requiring farmers to pay transportation costs of migrant farm workers from their permanent residence to the employer's place of business.
11. Support for major reform of the Legal Services Act of 1974 and making Legal Services and its grantees accountable to the executive branch. We are not opposed to a reasonable program to provide legal assistance for persons with incomes at or below the poverty level.
12. Growers' concerns be considered when scheduling inspections and interviews in harvest season.
13. A compliance period should be allowed to correct cited violations before fines are imposed.
14. Support for the H-2B program and an increase in the number of authorized workers.
15. Support for the exclusion of agricultural guest workers from coverage requirements under the federal health care provisions.
16. Support for clarifying the definition of seasonal worker (STARS Act) for the purposes of calculating Affordable Care Act compliance.
17. Opposition for expanding implementation of the Migrant Seasonal Protection Act to employees of livestock farms.

### **FARM SERVICE AGENCY**

New York is a major agricultural state and deserves commensurate service in the delivery of federal farm programs. In order for FSA to provide service to counties across New York, adequate staffing levels, modern information technology and funding are necessary.

#### **WE RECOMMEND:**

1. Appropriate level of funding for FSA staffing and offices.
2. Additional funding levels for Farm Service Agency Farm Loan guaranteed lending programs and support for changes to expand eligibility for all business structures used by farmers.

### **U.S. ENVIRONMENTAL PROTECTION AGENCY**

New York State farmers and agribusinesses are dedicated to environmental protection. Sound environmental practices are key to successful farming and good management. Farmers may be threatened by having recreational or industrial development proximate to farmland and have a need for adequate protection for normal farming practices.

#### **WE RECOMMEND:**

1. The EPA ensure that any dredging process does not adversely impact local agriculture.

- 2. Opposition to including agricultural operations within the Clean Air Act and State and Federal Superfund Laws.**
- 3. New York State be recognized for its sizable contributions to water quality in the Chesapeake Bay. Any regulations enacted by EPA for the Chesapeake Bay should take into account the state's considerable efforts to protect water quality and provide needed funding for any required additional improvements.**
- 4. Support for legislation that amends the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Water Pollution Control Act to clarify Congressional intent regarding the regulation of the use of pesticides in or near navigable waters.**
- 5. The EPA thoughtfully consider the input from the agricultural community following the issuance of the latest proposed regulation on Waters of the U.S. (WOTUS).**
- 6. Support for the US EPA establishing maximum contaminant levels for PFOS and PFAS.**
- 7. Landowners, producers, food processors, or their lenders shall not be held liable for the cost of chemical contaminant cleanups, such as perchlorate and per- and polyfluoroalkyl substances (PFAS), caused by actions over which the producer, landowner or lender had no management oversight or control.**
- 8. Support for using the best available science and appropriate risk assessment for the establishment of health or regulatory standards and recommend the science and risk assessment used are sound and correct.**

#### **EMERGING AND FOREIGN ANIMAL DISEASE**

The USDA and the Department of Homeland Security need to continue to support and enhance the federal laboratories and associated facilities that meet the demands for safeguarding America's animal agriculture industry and public safety. These include the National Animal Disease Center in Ames, Iowa, a research facility dedicated to investigating and producing technology related to eliminating infectious, genetic and metabolic diseases of livestock and poultry across the United States, and the newly commissioned National Bio and Agro-Defense Facility (NBAF) in Manhattan, Kansas, a biocontainment laboratory designed for the study of diseases that threaten both America's animal agricultural industry and public health. In addition, the National Animal Health Laboratory Network (NAHLN) provides early detection, rapid response, and appropriate recovery from high-consequence infectious animal diseases.

