



# New York Farm Bureau



2018 Policies

The policies that follow were adopted by  
county delegates at the  
State Annual Meeting  
December 5-6, 2017, in Albany, New York.

## *The Mission of the New York Farm Bureau is To Serve and Strengthen Agriculture*

### **FARM BUREAU ORGANIZATION**

Farm Bureau is a non-governmental, volunteer organization financed and controlled by member families for the purpose of solving economic and public policy issues challenging the agricultural industry.

Farm Bureau's "grassroots" policy development process continues to ensure that the organization represents the majority position of its membership. Policy development begins at the county level with problem identification and culminates at the New York Farm Bureau Annual Meeting with resolutions addressing the issues.

Our success in implementing the enclosed policies depends upon our active, well-informed membership guided by the efforts of many dedicated volunteer leaders.

Farm Bureau is the voice of New York agriculture and will continue to meet the needs of those who make farming their livelihood and rural New York their home.

### **FARM BUREAU BELIEFS**

America's unparalleled progress is based on freedom and dignity of the individual, sustained by basic moral and religious concepts. Economic progress, cultural advancement, ethical and religious principles flourish best where people are free, responsible individuals.

Individual freedom and opportunity must not be sacrificed in a quest for guaranteed "security."

We believe in government by legislative and constitutional law, impartially administered, without special privilege.

We believe in the representative form of government—a republic—as provided in our Constitution, in limitations on government power, in maintenance of equal opportunity, in the right of each individual to freedom of worship and in freedom of speech, press, and peaceful assembly.

Individuals have a moral responsibility to help preserve freedom for future generations by participating in public affairs and by helping to elect candidates who share their fundamental beliefs and principles.

People have the right and the responsibility to speak for themselves individually or through organizations of their choice without coercion or government intervention.

Property rights are among the human rights essential to the preservation of individual freedom.

We believe in the right of every person to choose an occupation; to be rewarded according to his contribution to society; to save, invest or spend; and to convey his property to the next generation.

Each person has the responsibility to meet financial obligations incurred.

We believe that legislation and regulatory policy should prioritize the self-employed farmers and businesses that are critical to our state's economy.

We believe that legislation and regulations favorable to all sectors of agriculture should be aggressively developed in cooperation with allied groups possessing common goals.

### **AGRICULTURE IN NEW YORK**

Agriculture is New York's most important industry. The farm economy generated more than \$5 billion in 2016.

There are more than 35,500 farms in New York State and 99 percent of those are family owned. A viable and strong agricultural industry is not only beneficial to the state's farm and food industry, but to the economy of the state, hundreds of local communities, and to all consumers of New York.

New York has a tremendous agricultural resource base with abundant rainfall, productive soil, sufficient growing season, and proximity to the nation's largest markets. The outlook for the future of New York agriculture is one of great potential for a vigorous and thriving industry.

# State Priorities

**I. Support funding for critical food safety, animal health and agricultural promotion and economic development programs in the Agriculture and Markets budget**

**II. Double the minimum wage tax credit for farmers starting in 2018**

*Increasing the agricultural minimum wage tax credit will help offset increased labor costs on farms and help them better compete with farms in neighboring states*

Taxable Year	Current Tax Credit/ Employee	Proposed Tax Credit for FY 18-19
2018	\$300	\$600
2019	\$500	\$800
2020	\$400	\$1,000
2021	\$600	\$1,200

**III. Support for funding of Environmental Protection Fund programs that provide cost-sharing of critical farm water quality and farmland protection projects that allow farms to reinvest in their farm business**

**IV. Cornell CALS Faculty Seed Fund (\$2 million)**

*Seed funding will help to pave the way to attract much needed faculty and research at CALS*

**V. Cornell CALS Capital Fund (\$3 million)**

*This funding will provide the opportunity to update critical infrastructure at CALS to ensure continuing research and extension work vital to New York's agricultural products*

**VI. Oppose unworkable farm labor mandates and make much needed updates and reforms to New York State labor laws and regulations.**

- a. Oppose the farm worker labor omnibus legislation and components thereof*
- b. Update housing payroll allowances and peg annual increases to inflation*
- c. Remove the requirement that farm employers pay unemployment insurance on H2A workers*
- d. Extend the time for responding to unemployment insurance requests for information from 7 to 14 days*

**VII. Transfer farm tax assessment functions from the Department of Taxation and Finance to the Department of Agriculture and Markets**

**VIII. Increase school meal reimbursements to incentivize the purchase of fresh and minimally processed local food**

**IX. Allow for the registration of UTV's for legal travel on roads from farm to field**

**X. Increase funding for tick-borne disease enhanced detections and vaccine development**

**XI. Support the removal of an acreage requirement for farms in the agricultural assessment program as long as they meet income eligibility requirements**

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## **AGRICULTURAL ASSESSMENTS**

### **POLICIES:**

1. We support the agricultural assessment program.
2. We recommend the Governor create a short term council composed of stakeholders from all agricultural sectors to make revisions to the methodology for agricultural assessments to better reflect the economic value of New York farmland. This council should consist of representatives from New York Farm Bureau, academia, the financial services industry, state government and other relevant experts.
3. We recommend that the agricultural assessment methodology be revised to recognize that agricultural lands do not require the same level of services as residential property.
4. We believe that the final agricultural use values be publicly released at least 90 days in advance of the deadline for signing up for agricultural assessment.
5. We are opposed to stiffer penalties upon conversion of land receiving an agricultural assessment.
6. We support the elimination of conversion penalties for farmers who temporarily convert land from production.
7. We recommend that applications for agricultural assessment be mailed at least 60 days prior to taxable status date.
8. We recommend that the 50-acre per parcel limit for owned woodland be removed and the assessment be based on the total number of woodland acres.
  - a. We support increasing the amount of gross agricultural sales from wood products be included in the \$10,000 minimum gross sales amount required to be eligible for agricultural assessment.
9. We recommend owners of vacant and agricultural land be entitled to challenge their property assessment through Small Claims Assessment Review as an alternative to commencing an action in the State Supreme Court.
10. We support a complete exemption of all parcels of farmland within an agricultural district from any type of special district tax, including a flat tax, except for farmland that directly benefits from the services of the special district. Until a complete exemption from special taxes is obtained, all taxing jurisdictions should be mandated to use agricultural assessment values.
11. We support a change in the language of the Agriculture Assessment law from “Agriculture Exemption” to “Agriculture Use Assessment.”
12. We support creating an assessment code through the New York State Department of Agriculture and Markets for conservation practices (i.e. buffers, filter strips and riparian areas) that are installed for water quality would provide opportunities for landowners to help protect water quality through a self-certification process in accordance to specific standards outlined by Good Agricultural Practices through USDA Natural Resource Conservation Services.
13. We support counting rented land in calculating the minimum acreage requirement for agricultural assessment eligibility.

14. We recommend that assessments on agricultural land, when development rights are removed or have conservation easements, be limited to the agricultural value of that land.
15. We support legislation that would allow, with proper reporting, products grown or raised and consumed on a farm to be included in the calculation of farm income for the purpose of agricultural assessment eligibility.
16. We are opposed to vacant land being assessed at the highest and best use.
17. We recommend that the following agricultural uses be included in agricultural assessments;
  - a. Heifer boarding;
  - b. Game birds;
  - c. Lands for on-farm processing and/or retail merchandising;
  - d. Land used for certified agricultural research; and
  - e. Woods used for Shitake mushroom cultivation.
18. We support agricultural assessment on all acreage used by any farm operation exceeding \$5,000 in sales.
19. We support moving the Agricultural Assessment Program from the Department of Tax and Finance to the Department of Agriculture and Markets.
20. We support creation of an Agricultural Assessment Specialist within the New York State Department of Agriculture and Markets. We further support additional training programs be mandated to local assessors for agricultural assessments and property valuation.
21. We support allowing the New York State Department of Agriculture and Markets defined beginning farmers who purchase land for farming purposes being eligible to receive an agriculture assessment their first year of farming, even if they don't earn the required \$10,000 gross income to be eligible, as defined on a Schedule F tax form, but those farms should be required to pay back those first year tax savings if they do not reach the \$10,000 gross income threshold in year two of operation.
22. We support that the Department of Tax and Finance should make recommendations to local assessors as to the depreciation schedule and valuing of greenhouses for assessment purposes after the ten-year real property tax exemption expires.
23. We support mandating that fire, rescue, library and other ad valorem taxing districts use agricultural assessment values when calculating property taxes.
24. We support New York State Taxation and Finance modifying the current Agriculture Renewal Exemption Form to a fill in on-line form and modify the Five Year Lease Agreement to allow the farmer to renew the agricultural exemption. The paper forms would still be available.
25. We support New York State Taxation and Finance increasing the number of education hours required by assessors for farm valuation.
26. We support New York State Department of Taxation and Finance posting agricultural sale of properties online using Systems Development Group (SDG) farm sales information to be more

comprehensive and accessible to farmers.

### AGRICULTURAL BIOTECHNOLOGY

#### POLICIES:

1. We support farmers being allowed to use federally approved genetically modified products and available new related technologies so New York farmers are not operating at a competitive disadvantage.
2. We oppose any moratorium or ban on genetically modified organisms (GMOs).
3. We are opposed to mandatory labeling of genetically modified products, except seed sold for planting.
4. We support the usage of agricultural biotechnology to improve crop varieties, enhance nutritional quality, and reduce pesticide applications. Regulations for biotechnology products are more appropriately done at the federal level, so that all farmers and research institutions are subject to the same guidelines. Furthermore, we support additional research and testing at the state and federal levels of genetically modified products and development of new crop varieties.
5. We support educational outreach to consumers on the benefits and risks of agricultural biotechnology, and an increased awareness campaign to dispel misinformation on such products.
6. We recommend that industry and university-generated studies on biotechnology-derived crops be made more easily available to the public and the agricultural community in order to promote education and awareness.
7. We support legislation that would prohibit GMO seed manufacturers or companies from suing farmers for patent infringement when GMO plants in a farmer's fields do not originate from that farmer planting GMO seeds or plants.
8. We support clear labeling of "GMO" on seed packets sold to vegetable and casual growers.
9. We oppose individual localities establishing policies on agricultural biotechnology labeling.
10. We recommend that biotech seed labeling requirements for New York State should not be different from federal labeling requirements, as long as all seeds continue to be labeled.
11. We oppose legislation that would require any state agency or commission to study whether crops grown through the use of biotechnology are safe to grow or negatively impact wildlife or human health.
12. We recommend the establishment of a Plant Innovation Center and High Throughput Phenotyping capacity at Cornell University, designed to streamline traditional and precision breeding technologies to better deploy new plant varieties to meet changing consumer preferences, nutrition, and climate conditions in New York.

### AGRICULTURAL DISTRICTS LAW

The Agricultural Districts Law provides a means, through farmer

initiative, to deter activities that threaten agriculture. The law has numerous provisions intended to encourage the continuation of farming in the state. New York Farm Bureau strongly supports the Agricultural Districts Law and will continue to work to strengthen its role in maintaining a viable agricultural industry in the Empire State.

### **POLICIES:**

1. We recommend that the Department of Agriculture and Markets receive adequate funding in order to enforce the provisions of the Agricultural Districts Law.
2. We recommend that State agencies rewrite their regulations to be supportive of the purpose of the Agricultural Districts Law.
3. We support strengthening the Notice of Intent procedures that would:
  - a. Give the Commissioner of Agriculture and Markets the right to demand mitigation and/or alternatives to public and private projects in an agricultural district. Mitigation and alternatives should protect the viability of remaining agricultural operations;
  - b. Require the filing of a Notice of Intent if there is a proposed change in the land use of publicly owned land in, or adjacent to, an agricultural district; and
  - c. Include all land subject to agricultural assessment.
4. We support an amendment to Agricultural Districts Law to require private corporations, as well as public entities, to seek alternatives in the siting of specific project components subject to Notice of Intent provisions.
5. We support the concept of the landowners' waiver provision in the Notice of Intent procedures.
6. We support legislation that would more specifically define the term "emergency" as it relates to overriding provisions of the Agricultural Districts Law.
7. We recommend that the County Agriculture and Farmland Protection Board review proposed changes to any zoning ordinance, comprehensive plan or site plan, and review any new local laws that include agricultural district land.
8. We support the addition of accessory uses to the definition of agriculture in the Agricultural Districts Law. These accessory uses cannot compromise the district's integrity and are subsidiary in nature. Local site review authority shall not be compromised.
9. We oppose the requirements of special use permits for equine operations.
10. We support enforcement and increased penalties to the seller and/or realtor for failure of disclosure of property in an agricultural district or within 500 feet of an agricultural district on Form DS 1614 or other appropriate document.
11. We recommend that agricultural property located within an agricultural district remain within that district until the landowner actively requests the removal of the property, or it is permanently converted out of agricultural use, during a review period.
12. We support maintaining the Right to Farm Laws and Agricultural District Laws currently in effect at the state level and oppose local and county governments developing policies more restrictive than state guidelines.
13. We recommend that the Agriculture Data Statement in Section 310

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of the Agriculture and Markets Law should also apply to sales within 500 feet of an agricultural district as well as in an agricultural district and adjacent to an agricultural district.