#### **WE RECOMMEND:**

- 1. Continued support for federal funding to provide improved infrastructure and staffing in both the National Bio and Agro-Defense Facility and National Animal Disease Center.**
- 2. Support for continued implementation of the recommendations of the National Association of State Departments of Agriculture and related industry recommendations to enhance U.S. animal health and industry safeguards and public safety.**
- 3. Continued support for the maintenance and enhancement of the National Animal Health Laboratory Network.**

## **BIOTERRORISM**

The Homeland Security Act opened an opportunity for necessary funding to combat acts of agro-bioterrorism. Agriculture has not received adequate attention from this federal act. An estimated 70% of the potential bioterrorism diseases and 100% of the chemicals would affect both humans and animals. Crops/other agricultural commodities would also be affected.

### **WE RECOMMEND:**

**1. The USDA, Department of Homeland Security, federal and state legislatures, and the National Association of State Departments of Agriculture (NASDA) support a plan of action for agro-bioterrorism and increased funding to federal and state Departments of Agriculture from the Homeland Security Act to combat acts of agro-bioterrorism.**

## **FEDERAL TAXES**

The successful transfer of farms from one generation to the next is vital to American agriculture. Farm families often invest their earnings into increasing and improving their farm real estate and have relatively little cash that can be used as part of the estate to pay estate taxes. Estate taxes can force the farm to sell off part of its farm real estate to pay the estate taxes.

### **WE RECOMMEND:**

- 1. Support for Congressional action to eliminate the estate tax. If that is not feasible, we recommend continuation of the current exemption level with adjustments for inflation and maintain principle of stepped up basis going forward.**
- 2. Support for restoring bonus depreciation to 100 percent compared to the current phase out and continue Section 179 expensing.**
- 3. The continuation of Section 199/199A in any future tax reforms.**
- 4. Opposition for changes to the federal tax code that would require agricultural businesses, including LLCs, C Corps, S Corps and partnerships, to use the accrual method of accounting rather than the more common cash-basis method.**
- 5. Continued support for the current timeline for depreciation of agricultural equipment and machinery from seven years to five years.**
- 6. Support for the Student Agriculture Protection Act, which will exclude up to \$5,000 from gross income the gain from the sale of personal agricultural property produced or raised by the student agriculturist.**

## Cash Receipts of Selected New York State Products

<u>Value of Production</u>	<u>\$1,000 Dollars</u>
Dairy Production <sup>1</sup>	\$2,937,078
Cash Crops (corn/soybeans/other) <sup>2</sup>	\$571,706
Apples <sup>3</sup>	\$344,708
Hay <sup>4</sup>	\$394,085
Vegetables (potatoes/other) <sup>5</sup>	\$378,658
Greenhouse/floriculture <sup>6</sup>	\$385,792
Cattle and Calves <sup>7</sup>	\$286,566
Poultry and eggs <sup>8</sup>	\$96,647
Grapes <sup>9</sup>	\$69,078
Equine <sup>10</sup>	\$33,727
Maple syrup <sup>11</sup>	\$24,457
Hogs and Pigs <sup>12</sup>	\$19,914
Sheep Lamb and Wool <sup>13</sup>	\$18,364
Honey <sup>14</sup>	\$12,537
<hr/>	
Total	\$5,489,344,000*

*Source :2021-2022 USDA New York Annual Statistics Bulletin and 2017 USDA Agricultural Census*

*\*Total above may not reflect numbers in chart as data was used from different reports from USDA*

**Economic Impact:** Agriculture is a vital part of the New York State economy! The value of agricultural production at the farm level is in excess of \$5.3 billion according to the 2020-2021 USDA Agricultural Statistics Bulletin. About 21% of the state's land area or 6.9 million acres are used by the 33,400 farms to produce a very diverse array of food products. The economic impact of agricultural production in New York goes well beyond the farm gate to New Yorkers employed in rural, suburban, and urban locations in food processing and distribution. These jobs would not exist without New York agricultural production. According to Farm Credit East's *Northeast Economic Engine* report, **agriculture and related processing and input businesses generate an economic impact of \$37.2 billion in New York and provide employment for over 160,000 people.**