14. We recommend the definition of a farm market and farm stand allow the ability to expand and/or change marketing efforts and/or strategies without regulation by an individual municipality.
15. We support enabling the New York State Department of Agriculture and Markets to implement a review policy and an enforcement mechanism, i.e. a penalty, by the Department, in regard to the required “Agricultural Data Statement.”
16. We support an amendment to change the New York State Agriculture and Markets Law definition of livestock to include purpose-bred animals raised for research, service animals, honey bees, or working dogs or any working animals in service on a farm.
17. We recommend that for the sole purpose of determining a sound agriculture practice option, the Commissioner of Agriculture and Markets may use agriculture practices supported by land-grant universities as a guide.
18. We support that the on-farm manufacturing of biofuels should be considered a part of the farming operation.
19. We favor a loss of state aid for towns and municipalities that violate the State’s Agricultural District Law.
20. We support amending the definitions of farm operations within Agricultural Districts Law to include many forms of agri-tourism.
21. We support that counties considering an annual addition of land to an existing agricultural district should be required to notify the landowner by direct mail about public hearings on the issue.
22. We support agricultural activities performed by agricultural custom operators/applicators should be afforded the same protections as those afforded to the farmers and landowners themselves for any land enrolled in a state certified agricultural district.
23. We support any efforts from the Department of Agriculture and Markets, New York State Agricultural Mediation Program and NY FarmNet to be more proactive in educating town officials, police departments, farmers and non-farm residents of agricultural communities about agricultural practices, Agricultural Districts Law, Agriculture and Markets law and Right to Farm law to help prevent and mediate neighbor disputes.
24. We support the conversion of a structure designed, constructed or used for human habitation to an agricultural building if said structure is within an Agricultural District. Such conversion may require a permit from local code enforcement, but shall require no inspection.
25. We oppose the requirement of any asbestos survey being required by Code Rule (56) on any property located within an Agricultural District if said renovation or demolition is performed by the property owner.

## AGRICULTURAL MARKETING AND PROMOTION

New York State’s agriculture industry has the potential for vast economic growth if it takes advantage of the numerous available marketing opportunities. Product marketing and promotion are

key concepts to obtaining this goal. Public and private sector programs should aggressively meet the challenge of making New York agricultural branded products the premier of choice among consumers.

### **POLICIES:**

1. We support a comprehensive effort by the State of New York, which will invest in programs to increase consumer demand for New York agricultural products. Specifically, we support:
  - a. Adequate funding for significant programs which will promote quality New York agricultural produce and products;
  - b. Adequate funding for the Department of Agriculture and Markets to actively promote New York agricultural products at regional, national and international levels;
  - c. Continued funding of marketing, operations, and improvements for regional farm market facilities;
  - d. Promotion of agricultural tourism and agricultural education to the general public;
  - e. Development of a matching funds program through the Department of Agriculture and Markets for regional marketing of agricultural products;
  - f. Use of matching industry funds for market research;
  - g. Working with farmers to establish 'niche' markets for farm processed products;
  - h. Using the New York State Trade Office in Israel to promote New York State farm products;
  - i. We recommend that farm stands be allowed and encouraged to accept Health Department WIC fruit and vegetable checks; and
  - j. Continued promotion of farmers' markets.
2. We recommend that the New York agricultural colleges and Cooperative Extension place a greater priority on marketing and applied research.
3. We support the New York Farm Viability Institute, which involves public funding with farmer and industry contributions, to provide agricultural and product marketing research through an industry driven, needs-based system.
4. We believe that the Department of Agriculture and Markets should support the New York fruit and vegetable industry by promoting the discussion of competitive pricing mechanisms between grower groups in the state and independent processors.
5. We support efforts to continue to improve the business environment in New York to allow agribusinesses to be competitive with similar businesses in both domestic and global markets.
6. We support commodity promotion "check-off" programs if growers support them through a referendum.
7. We encourage the Department of Economic Development and the Industrial Development Agencies to prioritize agriculture and agribusiness within its funding programs. We further recommend that at least 10 percent of state funding allocated to the Empire State Development Corporation and Industrial Development Agencies be directed to support agricultural projects including production,



processing and research.

8. We recommend legislation which requires that when goods are advertised as locally grown, the specific geographic origin must also be accurately labeled.
9. We support the use of Integrated Pest Management as a production tool, but not as a marketing tool.
10. We support the strong enforcement of antitrust laws.
11. We recommend that all State institutions, agencies and New York consumers buy New York products first and foremost.
12. We support a statewide marketing campaign highlighting the health and environmental benefits of New York agricultural products.
13. We support markets and infrastructures that enable farms to thrive in New York State.
14. We recommend additional funding under the Grow New York program for farmers and food retailers to develop new marketing opportunities and to help promote the local economy.
15. We recommend an agri-tourism program that will provide farmers with capital to develop new marketing opportunities.
16. We recommend that the Department of Agriculture and Markets encourage the Thruway Authority to specify the use of New York State farm products on the Thruway markets in the bidding process for their vendors.
17. We support education of the public on Agricultural Best Management Practices.
18. We support the continuation of the Meat Lab at Cobleskill College as an economic initiative, and not just for educational purposes.
19. We support extension of the Long Island Market Authority to better facilitate marketing of Long Island products.
20. We recommend that New York State Food Bank explore a system under which they spend their annual allotment for produce and milk on New York grown produce and products.
21. We support funding for Agricultural Fairgrounds to aid in the construction, renovation, alteration, rehabilitation, improvements, or repairs of fairground buildings, exhibitor camping, restrooms or facilities used to house and promote agriculture in New York State.
22. We support efforts to support and/or create new outlets for New York grown fruits, vegetables, and dairy products in underserved and lower income areas of the state.
23. We support state funding for New York Fresh Checks, an incentive program to encourage food purchases at farmers' markets.
24. We support the creation and development of marketing trails, such as the Finger Lakes Cheese Trail.
25. We recommend that seasonal farm markets should be allowed to be part of the signage on Interstate exits along with restaurants and gas stations and other tourist attractions.
26. We believe that organic food should be eligible for all WIC and similar government food assistance programs.
27. We support 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.

28. We support the development of central distribution centers (food hubs) for New York agricultural products as a part of an expanded economic development initiative for the farm community.
29. We recommend support for the Hunts Point Terminal Marketplace in New York City, that all parties work together to improve the market to suit all involved.
30. We support the development of uniform statewide standards and fee structures for food sampling at farmers' markets and farm stands and that they be administered by the New York State Department of Agriculture and Markets.
31. We support the Department of Health having uniform statewide standards and non-restrictive fee structure for ready-to-eat foods at farmers' markets.
32. We recommend kiosks and farmers' markets be put in every Thruway service area that would display the agriculture of that region, similar to existing history kiosks. Interactive kiosks that teach agriculture could also be added.
33. We recommend the continued regulation of farm stands and roadside produce stands by the Department of Agriculture and Markets, and not by the Food and Drug Administration.
34. We encourage development of local agricultural product hubs should have as the focus promotion of a wholesale market. We encourage the development of a wholesale hub within each economic development region.
35. We recommend that New York State Department of Transportation LOGO signs be available for use by all commodities.
36. We recommend that the New York State Department of Agriculture and Markets should require that a portion of any "buy local" funds they distribute be used to promote horticultural as well as other agricultural products.
37. We support a corn check-off task force in New York State to pursue opportunities, challenges and options for a corn market order in New York.
38. We support the continuation of state funding for corn production research until a state corn check-off can be established.
39. We support giving off-farm retail locations (farm stands not adjacent/connected to the current productive farm property) all of the protections/benefits that farm properties receive if at least 51% of the products are produced/processed on a farm associated with the retail area.
40. We support the "Home Grown by Heroes" logo for qualified producers.
41. We recommend that the New York State agencies revamp and clarify current marketing programs for products grown and produced in New York State so that all products are included.

## **AGRICULTURAL RESEARCH AND DEVELOPMENT**

By performing research in areas like innovative marketing strategies and new product development, New York State's educational institutions are providing farmers with information on ways to

enhance their income. These efforts also ensure consumers high quality, affordable food. To make this information viable, monies are needed to fund innovative research projects and to implement research findings.

### **POLICIES:**

1. We support merit-based state grants and other appropriations to private industry and agricultural colleges for food product development and marketing of agricultural products. Efforts should be made to provide the necessary research base to expand the agricultural industry in New York.
2. We recommend that New York State maintain funding for research at Cornell University's Land Grant Colleges, its Experimental Stations, and Cooperative Extension Service, in order to accelerate the development of new "tools" for agricultural production and alternative farm products.
3. We recommend adequate State funding for research and development of the following areas:
  - a. Integrated Pest Management, as a management tool, including aerial application;
  - b. Non-chemical alternatives for pest control;
  - c. Manure management systems and odor control;
  - d. Eradication of the Alfalfa Snout Beetle and Golden Nematode;
  - e. The value and opportunities in using modern techniques in food preservation, handling and marketing to keep pace with other global markets;
  - f. Agricultural techniques to meet the requirements of unique geographical conditions;
  - g. Applied research for agricultural environmental management;
  - h. Solutions for the Gypsy Moth and Tent caterpillar's defoliation problem;
  - i. Applied research for corn and soybean variety trials; and
  - j. Applied research for science-based organic production.
4. We support the efforts of agricultural organizations, Cornell University, and various commodity groups to seek innovative private funding mechanisms to extend and expand much needed applied research and extension work.
5. We recommend that New York State offer a two-for-one matching grant to agricultural commodity groups for funding agricultural research at Cornell University.
6. We recommend that research and market development continue on alternative uses of agricultural products.
7. We support the development of mandatory seed quality standards for New York State as established by the New York State Agricultural Experiment Station at Geneva.
8. We encourage Cornell University and New York State agricultural and technological colleges to develop and distribute information on more ways to recycle agricultural waste materials.
9. We support the continuation and improvement of the livestock programs, including but not limited to meat processing programs, and facilities at state agricultural colleges.

10. We support funding for the Northern New York Agricultural Development program.
11. We support state budget funding for the Highland Apple Research Lab in Ulster County.
12. We support funding for a Plant Innovation and Data Analytics Institute at Cornell University's College of Agriculture and Life Science.
13. We support and recommend staffing of a statewide weed and herbicide management specialist at Cornell University with Cooperative Extension responsibilities for vegetable, fruit and row crop commodities, including corn, soybeans and small grains.
14. We support the development of a dedicated faculty support line for Cornell's College of Agriculture and Life Sciences to enable additional faculty hiring in the plant sciences, animal sciences, food sciences disciplines and for production agriculture while working with CCE.
15. When seeking an agriculture grant for a business in a qualified economically depressed area, the location of the business being funded should be the basis for qualification, not the address of the home farm or owner business.
16. We support capital funding for Cornell University Arnot Maple Facility upgrades.
17. We support establishing an annual capital allocation to Cornell University's College of Agriculture and Life Sciences, for the specific purpose of maintaining research farm infrastructure and equipment that support the land grant agricultural research mission.

### **AGRICULTURAL SAFETY**

#### **POLICIES:**

1. We believe that farm machinery manufacturers, when complying with safety regulations, should design products for ease in serviceability; i.e. guards, protection devices, etc.
2. We believe that any statistical data gathered on injury rates of minors while employed in agriculture should reflect only injuries that occur while performing specifically defined agricultural tasks.
3. We support continued funding of the Rollover Protection Structures Retro-Fit Rebate program on an annual basis.

### **AGRICULTURAL OUTREACH PROGRAM**

#### **POLICIES:**

1. We support the work of New York FarmNet, a confidential statewide program available to help farm families with decision making and problem resolution through responding to a toll-free 800 helpline, providing information, referrals, and individualized consulting.
2. We support the efforts of the New York FarmNet Board of Directors in securing a portion of the program's annual operating budget from private sources and support state funding at a level based on demand for program services.
3. We recommend that New York State establish a fund to assist farmers unable to continue their operations to:

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- a. Support their families while they shut down their farm business and seek out retraining (self-employed persons cannot collect unemployment insurance under state law); and
  - b. Pay for retraining into a field where the farmer could expect to retain financial viability.
4. We support New York FarmNet's work in increasing the number of new farmers through expanded farm business transfer work via New York FarmLink.
  5. We support New York FarmNet's efforts in business planning to grow the New York State agricultural economy by increasing capital investment, job creation, and new farm business enterprise development.
  6. We support state funding to the New York State Agricultural Mediation Program in addition to the currently provided USDA funds.

## ANIMAL CARE

Laws have been enacted in several countries and a number of states that limit or prohibit the raising of livestock and poultry in certain types of environments. Proper care and welfare of livestock and poultry are essential to the efficient and profitable production of food and fiber. No segment of society has more concern for the well-being of poultry and livestock than the producer. This is best exemplified by the high levels of production and low mortality rates being achieved in modern livestock and poultry operations.

### General Issues

#### **POLICIES:**

1. We believe New York State should support farmers in any type of animal agriculture who are using properly researched and industry tested poultry and livestock practices.
2. We believe emphasis should be placed on research on animal stress, along with practical ways to implement this research on farms. We support continuing research in appropriate animal rearing practices.
3. We oppose legislation and regulations that would prohibit or unduly restrict the use of animals in research. Research utilizing animals is necessary to ensure more effective human and veterinary medical practices.
4. We recommend guidelines developed for research facilities not be applied to commercial agriculture.
5. We recommend that the Department of Agriculture and Markets should maintain a current bank of educational material, including videos, to be made available for public education about existing humane treatment of farm animals. Schools should be encouraged to incorporate such materials into their curriculum.
6. While we strongly favor animal welfare, we oppose the concept of "animal rights" and oppose the expenditure of public funds to promote the concept of animal rights.
7. We believe that farm/ranch break-ins and raids on research facilities and businesses should be prosecuted to the fullest extent allowed under state and federal law. Additionally, farmers should be

reimbursed for the costs associated with damages incurred during demonstrations, protests, and raids by animal rights activists.

8. We recommend the removal of animal control officers and local and state humane societies from the eligibility list for peace officer status.
9. We support the humane treatment of all farm animals and companion animals and oppose further legislation that regulates specific animal husbandry and veterinary practices that are not based on sound science.
10. We support increasing felony penalties for animal fighting.
11. We recommend that the state and federal government monitor the animal rights groups that enjoy a tax exempt status to ensure that they stay within the guidelines of that status.
12. We recommend that law enforcement authorities be informed of and enforce agricultural laws to protect farms and livestock.
13. We recommend that livestock be allowed to be transported in the back of open trucks as long as the animal is properly tethered or contained to avoid injury.
14. We recommend that local governments not be granted the authority to make more stringent animal welfare/cruelty laws than existing state laws.
15. We believe that livestock that can no longer be worked by reason of debility should continue to be allowed to be sold.
16. We support that farmers need to be able to decide which method of transporting their livestock is best, which will differ depending on the situation. It should be done in a humane manner as viewed by the Commissioner of the Department of Agriculture and Markets.
17. We believe that law enforcement agencies should actively and strongly pursue any person or persons who attempt to disrupt the operation of any agricultural business, including farms and agricultural research operations. We support compensation to the farmer using the judicial system.
18. All animals that require permits for being transported both intra- and interstate must have proper transport papers when being transported. We encourage stricter enforcement of these laws.
19. We support the state utilizing Homeland Security funding to combat domestic animal agriculture and environmental terrorism in New York State.
20. We recommend that anyone convicted of intentional harassment of any animal in agriculture production, belonging to an agricultural operator, in a manner that causes the animal distress, or inhibits its wellbeing, should be subject to a Class A misdemeanor.
21. We oppose any state regulation or legislation that would ban or restrict the production of foie gras.
22. We believe that individuals should not be granted access to farms or be given any authority to euthanize a non-ambulatory animal at their own discretion.
23. We support the use of individual veal calf stalls and pig gestation crates.
24. We recommend that livestock, including equines, should not be classified as companion animals.

25. We support the use of individual and group livestock containment structures.
26. We support the right of farmers to utilize the techniques of humane tail docking, dehorning, and castration based on established best management practices.
27. We support the use of scientifically researched best management practices, with regard to animal handling and husbandry practices.
28. We support a voluntary animal care certification program.
29. We support requiring written permission from a farm operation before any documentation, video or otherwise, be made of the farm operation.
30. We oppose mandatory method of production labeling.
31. We oppose the creation of a state or federal animal abuse registry.
32. The New York State Cattle Health Assurance Program, Quality Milk Promotion Program, Cornell Diagnostic Lab and Johne's Disease Program must be exempt from FOIL laws.
33. We support the New York Animal Agriculture Coalition (NYAAC) and its founding role of responding to attacks on agriculture.
34. We support continued use of fertility treatments in livestock.

### Animal Cruelty Issues

#### POLICIES:

1. We support existing animal cruelty laws that address humane treatment of domestic animals.
2. We recommend that before serving an official warrant for livestock seizure, the persons responsible for the animal shall be contacted in person and given an opportunity to be heard by the court and remedy the situation.
  - a. If the person or persons responsible for the animal cannot be contacted, a neutral third party, such as a veterinarian with experience with farm animals, shall be contacted to review the situation.
  - b. Any animal seized under this section shall be immediately available to their owners and the owners' representatives, including veterinarian and attorney, for inspection.
3. We oppose movement of the Animal Cruelty Statute to Penal Law. We support revisions to the Animal Cruelty Statute within Agriculture and Markets Law to ensure effective language and processes to protect animal welfare. Any changes to statute must be developed by a working group of producers, industry professionals and the State Veterinarian. Applied research based management practices should be identified as acceptable standards of animal care.
4. We support New York State funding of animal cruelty training modules being developed by the New York State Department of Agriculture and Markets State Veterinarian and the Division of Criminal Justice Services for the training of local law enforcement officials.
5. We recommend that the Department of Agriculture and Markets institute a procedure involving state and local large animal veterinarians as first contacts in all cruelty to farm animal cases.

6. We recommend that the State Veterinarian be able to take control over farm animals determined to have been treated cruelly at both private and public stockyards.
7. We recommend that veterinarians should not be required to disclose treatment records to authorities of animals they suspect have been abused.
8. We recommend that all costs incurred by animal owners to defend unsubstantiated claims of cruelty should be charged to the accuser. This may include fees for special veterinarians as well as legal expenses.
9. We recommend that reports of animal cruelty should not be anonymous, and if found to be frivolous the complainant should be prosecuted to the fullest extent of the law.
10. We recommend that in cases of alleged animal cruelty, after a finding of not guilty, the government and all agents of the government should have to return all animals within 48 hours at no cost to the acquitted party.
11. We support that, in cases of alleged animal cruelty, the seizing organization is responsible for the health and wellbeing of all animals during their possession and any illness and injuries that result due to their seizure.
12. We support that, in cases of alleged animal cruelty, an animal under consideration for euthanization must be examined by three veterinarians, a defendant's veterinarian, an independent veterinarian and a state veterinarian, and the decision must be unanimous in order to proceed.
13. We believe any employee of any animal operation who neglects to report an incident of animal abuse to a supervisor within 24 hours should be considered complicit with that abuse and therefore subject to resulting criminal charges.
14. We support stricter penalties for aggravated acts of animal cruelty as defined by the Commissioner of Agriculture in consultation with the State Veterinarian. A person should be charged with a felony for a second conviction of aggravated farm animal cruelty, defined as intentionally causing serious physical injury to the animal. Guidelines for what constitutes an aggravated cruelty offense for farm animals should be developed and administered by the Commissioner of Agriculture in consultation with the State Veterinarian.
15. We recommend that the State Veterinarian, in cooperation with a local veterinarian, who has been involved with the case, have jurisdiction over all complaints dealing with cruelty to farm animals. Expert veterinarian testimony should come from large animal veterinarians in cases involving farm animals. Local and state humane societies should not be empowered to enforce cruelty to farm animal complaints. Only officers and employees of the Department of Agriculture and Markets should be empowered to enforce regulations relating to animal husbandry.
16. We support farmers continued use of any choice of housing or shelter for their animals that is based on sound husbandry practices.

### **Disease Control**

#### **POLICIES:**

1. We support that New York State should institute an open season on



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raccoons to reduce the population in an effort to control the rabies epidemic.

2. We support efforts to control rabies through wildlife vaccinations. We support continued research and expedient release of viable vaccines, including vaccine drops.
3. We recommend that farmers should be allowed to obtain vaccine and vaccinate their own animals to ensure proper protection.
4. We believe that county health departments should not be able to supersede the Department of Agriculture and Markets guidelines as they relate to livestock vaccinations for rabies.
5. We believe that county health departments should not be allowed to restrict public access to livestock on private property.
6. We support more funding for the State Veterinarian program to implement bio-security programs to protect our animal population.
7. We support continued and increased funding of the New York State Cattle Health Assurance Program.
8. We recommend that the test results from the Diagnostic Lab be given directly to the farmer, who pays for the testing, as well as to the veterinarian.
9. We support mandatory reimbursement at appraised value for livestock ordered destroyed by the Commissioner of Agriculture or any of his or her agents.
10. We recommend that individual states be allowed to enact quarantines and to restrict animal movement in the event of disease outbreak.
11. We actively support economically viable policies at all levels of government that encourage the protection of humans and farm animals from the threat of rabies, giardia, distemper, and other disease vectors carried by the wildlife population, including mosquitoes.
12. We support the state maintaining a current emergency plan in conjunction with USDA in the event of disease outbreak.
13. We oppose providing incentives to farmers to transport cattle exhibiting neurological symptoms to the Diagnostic Laboratory.
14. We support funding for the monitoring and control of diseases such as Chronic Wasting Disease and West Nile virus.
15. We support the development of a live animal test for Chronic Wasting Disease.
16. We recommend that guidelines developed to control the spread of disease must be followed by all in the same manner including, but not limited to, government agencies, research facilities, zoos, exhibitors, farms and ranches.
17. We strongly support that Bovine Viral Diarrhea Persistent Infection testing be required for all cattle sold, that are not going to slaughter, for intra- and interstate markets, including coming in from foreign countries.
18. We recommend that the New York State Department of Agriculture and Markets strictly enforce current USDA rules and regulations on ruminant feed manufacturing and distribution.
19. We support adequate budget allocations to fund eradication programs for bluetongue, leukosis, Johne's disease in cattle, and scrapie disease in sheep. We recommend that only BVD-PI test negative cattle be allowed in the state.

20. We support full funding for the Cornell University Diagnostic Laboratory for its animal health regulatory and surveillance programs.
21. We recommend that the New York State Department of Agriculture and Markets fully fund the Avian Disease Program.
22. We support mandatory TB testing on all species capable of carrying TB imported to New York State. In addition, we support increased indemnity payments for all TB contaminated livestock.
23. We support livestock farmers having the ability to purchase animal pharmaceuticals using a prescription and oppose any requirements to purchase these drugs directly from a veterinarian.

### COOPERATIVE EXTENSION

New York Farm Bureau and Cooperative Extension have had a long history of cooperation beginning in 1917 when New York Farm Bureau was first formed to promote, protect and unify the work of the county associations. After the 1955 realignment, the two organizations have continued to work together in support of maintaining a viable food and agricultural industry in New York and to support farm families and rural development.

#### POLICIES:

1. We recommend that Cornell Cooperative Extension continue to work cooperatively with New York Farm Bureau at county and state levels to:
  - a. Carry out viable food, agriculture, environmental and rural development programs to benefit farm families, consumers and rural communities;
  - b. Support increased staff specialization in commercial agriculture, help identify the additional resources needed; and
  - c. Focus on keeping farmers apprised of the latest marketing and technological developments.
2. We encourage Cooperative Extension to re-emphasize commercial agriculture in its programming.
3. We support Cooperative Extension funding for regional teams to address production agriculture needs. We support non-agriculture services and youth programs being controlled and funded at the county level.
4. We believe that Cooperative Extension is a resource for training and testing for pesticide applicator certification. We recommend appropriate funding to conduct such activities with the cooperation of the Department of Environmental Conservation.
5. We recommend that Cooperative Extension should develop an educational program on the proper use and handling of pesticides for the general public. In addition, Cooperative Extension should emphasize to consumers the importance and safety of proper and necessary pesticide use to produce a marketable product.
6. We recommend that Cornell Cooperative Extension, while retaining its rural image, should address the concerns of the urban community regarding agricultural practices and the food supply.
7. We recommend the streamlining of the entire Cooperative Extension

service to make it more cost effective and efficient.

8. We are strongly opposed to the involvement of Cornell Farm Worker Program representatives and resources in issue advocacy and lobbying activities. Program representatives should restrict their activities to only those issues and programs which complement the viability of the agricultural industry.
9. We recommend that Cornell Cooperative Extension educators be more readily available in the counties, i.e. available on farms as well as in offices.
10. We support the creation of a non-dairy livestock program work team at the Cornell College of Agriculture and Life Sciences to include poultry, beef, veal, sheep, and pork industry representatives.
11. We recommend that any new and existing investment in the state's extension and research capacity must be held accountable to the agricultural industry, both regionally and by commodity.
12. We strongly encourage Cornell University to support maple research by continuing the Maple Specialist position in Extension.
13. We support an amendment of County Law 224 of New York State Consolidated Law regarding the elections of Cornell Cooperative Extension's local Board of Directors. This amendment would allow the membership to call for a vote of "no confidence" of the Board of Directors. Upon an affirmed "no confidence" vote of two-thirds of the membership, all at-large members would lose their seats and a subsequent election would be held for all at-large seats.
14. We recommend that Cooperative Extension should continue to encourage its educators to pursue further higher education and advanced degrees and compensate them accordingly. However, we strongly recommend that extension educators not be required to have a master's degree.
15. We support an independent and external review, to be conducted by various interested parties and stakeholders, of Cornell Cooperative Extension administration in Ithaca to determine if Cornell Cooperative Extension administration is properly fulfilling its oversight role regarding the various local Cooperative Extension offices throughout New York State.
16. We support increasing New York State funding for County Law 224B, including Harvest NY, for the purpose of enhancing Cornell Cooperative Extension agricultural programs and staff.
17. We recommend doubling basic state support for County Law 224, which would provide additional resources to county cooperative extension throughout New York State.
18. We encourage Cornell Cooperative Extension to expand and financially support programming to support small-scale farming operations.

## DEPARTMENT OF AGRICULTURE AND MARKETS

The Department of Agriculture and Markets performs a wide range of regulatory functions in the food chain, from producer to consumer. The Department also has regulatory responsibilities unrelated to the food supply and is involved in promoting New York agriculture and its agricultural products.

**POLICIES:**

1. We recommend that the New York State Department of Agriculture and Markets should continue to work with the agricultural industry in promoting and developing agricultural products that address consumer demands.
2. We recommend that the Departments of Agriculture and Markets and Economic Development Corporations coordinate efforts in developing programs and offering incentives to agribusinesses and production agriculture for relocation and expansion in the Empire State.
3. We recommend New York State Agriculture and Markets not require bonding for buyers of perishable products who are already bonded and licensed by the USDA Perishable Agricultural Commodities Act (PACA) and who will only engage in interstate commerce as defined by PACA with New York sellers of farm products.
4. We believe the concept of the “Producers Security Fund” to be a valid means of protecting the producer in cases of default by vendors. The following policies are designed to maintain the integrity of the system:
  - a. We recommend that New York State Department of Agriculture and Markets Licensing Bonding and Security Fund claim provisions be strictly enforced. The Department should process claims within 30 days of receipt of a claim against the bond and/or security fund.
  - b. We oppose any proposals that agricultural producers help pay for the Producers Security Fund to keep it solvent.
  - c. We recommend maintaining staff at the Department of Agriculture and Markets to enforce compliance by processors and brokers with Article 20 of the New York State Agriculture and Markets Law.
  - d. We recommend that farms that sell to an unlicensed dealer in the reasonable belief that such a dealer is licensed under the Producers Security Fund and face a loss, should be evaluated on a case by case basis and allowed to receive payment from the fund.
  - e. We recommend that when both producer and vendors receive greater monetary benefit by waiving the 120-day payment rule, that extending it to 364 days be allowed. In such cases, a notarized contract and a waiver of understanding from the fund between the two parties involved would be required. Such a waiver would leave the fund harmless and all risk assumed by the two parties.
  - f. We recommend that farm distilleries, wineries, farm wineries and farm breweries be required to be bonded with the Producer’s Security Fund to protect growers impacted in the event of a dealer default.
5. We recommend a change in the Department of Agriculture and Markets rules to require mandatory monthly audits of buyers that have failed to comply with written contract payments in the previous calendar year.
6. We support programs that will enhance New York farmers’ ability to be competitive in the marketplace and oppose programs and legislation that hinder our competitiveness.