<sup>1</sup> Milk Production, Disposition, and Income — New Year: 2017-2021

<sup>2</sup> 2017 USDA Census of Ag; Grain – Sales measured in \$

<sup>3</sup> Apple Acreage, Yield, Production, Price, and Value — New York: 2017-2021

<sup>4</sup> All Hay Area Harvested, Yield, Production, Price, and Value — New York: 2017-2021

<sup>5</sup> 2017 USDA Census of Ag; Veg Totals, Incl Seeds & Transplant in Open – Sales measured in \$

<sup>6</sup> 2017 USDA Census of Ag; Horticulture Totals, (Excl Cut Tree, Veg. Seeds, Transplants) - Sales, measured in \$

<sup>7</sup> All Cattle and Calves Production and Income — New York: 2017-2021

<sup>8</sup> Chickens Sold and Value of Sales & Egg Production and Value of Sales– NY 2017-2011

<sup>9</sup> Grape Acreage, Yield, Production, Price, and Value — New York: 2017-2021

<sup>10</sup> 2017 USDA Census of Ag; Equine, (Horses & Ponies) & (Mules, Burros & Donkeys) - Sales, Measured in \$

<sup>11</sup> Maple Syrup Taps, Yield, and Production — New York: 2016-2020

<sup>12</sup> Hogs and Pigs Production, Marketing, and Income — New York: 2017-2021

<sup>13</sup> Sheep and Lambs Inventory by Class, Value, and Value per Head, January 1 — New York: 2018-2022 & Sheep and Lamb's Wool Production, Price, and Value 2017-2021

<sup>14</sup> Honey Number of Colonies, Yield, Production, Stocks, Price, and Value — New York: 2017-2021

## How Leading New York Products Rank Nationally

<u>Rank</u>	<u>Products</u>
1	Creamed cottage cheese, Low-fat cottage cheese, yogurt, sour cream
2	Apples, Cabbage, Snap Beans, Maple Syrup
3	Corn for Silage, Squash (all), Calves, Total Italian Cheese
5	Milk Production, Total Cheese, Milk Cows
6	Christmas Trees
7	Oats, Sweet Corn
8	Onions(dry), Pumpkins
9	Sheep & Lambs
27	Number of Farms
36	Land in Farms

### New York Farms Number, Acres, and Value; Selected Years

Year	No. of Farms	Acres Per Farm	All Land in Farms	*Value land/buildings	
				Total	Per Farm
	(000)	Acres	Mil. Acres	Mil. \$	Thou. \$
1985	44.0	207	9.10	7,462	170
1995	38.0	208	7.90	10,112	266
2000	37.5	205	7.67	11,011	290
2001	37.5	204	7.66	11,643	310
2002	37.0	207	7.66	12,333	333
2003	37.0	205	7.59	13,005	351
2004	36.0	208	7.49	13,528	376
2005	35.6	206	7.35	14,496	407
2006	35.0	208	7.27	15,375	439
2007	36.4	198	7.20	15,984	439
2008	36.6	194	7.10	17,040	456
2009	36.6	194	7.10	17,040	466
2010	36.3	193	7.00	16,800	463
2011	36.0	194	7.00	17,150	475
2012	36.0	194	7.00	18,677	526
2013	35.5	202	7.18		
2014	34.7	202	7.00		
2015	34.2	205	7.00		
2016	33.8	207	7.00		
2017	33.4	207	6.90	22,172	663
2018	33.4	207	6.90		
2019	33.4	207	6.90		
2020	33.4	207	6.90		
2021	33.4	207	6.90		

\*excludes operator dwellings – note that these figures were last updated in the 2017 USDA Census of Agriculture, and some data not available for years between census collection years.

*Thank you to our 2023 Gold Sponsors ...*



FARM CREDIT EAST



*"Agriculture is our wisest pursuit, because it will in the end contribute most to real wealth, good morals, and happiness."*

*... Thomas Jefferson*