7. We recommend that the Department of Agriculture and Markets should work with interested groups in developing a program to promote a greater public understanding of agriculture.
8. We support adequate funding for the Agricultural Statistics and Marketing Reports with the understanding that they would be used as a common database for all governmental agencies.
9. We support producer involvement in any discussion, definition, or regulation of “sustainable agriculture,” to include profitability.
10. We oppose misleading labeling on agricultural products in the supermarkets, and support strict enforcement by the Department of Agriculture and Markets.
11. We request that the Department of Agriculture and Markets investigate current purchasing practices by apple buyers and other commodity buyers and how these purchasing practices relate to existing laws as to payment and pricing requirements, and to propose remedies if inadequacies are found to exist.
12. We recommend that the definition of agriculture, as recognized by the Department, means the employment of real property for the primary purpose of raising, harvesting, and selling crops or feeding, including but not limited to grazing, breeding, managing, selling, or producing livestock, poultry, fur bearing animals or honeybees, bumble bees or by dairying and the sale of dairy products, forest products or composting which includes agricultural wastes, or by any other horticultural, floricultural, or viticulture use, aquaculture, hydroponics, silviculture, by animal husbandry or by any combination thereof. It also includes the current employment of land for the primary purpose of obtaining a profit by stabling or training equines, including but not limited to providing riding lessons, training clinics, and schooling shows, and other on-farm niche marketing promotion. It should also include the employment of real property for the purpose of generating renewable energy to conduct agricultural operations.
13. We recommend that the Department of Agriculture and Markets develop a comprehensive energy policy for agriculture. Such policy should ensure that in periods of disruption of fuel supplies or in periods of diminished supply that agricultural requirements are given due consideration in allocation and priority. The Department of Agriculture and Markets should become a participant in New York State efforts to develop alternative energy sources or new technology development for energy systems that may benefit agriculture and rural communities.
14. We support the involvement of Department of Agriculture and Markets staff to assist a farmer when first alerted of the potential filing of a lawsuit by a neighboring party, state agency or municipality.
15. We recommend that municipalities, counties, and the state aggressively continue to expand efforts in Agricultural Economic Development.
16. We support the addition of New York State honey, cider, eggs, meat, dairy, and maple products to the Department of Agriculture and Markets Farmers’ Market Nutrition Coupon Program. The program should also be expanded to local fresh-market outlets, such as roadside stands.
17. We recommend that New York State take a proactive role in assisting farmers in the voluntary implementation of any federally developed livestock electronic identification program.

18. We suggest that the Department of Agriculture and Markets and the Office of General Services, together with other appropriate parties, encourage New York consumers, as well as state institutions and school districts, to preferentially purchase New York-grown agricultural products.
19. We recommend that law enforcement agents should have access to livestock auction sale records for use in investigation of missing or stolen animals.
20. We support recognition of agricultural custom work as a viable farm operation.
21. We support a change in the law to allow individuals to compost offal from their own processed animals.
22. We recommend that animal shelters and farm animal sanctuaries be licensed similarly to pet dealers by the Department of Agriculture and Markets.
23. We strongly support the concept of the Departments of Environmental Conservation and Agriculture and Markets having equal input on all policies and potential regulations, i.e. land use and nuisance permits.
24. We recommend that Agriculture and Markets work with the Department of Environmental Conservation to develop an indemnification program, like the one currently used for dogs, to pay the owners for death, or fees and costs that may arise from damage or injuries to domestic animals or livestock from attacks by wild animal species.
25. We support testing commercial fertilizer for nutrients to ensure a guaranteed analysis, and we recommend random testing for the presence of heavy metals or hazardous materials and ingredients, utilizing the Association of American Plant Food Control Officials (AAPFCO) standards.
26. We recommend that any fines collected by New York State for fertilizer falling below the stated nutrient value first be paid to the farmer as reimbursement for the missing nutrients. Any remaining funds should go to the New York State Department of Agriculture and Markets' testing lab.
27. We recommend that hand weeding be considered a sound agricultural practice.
28. We support the enactment of a law that would require all local laws affecting agriculture adopted by towns and villages to be reviewed and approved by the Department of Agriculture and Markets prior to filing with the Secretary of State. In addition, we support mandatory training on Agriculture Districts Law be provided by the New York State Department of Agriculture and Markets for elected and appointed officials in towns and villages. We support that this training provides training credits for applicable municipal employees.
29. We recommend that clear cutting be considered a sound agricultural practice to re-establish abandoned agricultural land that is within an agricultural district.
30. We recommend that any seed that has a coating larger than 10% of the total weight of the seed should be disclosed to the buyer and clearly advertised as such.
31. We oppose requiring individuals who sell or distribute commercial feed to be licensed by the Department of Agriculture and Markets.

32. We encourage the Department of Agriculture and Markets to increase its focus on the equine industry.
33. We recommend that the definition of domestic animals include animals raised under license from the Department of Environmental Conservation.
34. We recommend that growers should have their processing apples graded to USDA standards immediately upon delivery of the product to the dealer or dealer's designee and be paid no later than 120 days after delivery. Further, delivery should be defined as the point when the dealer or dealer's designee assumes physical control of the product.
35. We oppose amenable meats from a state inspection facility be sold into New York State until such time as New York approves a state inspection program to maintain New York's competitive playing field for New York's producers.
36. We support the creation within the Department of Agriculture and Markets of a policy to engage other state Departments of Agriculture to create a national consensus to allow for unrestricted interstate commerce, specifically the interstate shipment of wine.
37. We support a farmer's ability to choose arbitration, mediation or a civil trial in any and all disputes between such farmer and agribusinesses, except in the case of mandatory non-binding arbitration in relation to New York State Seed Laws.
38. We recommend that an enforcement mechanism be developed to implement the provisions of section 310 of the New York State Agriculture and Markets Law to ensure full compliance of the disclosure provisions of the statute.
39. We oppose a mandatory animal identification program on both the state and federal level. We oppose the Department of Agriculture and Markets automatically enrolling individual farms into an animal identification program.
40. We support the addition of "preemption" language to the state seed law.
41. We recommend that the State of New York define all commercial horticultural growing operations as farm operations and should provide all benefits and protections that such operations receive.
42. We recommend that sole authority of fertilizer regulation should be created and administered at the state level of government rather than delegating that authority to local government.
43. We support changing New York State cattle inspection requirements to permit group inspection of cattle imported for sale at auction barns in New York from adjoining states with similar health status, rather than the requirement that cattle must be inspected individually before importation into New York. The group inspection must be completed by veterinarians at New York State approved sale facilities prior to sale. Cattle imported for sale must be segregated from New York cattle and not comingled until after the completion of the group inspection, and the certification by the inspecting veterinarian that the imported cattle meet state health requirements. The cost of such inspections is to be borne by the producers sending the cattle to market. Further, this program should undergo a review after the first year to ensure protection of the state herd.

44. We strongly oppose any licensing of private roadside produce stands.
45. We support immediate reporting to the authorities of the capture of lost livestock.
46. We believe that licensed grain and feed dealers' moisture testers and grading equipment should be required to be tested for accuracy by New York State Department of Agriculture and Markets Weights and Measures division.
47. We recommend that the Department of Agriculture and Markets use email notification to inform certified greenhouses, nurseries, and plant dealers of plant pest issues as a way to better inform in real time and include email addresses on the application.
48. We support the creation of a statewide advisory committee overseeing the production of medical marijuana, with seats reserved for farmers.
49. Marijuana grown for medical purposes should be treated as a legitimate agricultural crop.
50. We believe farm guardian and herding dogs should not be classified as companion animals and support their inclusion in a separate classification in Agriculture and Markets Law that recognizes their working dog status. The Department of Agriculture and Markets needs to clearly define the best management practices for the use of guardian dogs on farms, as well as increasing their educational efforts to animal control officers.
51. We support the New York State Department of Agriculture and Markets maintaining field positions throughout the state.
52. We oppose state regulations that would be stricter than the federal regulations regarding animal feed ingredients.
53. We support that NASS-NY (National Agricultural Statistics Service – NY) reinstate its vineyard and orchard acreage surveys as part of the five-year Agricultural Census that breaks down all the varieties and acreage individually.
54. We encourage New York State agencies being required to seek an opinion from the Commissioner of Agriculture about impacts to agriculture if they are going to remove bridges, roads, or other public infrastructure in or near an agricultural district.

### Fairs

#### POLICIES:

1. We support an agricultural and youth emphasis at all agricultural fairs, including the New York State Fair.
2. We favor the improvement and maintenance of the New York State Fairgrounds and other fairground facilities utilized to house and promote agriculture in New York.
3. We support increased state reimbursement funding of agricultural fairs.
4. We recommend that county fairs using municipal water sources should have the same inspection considerations as other municipal water uses.
5. We encourage the New York State Department of Agriculture and Markets to improve animal welfare by upgrading ventilation and animal comfort at the New York State Fair livestock buildings.
6. We recommend that the New York State Fair not be privatized, and an agricultural focus should be maintained.



7. Funds allocated to the New York State Fair by the Department of Agriculture and Markets shall not be diverted for non-agricultural purposes.
8. We propose that the New York State Fair re-establish a 5/8ths mile track circling the northern parking lot adjacent to the racehorse barns.

### Funding

#### POLICIES:

1. We recommend that Department of Agriculture and Markets funds be maintained at adequate levels in order to ensure health and safety standards, and to increase agriculture's profitability. Any increase in funding should not come from new permit fees, fines and penalties, but from general fund revenues.
2. We support annual funding for the New York State Seed Testing Lab.
3. We support funding for the Department of Agriculture and Markets, Division of Plant Industry, to support, manage and fund the voluntary program for the production of tested and certified virus-free plant materials.
4. We recommend that a funded position be created through Agriculture and Markets to coordinate shipment of New York State products through Rail-X.
5. We recommend increased funding to the New York State Department of Agriculture and Markets to provide additional legal personnel.
6. New York State should continue to fund Farm Product Inspections for domestic and foreign products.
7. We support state funding for food banks to pay for the harvest and transportation of un-marketed food products.

### State Agricultural Product Branding Program

#### POLICIES:

1. We support a New York State Agricultural Branding Program that includes the following:
  - a. A matching funds program for promotion;
  - b. The program supports only New York-grown products; and
  - c. An advisory committee of New York farmers that makes sure the program stays focused on New York-grown products.
2. We encourage the modification of Department of Agriculture and Markets rules for the state agricultural branding program to include individual milk producers.

### SMALL SCALE FOOD AND MEAT PROCESSORS

New York Farm Bureau supports small scale agricultural production and encourages the continued development of this segment of agriculture. In order to ensure that foods processed in New York State and offered for sale for human consumption are pure and wholesome and that food processing establishments, in which foods are manufactured or processed, conform to proper operating standards we recommend the following:

## POLICIES:

1. We support the Department of Agriculture and Markets' inspection of the premises of home processors who sell foods for wholesale marketing or retail agricultural venues such as farms, farm stands, farmers' markets, craft fairs, and flea markets.
2. We request that the Department of Agriculture and Markets annually review all information pertaining to home processed foods for conflicting information and regulation changes, and that the revised materials list the revision date.
3. We encourage the Department of Agriculture and Markets to add craft fairs and flea markets to their mailing list of farms, farm stands, and farmers' markets and send the revised and updated regulatory materials to those on the mailing list by March 31 of each year.
4. We recommend that the Department of Agriculture and Markets develop a new information sheet or brochure detailing what is involved in a home inspection, including reasons for inspecting, what is checked, costs involved, and consequences of failure to have an inspection.
5. We encourage the Department of Agriculture and Markets to avoid attaching fees to the Home Processing Exemption Inspection process.
6. We suggest that the Department of Agriculture and Markets create an ad hoc advisory committee to discuss relevant small scale food and meat production processing and sale issues.
7. We recommend that the Department of Agriculture and Markets aggressively support small scale meat processors and examine existing requirements to alleviate the immense and unfair burdens placed on small scale processors. Specifically, the following issues should be addressed:
  - a. Assistance with meat processing waste (rendering) issues; and
  - b. Assistance complying with the United States Department of Agriculture (USDA) Food Safety and Inspection Service (FSIS) Hazard Analysis Critical Control Point System (HACCP) regulations.
8. We support slaughter/processing facilities including mobile units for livestock.
9. We recommend that New York State increase the poultry exemption for small scale poultry processors to the federal limit.
10. We support a change in the small game slaughter law to permit the sale of carcasses that conform to nearby state laws so as not to restrict trade and market access for New York State products such as rabbit and fowl.
11. We support the Cornell Small Farms Livestock Processing Working Group's efforts to increase the number of USDA inspected slaughter and processing facilities in the Northeast.
12. We recommend that the Department of Agriculture and Markets and its associated entities, including the NY Farm Viability Institute, make expansion of small scale meat processing facilities a priority issue.
13. We recommend that the USDA pre-approve processing facility blueprints to assist processors through the requirements associated with constructing a plant.
14. We oppose mandatory third-party sanitation audits for small processing plants.

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15. We support increasing the on-farm poultry processing exemption for those farmers who have completed a processing certification course.
16. We recommend the Department Agriculture and Markets allow separation by time instead of space for dually licensed 5-A and USDA custom exempt facilities.
17. We support a multi-tiered license structure for Article 20c license holders that supports the small scale food processors for a full 24 months.
18. We recommend that building structures that are used for on-farm processing/manufacturing of agricultural products receive an exemption from the state fire prevention and building code standards.
19. We oppose the Department of Agriculture and Markets adding additional regulation and cost to meat processing.
20. We support expedited certification of slaughter houses.
21. We support the food warehouse license fee being pro-rated for the size and scale of the farm operation, taking into account retail and wholesale sales.
22. We support that quick breads produced with a home processing license should be allowed to be sold in farmer's markets.
23. We support allowing home processing license holders to sell meat and vegetable breads that are properly refrigerated or frozen.
24. We support that Section 276.3 of the New York State Agriculture and Markets regulations be amended to include "farm-grown dried mushrooms" as an eligible home processed food.
25. We support increased funding for extending current state inspection for slaughter facilities, such as the 5a license, to all other livestock. Livestock slaughtered under a similar license must be from New York farms, and can be only sold to New York retail outlets.

## FOOD SAFETY

Farmers are committed to supplying consumers with a safe food supply. Despite this, some consumers have food safety concerns that have prompted the agricultural community to become more active in educating the public about today's farming operations. When regulations, not unacceptable risk, drive producers out of business, neither public safety nor consumers are served. The integrity of the producer and the judgment of the consumer must remain the cornerstone of food safety.

### POLICIES:

1. We support cooperation with other farm organizations and the Department of Agriculture and Markets to urge state and federal agencies that monitor and regulate the food supply to develop better information and education programs about food safety, new technologies in food production and other consumer concerns.
2. We recommend that educators and/or the public education system, extension agents, and others be encouraged to present established food safety facts and basic food safety preparation skills in a timely fashion using non-technical words.

3. We oppose legislative proposals for labeling foods that are produced with products proven safe by federal agencies.
4. We recommend that programs for testing pesticide residues be funded by general revenues of the state, not by a fee imposed on food retailers, since food safety is in the best interest of the general public.
5. We support continued funding for more state produce inspectors to eliminate the loss of markets due to a lack of inspection staff.
6. We support and encourage educational efforts to make the cold pasteurization of food more acceptable to the general public. Furthermore, cold pasteurization of foods should be an accepted food processing practice as long as it continues to match Food and Drug Administration recommendations.
7. We encourage local school administrators to enforce proper food handling practices to ensure high quality food products and milk.
8. We propose that pesticide residue tolerance standards established by the federal government be used as New York State standards.
9. We oppose unnecessary, mandatory processing of fresh fruit and vegetable products. However, we recommend all producers strictly follow food safety guidelines.
10. We oppose mandatory irradiation of food.
11. We recommend that state and county health departments should respond to food safety and water quality issues in a timely and professional manner.
12. We support voluntary labeling of consumer products by producers and/or retailers relative to their means of production: i.e., organic, natural, GMO (genetically modified organism) or non-GMO, providing the label is verifiable by sound science.
13. We oppose mandatory chemical treatment of wash water for fruits and vegetables for the purpose of disinfecting crops, such a regulation would not protect the public and put many growers out of business. However, we support mandatory use of potable water for washing produce.
14. We recommend that all agricultural products imported into New York State be subject to the same inspection, sanitary, quality and residue standards applied to products produced in New York State and/or reciprocal states. Products should be clearly labeled at the retail level as to the country of origin.
15. We do not favor testing all bovine animals at slaughter for BSE.
16. We support that any new restrictions for currently acceptable food production practices must be justified scientifically, i.e. through risk/benefit analysis, hearing, comment period, etc. We believe, further, that simply legislating for such changes without proper justification or public hearing by responsible agencies is unacceptable.
17. We support the development of uniform shelf life labeling standards for dairy products.
18. We support funding to producers for the purpose of food safety improvements necessitated by good agricultural practices compliance.
19. We support the development of more state grants to assist farmers in becoming compliant with New York State Health Codes.
20. We support people having the right to knowingly purchase and consume, with inherent risk, minimally processed agricultural products.

21. We oppose state mandated Good Agricultural Practices (GAP) for fruit and vegetable production.
22. We oppose absence labeling when it is intended to mislead consumers regarding the safety or efficacy of one agricultural product in comparison to another.
23. We support personal pasteurizing licenses for the processing of raw farm products, for example, cider, milk, fruit juices.
24. We oppose any action in the name of food safety that would impose any additional regulatory or financial burdens on any farmer or rancher, including any requirement to register their farms or ranches with the federal or state government or participate in a federal or state mandated food traceability program.
25. We support that the USDA should have sole responsibility for food and nutritional guidelines, not local governments.
26. We oppose product traceability for producers that direct market their product.
27. We oppose governmental bodies imposing restrictions on the foods consumers can purchase and consume.
28. We support designating the Department of Agriculture and Markets as the lead inspection and enforcement authority in New York for the FDA's new produce safety regulations that will be part of the Food Safety Modernization Act.

### LIVESTOCK PROMOTION AND RESEARCH

New York Farm Bureau, as a member of the New York Beef Industry Council, recognizes the importance of promotion to the beef industry in New York. Beef, pork, veal and lamb promotion is essential to the health of the agricultural community in New York.

#### **POLICIES:**

1. We support the Beef Promotion and Research Act, the Cattlemen's Beef Promotion and Research Board, and the New York Beef Industry Council.
2. We support the increased research and development of new livestock products.
3. We recommend strengthening inspection standards for meat imports without pre-notified inspections.
4. We support the development of non-antibiotic drugs for treatment of livestock.
5. We support the development of a system for the registration and licensing of qualified technicians in nonsurgical embryo transfer that does not require that an individual possess a Doctorate in Veterinary Medicine.
6. We support an industry-funded program, which promotes the qualities and characteristics of special milk fed white veal.
7. We support the increase and improvement of meat processing facilities, including mobile processing facilities.
8. We support livestock grading, as it is an important marketing function of the Department of Agriculture and Markets. Grading by expert,

reputable staff professionals provides unbiased credibility to sale animal descriptions for buyers not present at sale. Adequate funding should be maintained to employ this expertise.

9. We encourage livestock commission sales to sell goats on a per-pound basis as sheep and cattle are sold, rather than on a per-head basis.
10. We support streamlining the certification process for meat processing facilities.

## PROTECTION OF AGRICULTURE

### Economic Environment

The best way to protect agriculture and farmland is by promoting policies that allow the industry to be profitable.

#### POLICIES:

1. We support farmland protection through the creation of an environment that supports agriculture. Such an environment should include:
  - a. Marketing and promotional opportunities;
  - b. Creation of new agricultural products and promotion of value added processing enterprises;
  - c. Providing opportunities to secure credit;
  - d. The use of private and public farmland protection techniques;
  - e. Reduction of property tax burdens;
  - f. Strong support for right to farm and nuisance suit protection;
  - g. Funding for whole farm and nutrient management planning and the implementation of those plans; and
  - h. State and county Industrial Development Authority's (IDA) and Empire State Development Corporation's (ESDC) support for farming, processing of agricultural products and agricultural manufacturing.
2. We support efforts to inform local and state governments of the value of agriculture in their communities and the economic disadvantage our farmers face because their property taxes are significantly greater than those paid by farmers in competing states. The following items are essential to foster our economic environment:
  - a. Markets, services, and the right to farm
    - i. Local governments should attract agriculturally related industry. These businesses would provide employment and a tax base for the community while affording farmers a market for their products;
    - ii. Local governments should assure zoning laws are favorable to agriculture, property rights, agriculture-related industry, services, and markets. Local governments should also be required to notify agriculture and agriculturally related industries 30 days prior to consideration in zoning or land use changes which would impact agriculture; and
    - iii. Both state and local governments should promote and advertise agriculture.

### b. Education

- i. Local and state governments should consider the option of promoting tourism that would bring non-farm people in contact with commercial agriculture;
  - ii. Local and state governments should promote “Agriculture in the Classroom” activities; and
  - iii. Local and state governments should tie the funding of county fairs to the fair’s level of agricultural activity, education, and promotion.
3. We support an anti-disparagement law that protects farm commodities and practices against unfair and inaccurate public statements.
4. We support the State Right-To-Farm Laws, including implementation of agricultural planning such as creative marketing, promotion, education and networking with other organizations.
5. We support the state implementation of Agricultural Development Zones and benefits from this designation that would be similar to those of Economic Development Zones.
6. We recommend that the Industrial Development Authority allow farm businesses to compete for Industrial Development Authority funds without regard to the number of jobs created.
7. We support the availability of any state or federal monies through grants, low-interest loans etc., be made available to agricultural development as they are to industrial development.
8. We support greater agricultural representation on land use and comprehensive planning programs.
9. We support changes to the New York State General Obligations Law to void production contracts with bankrupt buyers.
10. We support New York State aggressively continuing to expand efforts in agricultural economic development.
11. We support New York State subsidizing premiums or additionally underwriting federal crop insurance programs or matching grant programs as part of an agricultural economic development and farmland protection program.
12. We recommend that excess investment tax credit amounts may be refundable to operators of a farm operation.
13. We support including for-profit farms and agribusinesses as eligible applicants for competitive grant programs, including those administered by public or private agencies, departments, or authorities that utilize state monies for administering these agricultural grant programs.
14. We support the creation of a permanent Agricultural Investment Act.
15. We support a portion of Farmland Protection Program funding, from the Environmental Protection Fund (EPF), being used to support the FarmNet program.
16. We support the passage of legislation to empower Industrial Development Authorities to work with and promote agriculture the same as other businesses.
17. We recommend that if a local municipality charges a fee for an agricultural building permit, it be no more than \$100, to encourage business growth. In the rare instance that a permitted project crosses

municipality lines, the lower fee should prevail.

18. We oppose municipalities using taxpayer money to fund agricultural operations that compete directly with local commercial farms.
19. We support the state providing technical assistance to current and future food processing and manufacturing plants to maintain these businesses in New York.
20. We recommend that the Southern Tier Economic Development Program make it easier to access funds for start-up farm businesses and make it more equitable to qualify. We further recommend that rules for qualifying be revised to make it easier for small farmers, who rent land from landlords not qualified for the Farmers School Tax Credit, to qualify for funding for infrastructure improvements on rented ground.
21. We support a tax credit for farmers who maximize carbon sequestration potential through a carbon farming land management strategy.

### Farmland Protection Techniques

#### POLICIES:

1. We believe that all farmland protection programs should be voluntary in nature.
2. We support farmland protection initiatives that address a broad range of issues that affect the long-term viability of agriculture. County Agricultural and Farmland Protection Boards play a role in the implementation of farmland retention programs at the local level. New York State should offer appropriate technical assistance to county farmland protection boards in the agricultural planning process. Some options may include an income tax credit, flat tax, purchase of development rights (PDR), transfer of development rights (TDR), and leasing of development rights (LDR).
3. We support increased state monies to fund voluntary farmland protection programs on a matching basis with local sources.
4. We encourage educational workshops to acquaint farmers with farmland protection options and effects of proposed programs.
5. We are strongly opposed to mandatory agricultural zoning or overlay districts. We are opposed to methods that remove farmer's equity in their property by such zoning.
6. We are opposed to the use of existing farmland for establishing buffer zones. To eliminate future problems, we support buffer zones being established by the developer in a new development adjacent to agriculture.
7. We recommend that when siting components such as roadways, utility rights of ways, and utility facilities, farmland should be treated as unique and irreplaceable as are wetlands.
8. We recommend that land subject to a conservation easement should be assessed no higher than its agricultural use value regardless of its enrollment in the agricultural assessments program. Conservation easement agreements should require full disclosure of all requirements in simple language.
9. We believe that every county should have an Agricultural and Farmland Protection Board to handle farmland protection activities and decisions.



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10. We recommend that the Agricultural and Farmland Protection Boards promote policies that recognize that the best farmland protection is a profitable farm.
11. We recommend incentives be provided to encourage commercial reuse or redevelopment of existing business or industrial sites, rather than new undeveloped sites.
12. We recommend that state funding be used for the funding of broader based programs, such as the Agricultural Industry Development Enhancement and Retention (AIDER) program, or for implementation of Agriculture and Farmland Protection plans.
13. We support increased funding by the state to the purchase and leasing of development rights.
14. We support allowing all farmland owned by New York State to be eligible for preservation through agricultural conservation easements, but not eligible for state purchase of development rights funding.
15. We support surplus state owned farmland that is sold on the private market should be sold with agricultural conservation easements to agricultural producers with allowances for small, appropriately sited building envelopes for agricultural related purposes and owner and farmworker housing.
16. We believe that to provide maximum flexibility, greater emphasis should be placed on the use of short, intermediate, or long-term contracts by counties and the State of New York for leasing development rights to preserve viable agricultural lands, preserve community integrity, and develop open landscape.
17. We recommend that farmers receive a tax credit, based on green payments for the farm's contributions to the community and the environment, similar to the school tax credit on farmland that qualifies for agricultural value assessment. This will enhance farm profitability, promote good stewardship, and help preserve more agricultural lands.
18. We support the ability of county Soil and Water Conservation Districts to hold conservation easements. This shall only be done with approval by the county Soil and Water Conservation District Board of Directors.
19. We oppose local zoning ordinances which require larger lot sizes. This practice does not preserve farmland or open space.
20. We support state legislation to enable municipalities the option of establishing Community Preservation Funds for land preservation purposes with priority being given to farmland. The imposition of an up to 2% Real Estate Transfer Tax would be established upon local referendum by those municipalities interested in creating a Community Preservation Fund.
21. We support incentives for start-up farms with particular emphasis on alleviating the burdens placed by local municipalities through their unreasonable regulations which make it difficult for start-up farms or farm expansion.
22. We propose that the Department of Agriculture and Markets facilitate regional meetings of chairs and members of county Agriculture and Farmland Protection Boards that lie within the same political district in efforts to combine their experiences and knowledge to enable and strengthen the rights and practices of farms and farmers.
23. We support a statewide agricultural land trust to hold conservation

easements from farms that have sold their development rights.

24. We support a Conservation Donor Tax Credit which would provide an income tax credit to a landowner who donates land or easement to a land trust or government agency.
25. We support a Conservation Easement Tax Credit to give owners of land that is enrolled in the state's agricultural assessment program and is restricted by a conservation easement an annual, refundable tax credit for the property taxes paid on the land.
26. We support that the state expands eligibility of the existing Land Trust Alliance grants program, which provides one-time operational funding for private land trusts, to a statewide agricultural land trust organization.
27. We support streamlining the paperwork process in general, and reducing the time required to complete state farmland protection program contracts to less than 24 months.
28. We support establishing state standards for the preservation of prime soils to aid planning boards during development reviews, as there is no current State standard.
29. We support state funding for the New York Agricultural Land Trust and its farmland protection activities.
30. We support a working farmland tax credit. The credit would refund county, town, school, and special district taxes paid on qualifying agricultural land via a refundable income tax credit. To qualify the land must be in an agricultural district and the owner must commit it to agricultural use for eight years. Early withdrawal requires an owner penalty of two times the tax credit.
31. We recommend the elimination of state capital gains tax on sales of agricultural conservation easements.
32. All Purchase of Development Rights programs should recognize the Department of Agriculture and Markets definition of a farm.
33. We support full funding for the Environmental Protection Fund so dedicated funds can be used for the Farmland Protection Program.
34. We support increasing the maximum state cost share to landowners participating in the state Farmland Protection Program from 75% of the total project cost to 87.5% if the non-state match is in the form of a landowner donation.
35. We support legislation that would allow the sale of unused tax credits resulting from the donations of development rights to local land conservancies. This would allow businesses and individuals who will use tax credits the opportunity to purchase them and landowners cash for their unused tax credits.
36. We support the concept that funding for the Purchase of Development Rights (PDR) Program first be exhausted in reimbursing expenses for awarded projects that have not received full funding.
37. We support award levels for each individual Purchase of Development Rights (PDR) Project be maintained at their original level and no further appraisals be required to receive funding.
38. We support using bonding and other funding sources as a way for New York State to complete existing state farmland protection program grants and to meet existing funding needs of the agricultural non-point source pollution control program.

39. We support retired farmers serving as representatives on county agricultural and farmland protection boards.
40. Farms that have been protected by the Farmland Protection Program should be permanently enrolled in the Agricultural Districts Program.
41. We support a timely repayment plan that requires the State of New York to restore all funding that was borrowed from the Environmental Protection Fund over the years and not repaid.
42. County department heads should be allowed to designate another department employee to represent them on the county Farmland Protection Board as voting members.
43. We support an amendment to the “Community Preservation Fund” law that would allow Agriculture and Markets certified farmer’s markets to take place on land where Community Preservation Funds have been utilized.
44. We recommend the appropriation of sufficient funding to allow the New York State Department of Agriculture and Markets to award new farmland protection program grants.
45. In order to ensure that a critical mass of farmland remains available to support the agricultural industry, we request increased state funding for the purchase of development rights on properties that are actively being farmed.
46. When development rights are purchased by a governmental entity or land trust on a parcel actively used in agricultural production, we support the purchase of additional restrictions beyond simple purchase of development rights, but only when there is a willing seller of said additional restrictions. These additional restrictions will limit nonfarmer competition for the purchase of development rights (PDR) for farm easements by mandating that the land cannot be taken out of agricultural production for two or more consecutive years.
47. We support the acceptance, allowance and inclusion of excluded areas from state farmland protection program conservation easement projects when such exclusions are not likely to have a long-term negative impact on agricultural viability or will assist in farm transfers to the next generation.
48. We support allowing eligible municipalities to apply for state Farmland Protection Implementation Program grant funding without requiring them to be the easement holders of awarded projects. Furthermore, we support municipalities partnering with land trusts to implement and be the easement holder of such grants.
49. We propose the reactivation of idle farmland owned by the state of New York by making these lands available for the attractive lease or sale to farmers.
50. When farmland is taken by eminent domain for public projects, such as roads, sewers, and utility lines, a state farmland mitigation fee equal to the value of the farmland (preferably the difference between the market value and the agricultural assessment) lost be charged to the project and paid into the Farmland Protection fund.
51. We support the continuation of the state Farmland Protection and Implementation Grant Program being offered on an annual basis.
52. We support that there be no limit to the number of applications an eligible entity can submit to the Farmland Protection Implementation Grant Program or the removal of the requirement that the applicant be

the conservation easement grantee.

53. We support the removal of the eligibility requirement that Farmland Protection Implementation Grant projects be for a single farm operation.
54. We support amending New York State law to differentiate farmland preservation from open space preservation. Furthermore, we support farmers having existing, and the ability to construct new, agricultural structures on preserved farmland for their farm operations.
55. We support prioritizing state and federal funding for voluntary conservation easements such as Option to Purchase at Agricultural Value (OPAV) and allocate state and federal funding for this purpose.

### **Producer Protections**

#### **POLICIES:**

1. We support the right of farmers to produce their own seed.
2. We support the use of animal power for agricultural purposes, such as producing food, fiber and transportation.
3. All farm records retained in relation to a state governmental program should be kept confidential unless the farmer and/or business owner gives permission for disclosure.
4. Farm businesses should be notified immediately when any Freedom of Information Law (FOIL) request is made for documents containing their business or personal information by the state agency or other authorized entity under state law of which the request is being made.
5. We support stricter requirements to New York's Freedom of Information Law to protect farming operations from groups or individuals who may use the farm information in a malicious manner.
6. We oppose the dissemination of proprietary information without the owner's consent, and believe proper compensation should be paid for use of that information.
7. The taking of pictures and/or video recordings by local, state and federal inspectors or any regulatory agencies without the approval of the farm operation should be prohibited. Images that are the product of a state or federal inspection by a regulatory agency should be exempted from FOIL requests.
8. We support legislation which penalizes wrongful entry and criminal trespass onto farms, theft of records, obtaining employment by malicious intent, taking recordings of the workplace activities without the owner's consent and intentionally interfering with farming operations. Penalties should include compensation and/or reimbursement to the farm where costs or damages have occurred.
9. We support laws that would prohibit surveillance of individuals or private property at a place and time when there is a reasonable expectation of privacy by individual(s) who intentionally use or permit use of a device to surreptitiously view, broadcast, or record another person, activity or private property by means of aerial imaging technology without the knowledge and consent of person authorized to provide consent.

Residential development in farming areas can severely impact normal agricultural practices. Right to farm laws, which help protect farmers from costly and crippling nuisance suits, are important for the health and preservation of agriculture in New York.

**POLICIES:**

1. Several local governments and agencies have tried to define agricultural practices as “industrial” and/or “commercial enterprises” simply because they don’t fit traditional perceptions of agriculture. Local and state governments must recognize that agricultural activities take on many forms and change over time.
2. We support education and defense of best management farm practices.
3. We oppose local government’s imposition of unreasonable restrictions, special permits or special conditions not required of traditional farming for non-traditional farm operations including, but not limited to, aquaculture, commercial horse boarding, hydroponics and greenhouse operations.
4. We support educational programs for outdoor enthusiasts to inform them of the needs and rights of the agricultural community and of their own responsibilities that accompany the privilege of enjoying privately owned lands.
5. We oppose any proposals restricting the agricultural districts program, right to farm laws, or the farm exemptions specified in the Freshwater Wetlands Act. Further, we oppose any regulations that are more stringent than current restrictions.
6. We encourage all municipalities to have on file, and to understand and properly enforce, the State’s right to farm laws.
7. We support state funding for local, town and county Dispute Resolution Centers for their service to the agricultural community.

**COMMODITY ISSUES****APICULTURE**

The production of honey is of growing importance as consumers seek natural food products. The apiculture industry also plays an important role in pollination. Persistent problems facing the industry must be addressed, including mite infestations and diseases such as Colony Collapse Disorder.

**POLICIES:**

1. We recommend funding for the enhanced apiary inspection program be increased in the state budget.
2. We support an apiary registration program, but we do not support registration or inspection fees.
3. We support continued funding for Apicultural Research and Extension program.

4. We support the establishment of an apiculture pest management position within Cornell University to develop Integrated Pest Management (IPM) management practices.
5. We support the development of Best Management Practices for Beekeeping.
6. We recommend that State Wildlife Refuges and Parks allow the placement of honey bees where appropriate.
7. We support legislation to protect, promote and expand the apiary industry.
8. We support relaxing current rules to allow bee inspectors to own hives of bees.
9. We strongly encourage New York State to establish a diagnostic lab for honey bees that is capable of dealing with the increased pressure of viruses in bee colonies.
10. We recommend that all future beekeeping rules incorporate input from all industry stakeholders.
11. We support a federal standard of identity and welcome the development of a federal labeling standard.
12. We oppose civil suit enforcement of honey purity laws.
13. We support enforcement of Section 206 of Agriculture and Markets Law.
14. We support a technical definition of honey for New York State.
15. We support an amendment to the statutory definition of livestock to include honeybees in Agriculture and Markets law.
16. We support state budget funding for a tenure-track honey bee applied research assistant professor post, two Extension Associates and supporting laboratory facilities.
17. We support state efforts to eradicate mosquito-borne viruses/disease using control measures that reduce negative impacts on pollinator populations.
18. We support increased funding for research on the causes of pollinator population decline.

## AQUACULTURE/FISHERIES

New York State has significant quantities of high quality water which could easily serve in the propagation to grow various fish species as an alternative or supplemental crop for farmers to improve income, help maintain the economic viability of the agricultural industry and increase rural economic development.

### **POLICIES:**

1. We believe New York State agencies should support the development of this potentially important sector of New York's agricultural economy.
2. We recommend that protection of our remaining commercial fisheries, which includes finfish, shellfish and aquaculture industries, become a high priority of the state.
3. We recommend that the necessary water quality parameters for

shellfish production be kept in place when the Department of Environmental Conservation considers permits for expansion or new construction of marinas.

4. We recommend the New York State Department of Health recommendations for shellfish and finfish consumption should be specific about the type and origin of fish for which recommendations are made.
5. We recommend that the standards for allowable contaminants in fish be carefully scrutinized. When contaminant levels are found satisfactory for human consumption, the information should be readily available to all including commercial net fisheries. Further, we support a New York State small fish fishery that allows the taking of striped bass that test within allowable contaminant standards.
6. We recommend that aquaculture waste should be declared an agricultural waste and be under the Department of Agriculture and Markets' jurisdiction.
7. We oppose any legislation that:
  - a. Attempts to restrict any commercially caught fish to a game fish classification only; or
  - b. Prohibits the sale of such fish.
8. We support the development of cumulative landing programs (i.e. weekly trip limits) to ensure harvest of New York allocated quota and more efficiently use marine and commercial fishing resources.
9. We recommend that waters and streambeds in fisheries be given appropriate consideration in all Department of Environmental Conservation regulations. Only water discharged at the property line should be subject to regulations.
10. We support legislation authorizing the Sea Grant Institute, Cornell University and the Suffolk County Cornell Cooperative Extension Marine Program to undertake a study and to develop a statewide aquaculture plan to determine:
  - a. Potential markets;
  - b. Review present production and marketing mechanisms;
  - c. Potential for investment;
  - d. Recommended mechanisms to enhance aquaculture activity; and
  - e. Identify existing barriers to growth and recommend their removal.
11. We recommend that New York State promote the shellfish aquaculture industry by the passage of laws that:
  - a. Clearly state and maintain the right to cultivate species of shellfish other than oysters as currently permitted by the New York State Department of Environmental Conservation.
  - b. Allow for the continued implementation of the Suffolk County leasing program as developed by the Suffolk County Department of Planning as set forth in New York State law.
  - c. Allow the ability to mechanically harvest cultivated shellfish on privately controlled underwater lands as regulated by the Department of Environmental Conservation to continue.
12. We support promoting the continued growth of the shellfish aquaculture industry in New York State by:
  - a. Farmed underwater land should be included within the agriculture

districts of New York State.

- b. A continued aquaculture exemption should apply to the harvest size limit on aquacultured bay scallops.
13. We support a change from the current annual license renewal for New York State Fish Hatcheries to a five-year license term.
14. We support the purchase of development rights (PDR) for the water front. PDR's have and continue to preserve farmland for the continued operation of the farming industry since the same program of PDR is necessary to preserve the waterfronts for the continued viability of the commercial fisheries.
15. We support the creation of cost sharing for Department of Environmental Conservation's Viral Hemorrhagic Septicemia (VHS) testing program.
16. We support funding for the New York State Diagnostic Lab at Cornell University to test for fish diseases on New York fish farms as mandated by the Department of Environmental Conservation. The cost of such testing shall be borne by the State.
17. We urge the New York State Department of Agriculture and Markets to establish a division to manage and promote all aspects of aquaculture statewide.
18. We support the Cornell Cooperative Extension Service in providing aquaculture advisement and education to growers in the area of recirculation and pond-based culture systems.
19. We encourage SUNY Colleges that offer aquaculture programs to modify their curricula to enable their graduates to:
  - a. Plan, organize, establish and operate commercial grade recirculation aquaculture production facilities.
  - b. Propagate and raise a variety of high value fish species, other than salmonids (trout), to include, but not limited to Black Bass, Yellow Perch, Walleye, eels, Sturgeon, shellfish and others.
  - c. Strategies for marketing commercially raised fish and shellfish to the public.
20. We urge the Department of Agriculture and Markets to hire an aquaculture specialist.
21. We support changes in state and county law that would add the right to cultivate seaweed on all leases, grants, franchises and other forms of access currently used for shellfish and finfish culture.
22. We oppose mandatory post-harvest processing of shellfish as a method to control *Vibrio Parahamolyticus* and *Vibrio Vulnificus* outbreaks.
23. We recommend amending the legislation regarding seaweed cultivation to allow for an increase in the size of pilot project acreage and a decrease in the pilot project program length.

## DAIRY INDUSTRY

Annually, New York dairies produce more than 14 billion pounds of milk, generating several billion in receipts. A strong dairy community in this state is not only beneficial to agriculture, but also to the entire state economy and to all New York consumers.



Dairy farmers need to promote the products they produce. In addition, there is a need to seek development and distribution of new dairy products.

**POLICIES:**

1. We support the increased research and development of new dairy products, emphasizing Class I products. Funding should be shared by the industry.
2. Since the processor assessment of twenty cents is utilized in the calculation of the Class I price, we support the inclusion of the fifteen cent producer assessment in said calculations.
3. We support research, distribution, advertising, and education of consumers regarding milk products developed specifically for use by lactose intolerant people.
4. We support the American Dairy Association North East continued use of professional promotion programs, with great importance placed on return per dollar invested.
5. We encourage the American Dairy Association North East to continue looking for new and undeveloped local markets and producers to help local promotion projects.
6. We encourage the advertising of milk on a diet-advantage basis (i.e. advertising milk for its high calcium, high protein, low fat content and balanced electrolyte levels) and for the many positive impacts milk has on health.
7. We support the efforts of Dairy Marketing, Inc.
8. We support the “Real Seal” program through advertising and reporting of its successes.
9. We recommend that the Real Seal on products be larger, more visible, uniform and recognizable.
10. We support the new standards of identity for “low fat” or “nonfat” dairy products to help increase commercial sales.
11. We recommend the use of a common terminology, such as gallons, to discuss farmer/consumer prices for milk.
12. We believe that the fat content of all fluid milk sold, including whole milk, should be clearly labeled on the container, as a percent fat free rather than percent fat.
13. We encourage the Legislature to develop programs which will encourage the continued existence of milk processing facilities and foster the development of additional facilities.
14. We support funding the PRO-DAIRY program’s statewide and regional teams of specialists, which are accountable to producers, as recommended by Cornell University.
15. We recommend that New York milk processing regulations be rewritten to accommodate small and on-farm processing.
16. We support the placement and use of milk vending machines in schools, Thruway service areas and other public institutions.
17. We support efforts to stop the illegal use of milk protein concentrates and caseins for food and dairy products and encourage enforcement

by the state Department of Agriculture and Markets.

18. We support legislation that promotes the use of calcium-rich foods in schools and other public institutions. Preference should be given to naturally calcium-rich products such as milk or dairy products.
19. We call on all agencies to strictly enforce labeling laws as they pertain to milk and milk products.
20. We support a ban on the third-party sale of fluid raw milk in New York State.
21. We support continuation of the New York State Raw Milk Program with the support of the New York State Department of Agriculture and Markets.
22. We recommend that a state-approved signage program for cheese trails should be established through the Department of Transportation, similar to the wine trails.
23. We support the funding of the New York Farm Viability Institute to facilitate the dairy profit team program.
24. We support the American Cheese Society's definition of Farmstead Cheese and encourage New York State Department of Agriculture and Markets to consult this definition when approving Farmstead on a cheese product label.
25. We support New York retaliation on Canadian goods entering the U.S. in response to the Canadian Government's efforts to block the importation of ultra-filtered milk from the U.S.

### Quality Programs

New York dairy farmers strive to produce high quality milk. Dairy farmers are also concerned that handlers and cooperatives market a high quality, attractively packaged and good tasting product that meets consumers' changing demands.

#### **POLICIES:**

1. We support an extensive program to work with dairy farmers, processors, distributors, and retailers to improve milk quality to the consumer.
2. We recommend improved enforcement of guidelines, rules, and regulations related to milk handling in all outlets and the maintenance of adequate funding levels for inspections to ensure consumer protection.
3. We recommend regional dairy councils should continue to work with schools to ensure the correct handling of school milk supplies and delivery of high quality milk to students.
4. We support milk handlers and receivers providing quality incentive programs to producers (i.e. somatic cell and bacteria counts).
5. We support independent lab testing adequately monitored by the Department of Agriculture and Markets of all milk samples used to determine the components for which producers are paid.
6. We support uniform state and federal inspection standards for dairy facilities.

7. We recommend that dairy inspection regulations concerning on farm equipment requirements include a grandfather clause to maintain existing equipment facilities if they are not causing quality problems.
8. We support maintaining state funding for the Quality Milk Promotion Services and supplemental funding through user fees as needed.
9. In the event of a positive antibiotic test at a milk processing facility, a further sample from the contaminated compartment in the truck should be:
  - a. Chain of custody of the sample established; and
  - b. The sample preserved for further testing by the farmer with an established list of independent testing facilities.
10. We recommend milk companies supply an optional second tamperproof sample bottle for farmers to hold in case of a questionable quality claim.
11. We support that no dairy products that require U.S. Grade A sanitary standards (such as fluid milk and yogurt) may be imported from nations lacking Grade A inspected dairy farms, transportation systems, and Grade A-certified dairy processing plants.
12. We recommend that the New York State Department of Agriculture and Markets support the reduction of the maximum threshold of allowable somatic cells in milk at the farm level from the current 750,000 cells/ml down to 400,000/ml.
13. We recommend that if a load of milk is rejected, a written notice of rejection and reason be submitted to the producer. In addition, if a rejection occurs because of antibiotics, the processor must report which test was used and failed to the producer.
14. We support mandating all federal and state milk inspectors be identified with a picture identification and leave notice of being on the farm.

### Dairy Research

#### **POLICIES:**

1. We oppose mandatory labeling of products produced utilizing new or existing technologies or the banning of those technologies that have been approved by the appropriate regulatory agencies.
2. We support the use of new, safe technologies in dairy production, and oppose restrictions on such use. If restrictions are placed on the use of safe technologies, we support the payment of premiums to offset any financial loss by the discontinued use of the technology.
3. We support encouraging retailers and/or processors to label “regular” milk as prominently and attractively as milk that is from “non-rBST cows” or “organic,” as there is no scientifically proven difference.
4. We support research programs to improve the profitability and efficiency of the New York State dairy industry with emphasis on new food and nonfood dairy products.
5. We support continued research on cures, including non-antibiotic cures, for mastitis.
6. We support a program funded by voluntary contributions from dairy farmers to generate research into challenges faced by dairy farmers such as nutrient management and reduction of antibiotic use.

Imitation food products have increased their market share of institutional and retail markets. Inadequate labeling of imitations often misleads consumers who desire real dairy products. The dairy industry needs to work together to assure consumers of the benefits of buying real dairy products.

**POLICIES:**

1. We urge the Department of Agriculture and Markets to strongly enforce labeling and notification provisions for imitation dairy products and appropriate state funding should be provided to implement this directive.
2. We support a prominent notice to consumers of imitation dairy product use in prepared foods.
3. We support separate displays of dairy products, imitation dairy products and nondairy items in supermarket display cases and in advertising flyers.
4. We strongly support the use of milk solids instead of titanium dioxide for low fat or skim milk to make these dairy products more attractive to the consumer.
5. We support the use of butter and real dairy products instead of trans fats such as margarine. We recommend that Cornell Cooperative Extension stop promoting margarine in recipes.
6. We support the labeling of reconstituted milk for fluid and cheese products.
7. We recommend that the word milk should not be allowed to be used in the labeling of any product that does not originate from a lactating animal.
8. No product shall be labeled, marketed or sold as cheese unless it is derived or produced using at least fifty percent of dairy milk or milk components.

**Milk Producers Security**

The system of pricing and payment for raw milk requires dairy farmers to extend credit to milk dealers before they receive payment. In light of this fact, the state of New York has taken on the responsibility of reducing the credit risk facing dairy farmers through the implementation of milk dealer bonding requirements and the milk producers' security fund law. In order to further reduce the risk of default of payment by milk dealers, additional provisions are recommended. For the purposes of this section and pursuant to section 258-b of the Agriculture and Markets Law, the term "milk dealers" does not include dairy cooperatives.

**POLICIES:**

1. We strongly recommend the Department of Agriculture and Markets continue to scrutinize the financial resources of milk dealers and adequate state appropriations should be provided to the Department's

Dairy Division to carry out in-depth review of milk handlers' financial records.

2. We recommend the Department of Agriculture and Markets should develop a system to inform producers of the financial strength of milk dealers. The Department should inform producers if a dealer fails to secure a required minimum security bond.

### Milk Marketing Orders

Federal and state milk marketing orders were created to promote price stabilization at the farm and consumer level and encourage production of fluid milk close to the market.

#### **POLICIES:**

1. We believe New York State producers should be allowed to vote on individual amendments to the order without nullifying the entire order.
2. We support decoupling of Class I milk from manufacturing milk in price determination.
3. We oppose the adoption of the National Council on Interstate Milk Shipments proposal to grant Grade A status on imported dairy products, unless:
  - a. Cost of all inspections are borne by the importing entity; and
  - b. Equitable access to markets in the importing country's market is provided.
4. We support improving price discovery through mandatory reporting and auditing of prices and inventories.
5. We recommend that New York State actively and properly enforce the Retail Milk Threshold Law at 200% of the Class I price.
6. We recommend that the Department of Agriculture and Markets strictly adhere to a minimum of 3.25 percent butterfat content in whole milk.
7. We recommend a review of the Federal Milk Marketing Order pricing formulas of milk to prevent a negative "other solids deduction" from dairy farmers' blend prices.
8. We encourage co-ops to continue notifying farmer members about any proposed milk marketing order changes.

### Over-Order Pricing

Over-order pricing remains one of the most discussed and important topics among dairy farmers. The subject has been controversial in the past and continues to generate a wide range of opinions among the membership. The following policies provide a strong position to guide our efforts in the future.

#### **POLICIES:**

1. We strongly support regional over-order pricing.
2. We recommend dairy farmer recognition of the milk processing

sector's vital role in the dairy industry. We support a positive business climate in order to expand the processing industry in New York State.

3. Until interstate commerce concerns are addressed, we do not support the Rogers-Allen Act.
4. We support voluntary, producer controlled, incentive based supply management.
5. We support dairy cooperatives and dairy producers working together to address milk supply issues, through programs such as Cooperatives Working Together.
6. We strongly support the establishment of a New York or Regional Milk Marketing Board, similar to the Pennsylvania Milk Marketing Board, to establish a base price for milk sold within New York State and financed by the retail market.
7. We oppose the creation of any government administered program that would seek to undermine or replace the current CWT (Cooperative's Working Together) program.
8. We strongly support elimination of caps on milk production used as a basis for production payments.

### EQUINE INDUSTRY

The equine industry represents a significant part of New York State's agricultural industry. This industry currently generates billions of dollars in revenue for the state and the investment by horse breeding operations is growing. The horse industry provides many expanded markets for other farmers.

#### **POLICIES:**

1. We support a New York State sales tax exemption for horse sales, along with farrier supplies and services.
2. We support legislation making all services provided by commercial horse boarding and training operations exempt from sales tax.
3. We recommend no reduction in funding for equine programs at the Cornell University Veterinary College and Diagnostic Laboratory, and at all SUNY colleges and universities.
4. We recommend that New York State should increase funding to  $\frac{3}{4}$  of one percent of the handle, from Off-Track Betting facilities, to the Thoroughbred Breeding Fund and the Harness Breeders' Sire Stakes Program, in order to maintain breeder awards at the present level.
5. We recommend that both proposed and existing trails, on state, county and local lands, which are now considered multiple use, (hikers, bicyclists, skiers, snowmobilers and horseback riders) be preserved as such. We oppose any attempt to restrict horseback riders from these trails.
  - a. We support continued efforts to develop horse trails at the town, county, state and federal levels in open space and recreation plans in New York State.
6. Off-Track Betting in its present structure is not working effectively to promote the equine industry. We favor restructuring the program to run in a more efficient manner to benefit the racing industry. We

recommend that all wagering, related to horse racing, be conducted by the associations that conduct racing.

7. We recommend the expansion, improvement and maintenance of horse stables at show facilities at the New York State Fairgrounds and other fairground facilities to bring them in-line with industry standards.
8. We support equine processing facilities as a valid outlet for unwanted horses.
9. We oppose legislation that implicitly or explicitly redefines any livestock, including horses, as companion animals.
10. We support a reasonable review and development of an insurance scale for the equine industry that does not drive farms, shows, clubs, organizations, and individual owners out of the sport.
11. We support re-instatement of funding for the New York State Horse Health Assurance Program.
12. We support the development of all equine racing in New York State.
13. We oppose video lottery terminal (VLT) expansion outside of racetracks, thereby ensuring the benefit to agriculture.
14. We oppose any revision of the current VLT statute that does not guarantee the current allocation of 1.247 percent for the first five years and 1.508 percent thereafter to the horse breeding funds.
15. We recommend that equine indoor riding and training rings should be exempted from New York State Commercial Building Codes in a manner similar to building structures that are used for solely agricultural purposes.
16. We support privately funded rescue organizations, accredited by the Department of Agriculture and Markets, to provide entirely at the owner's discretion, an alternative to processing. A database of these organizations should be maintained by the Department of Agriculture and Markets.
17. We recommend that Video Lottery Terminal (VLT) revenues generated for the Breeding Development Fund at in-state harness tracks should be divided fairly among all harness tracks in New York State.
18. We recommend that statewide, uniform and science-based best management practices be developed for equine care and seizure to protect both horses and owners.
19. We support the development of a regional system to notify, educate and provide timely information to horse owners regarding the importance and effectiveness of prophylactic vaccines.
20. We support research on the therapeutic benefits of using horses for health, veteran, physical, mental rehabilitation, and addiction programs.
21. We recommend that the Department of Environmental Conservation (DEC) establish a system to receive voluntary contributions of money or other resources for the use of DEC-operated horse trails.
22. We oppose the State Department of Education licensing equine dentists or farriers.
23. We oppose legislation that would ban the use of carriage horses in New York City or any other location throughout the state. We

recommend active efforts to defend the legal business of horse-drawn carriage operations, including protection against activities that hinder or disrupt the lawful practice of this industry.

24. We recommend commercial equine operations receive the current commercial agricultural sales tax exemption and the ten-year real property tax exemption on new farm buildings.
25. We oppose New York State providing tax credits to offset the costs of equine euthanasia.
26. We support the establishment of a horse park in New York State.
27. If and when full-scale casinos are licensed and cited in New York State, we support them at racetrack locations that are currently licensed for gaming.
28. We recommend that funds be secured to regularly generate a New York State equine industry survey.
29. We recommend that the Department of Agriculture and Markets work to educate county, town, and village planning boards to ensure that equines are recognized as part of agriculture and entitled to agricultural benefits.
30. We support the development of low-cost gelding, euthanasia and carcass disposal programs in New York State, without the use of state funding.
31. We recommend that legislation for a voluntary equine feed tax assessment program be developed and enacted to develop a funding stream for equine industry education, promotion, marketing and research, without unduly impacting feed dealers.
32. We recommend that the Department of Agriculture and Markets write a yearly press release on the health and importance of the equine industry in New York State.
33. We support the establishment of a New York State Equine Industry Alliance that would serve in an advisory capacity to New York State Department of Agriculture and Markets and the Legislature.
34. We support a winter Thoroughbred racing meet and ensuring a minimum of 600 NY-bred Thoroughbred races each year at New York Racing Association.
35. We recommend that the Department of Agriculture and Markets review state laws regarding minimum care standards for equines to determine areas for improvement, including penalties for violations.
36. We recommend that legislation be developed and enacted to formalize training programs for animal control officers in the area of equine care, welfare, and handling (similar to that found in legislation pertaining to the 'Training and Certification of dog control officers').
37. We strongly support viable equine rehabilitation and re-training programs and facilities.
38. We support allowing harness tracks to write restricted races for 100-percent New York-owned horses only.
39. We support the re-privatization of the New York Racing Association as a non-profit organization.
40. We support the increased engagement of Saratoga area citizens in appointments to the boards of state government entities that oversee the Thoroughbred industry. This engagement should be followed



for residents of the Aqueduct, Belmont and Finger Lakes racetrack geographic areas.

41. We support the Harness Horse Breeders of New York State being the exclusive administrative arm of the Sire Stakes Program.
42. We support the addition of two trustees to the Agriculture and New York State Horse Breeding Development Fund, one appointed by New York Farm Bureau and one appointed by the Harness Horse Breeders of New York State, creating a seven-member board of trustees.

### FARM-BASED BEVERAGES

#### Brewery, Distillery, and Cidery Issues

We urge New York State to recognize and support the growing brewery, hops and distillery businesses, which utilize New York grown farm crops.

#### POLICIES:

1. We support beer being classified as an agricultural product.
2. We support increased hops, barley and other beer ingredients research by Cornell University and the use of barley, hops and other New York State produced crops in the production of local beer.
3. We support the sale and tasting of beer, and the ability to pour their own product, by breweries at off-premise events, similar to those already available to New York State wineries, including charitable events.
4. We support that New York State government follow the same labeling guidelines for beer as the federal government to speed up the approval process at the state level.
5. We support the ability of brewers, who represent five percent or less of a wholesaler's business, the option to re-purchase their brand from the wholesaler at an industry-wide agreed upon level.
6. We recommend that farm brewers and microbreweries be able to terminate a wholesale distributor agreement, provided they pay the wholesaler fair market compensation.
7. We believe that holders of a farm distiller's license for the low volume production of spirits, all of which are made from New York grown crops, should be allowed to retail their product and offer tastings to better market their product.
8. We recommend that excise tax calculations be in liters, not gallons.
9. We recommend that brand label registrations not be required for small batches of farm brewery or farm distillery products, in a manner similar to the farm winery license.
10. We support changes to brewery and farm brewery licensees to enable the bottling and/or canning and labeling cider produced by licensed farm cideries or farm wineries under an alternating proprietorship arrangement within the alcoholic beverage control law.
11. We encourage a clear distinction between hard cider or cider beer and sweet cider for promotion and licensing purposes.

12. We support New York State, its agencies, commissions, and other entities, offering incentives, such as tax relief and tax credits, to its farm and craft brewing industry and their supporting businesses, such as farms growing hops and malting barley, to help build the infrastructure of the industry and invest in its future.
13. We recommend that if there is any state or federal regulations that prohibit microbreweries offering Community Supported Agriculture type programs, they be amended to allow for this marketing strategy.
14. We support New York State helping to improve the economic wellbeing of the craft distilling industry through activities, including custom distilling operations, which can create an environment that helps foster agricultural innovation.
15. We support ensuring that farm brewery licensees comply with the provisions to use New York State-grown products, as noted in the existing statute and further support the development of an on-line annual compliance/audit report for licensees that ensures that the proper amount of barley and hops are being used to ensure provisions of the statute are being met.
16. We support allowing farm breweries, farm cideries and farm distilleries the ability to sell their products at licensed roadside farm markets and farm stands in the same way that farm wineries are currently allowed to sell their products.
17. We support current law that only allows class D, Farm Distillery licensees, to sample and sell retail liquor at their licensed premise.
18. We oppose the new law which allows all microbreweries to sample and sell retail liquor at their licensed premises.
19. We support allowing koji-based spirits being defined under Alcohol Beverage Control Law and to be eligible for sale for consumption at locations licensed to sell wine.
20. We support allowing wineries, cideries, breweries and distilleries the ability to sell any type of New York farm licensed alcoholic beverages.
21. We recommend that byproducts of malting be classified as agricultural processing wastewater rather than industrial wastewater.
22. We recommend that any farm brewery growing barley should be able to process on site and sell malt as a product.
23. We support offering a reduced excise tax rate for farm distilleries.
24. We support line item funding in the New York State budget for a New York State Hops Specialist through Cornell University.
25. New York State should enhance the benefits of farm breweries, cideries and distilleries licenses to ensure we have adequate capacity for the significant increase in hops and grain production.
26. We support allowing farm breweries, farm cideries, and farm distilleries in possession of a marketing license being able to charge for product tastings at venues off of the production premises.
27. We support allowing farm breweries, farm cideries, and farm distilleries in possession of a marketing license being able to ship products in-state.
28. We support allowing on-farm distilleries producers to be able to file excise tax form MT-40 and make payments electronically.

29. We support funding for research and hops breeding programs to develop proprietary New York hops varieties.

### Grape and Wine Industry

The production of grapes for wine and sweet juice is a vital part of New York agriculture and is of major economic importance to New York State. The New York grape industry has achieved recognition for the production of international quality wines and as the center of a large sweet juice processing industry. In order to further strengthen the New York State grape industry and make it more competitive with other states, specific problems facing the industry must be addressed.

#### **POLICIES:**

1. We oppose additional excise taxes on wine.
2. We support the sale of wine in retail food outlets. Should the sale of wine in retail food outlets be allowed, we recommend that liquor stores be provided more flexibility to offer items for sale and in their overall business structure in order to remain competitive. We recommend that multiple locations should be included as part of the overall business structure for liquor stores.
3. We recommend that New York State grape juice be offered in institutions and schools.
4. We recommend that the Commissioner of Agriculture and Markets bring grape grower groups and independent processors together to discuss alternative pricing incentives.
5. We recommend that the current grape pricing law be amended to permit the buyer to raise his price by as much as the market will bear if the Department of Agriculture and Markets certifies that a significant reduction in yields has occurred. No reduction in announced prices would be permitted.
6. We support intra- and interstate shipment of wine and encourage that the interstate shipment process be simplified to the extent possible while ensuring adequate safeguards.
7. We support the New York Wine and Grape Foundation's annual budget request for New York Wine and Grape Foundation research and promotion programs as well as New York Wine and Culinary Center programs and for funding from the Genesee Valley Regional Market Authority.
8. We support the New York Wine and Dines Program and urge sufficient funding to expand this program for statewide application.
9. We recommend that New York State farm wineries should be able to offer free samples of their products at the State Fair and at county fairs.
10. We urge New York State to take legislative or regulatory actions to correct the trade imbalance with Ontario, Canada, since provincial duties, levied at the Canadian border, on New York wine products sold to consumers at New York farm wineries, greatly deter tourists from purchasing our wine products.
11. We recommend that the Department of Agriculture should recognize the presence of two farm winery operations as meeting the definition of a Farmers' Market.

12. We oppose increased bond requirements for farm wineries.
13. We recommend that New York State produced wines should be given preference and promoted at New York State Parks and Recreation facilities statewide where alcoholic beverages are permitted for sale.
14. We recommend that wine processing tank residue, including designate juice settlements/lees or fermentation lees, should be classified as agricultural waste.
15. We encourage the State Liquor Authority to reduce the costs of compliance and reduce the record-keeping requirements for wineries to sell their product to both in-state and out-of-state customers.
16. We recommend the elimination of the annual report of direct wine sales that is now required by the State Liquor Authority.
17. We also recommend the elimination of the adult signature requirement for the delivery of direct wine sales, if the winery has already verified the age of the recipient.
18. We recommend a substantial increase in research and marketing funds for wine promotion through the Department of Agriculture and Markets to counter foreign subsidies and tariffs.
19. We urge the New York State Department of Agriculture and Markets to continue to work with the State Liquor Authority to review regulations and to streamline the laws that affect the wine, distillery and brewery industries of New York State.
20. We strongly encourage alternative funding mechanisms to support the Wine and Grape Foundation for promotion and research, and the attraction of matching funds whenever possible.
21. We support re-authorizing off-duty police officers, with their supervisor's permission, to provide security for on or off-premises wine trail and/or winery and food events.
22. We strongly oppose any requirements that mandate wineries to have exclusive, binding, contractual relationships with distributors and/or wholesalers.
23. We recommend that the excise tax on the first 10,000 gallons of wine produced and sold by a New York-headquartered winery be dedicated for promotion of New York wines by the New York Wine & Grape Foundation.
24. We support the creation of a Grape Research and Development Order to generate industry funding.
25. We support the continued legal use of reusable containers for consumers purchasing wine from New York wineries, restaurants or retailers as a way to increase convenience and lessen environmental impacts.
26. We support the New York Wine and Grape Foundation as the primary advocate for promotion, marketing and research for New York's wine and grape industry.
27. We oppose an "at rest" requirement within the alcoholic beverage control law, which would require out of state shipments of wine to "rest" for 24 hours in a New York State warehouse prior to sale within New York.
28. We support an exemption for New York wineries from the wholesale distribution reporting requirements regarding sales to restaurants.
29. We recommend that New York State Department of Agriculture and

Markets law and the Alcohol Beverage Control laws be in conformity, as they relate to winery issues and the sales of wine, wine products, sales of agriculturally related products, food products and tourism related activities.

30. We recommend that any new allocation of authority over New York's successful wine trail signage programs ease regulatory barriers to expansions and appropriate promotion to facilitate economic growth in the wine sector.
31. We support changing the classification of wine from an alcoholic beverage to an agricultural commodity solely for the purposes of achieving a producer funded market order to benefit generic research, promotion and marketing of New York-produced wines.
32. We support farm wineries in New York State being able to purchase grape spirits from out-of-state suppliers when not available in New York State.
33. We encourage the Department of Agriculture and Markets to consider a lower percentage of on-farm or estate produced grapes for farm wineries located outside of an American Viticulture Area (AVA) when interpreting the predominance standard in relation to farm wineries within a State Certified Agricultural District. Where farm wineries fall below the current 51% threshold, the Department of Agriculture and Markets will require that 100% of imported grapes be purchased from New York State grape growers.
34. We recommend that farm wineries who are self-distributing their wine be permitted to sell mixed and matched cases at a discount.
35. We recommend that wine shops and liquor stores be permitted to sell New York state wine by the growler.

## FOREST INDUSTRY

The forest industry is an important aspect of New York State's economy. Farmers own a significant amount of forestland and are concerned with the future of this industry.

### POLICIES:

1. We recommend continued emphasis on the education of proper harvesting of woodlots.
2. We recognize a need for the New York Department of Environmental Conservation foresters to continue managing the Stewardship Incentive Program offered by the U. S. Department of Agricultural Farm Service Agency.
3. We recommend that New York State develop grading specifications for native lumber species.
4. We recommend the use of best timber management practices in all state forests and privately owned land.
5. We support strengthening the Right to Practice Forestry Act.
6. We oppose the enactment of logging ordinances that restrict the rights of property owners to responsibly harvest timber as determined by New York State Society of American Foresters timber harvesting guidelines.

7. We support revisions to the property trespass laws whereby “willful intent” of the perpetrators could be easier to prove. We also request that law enforcement be more aggressive in pursuing cases of timber theft.
8. We support the “Project Learning Tree,” sponsored by the Department of Environmental Conservation, which provides funding to support the forester’s expenses connected with the program.
9. We support a certified logger program. All such programs should be expanded to include specialized training specifically for educating farmers and emergency medical personnel.
10. We support the tree farm system sponsored by the American Forest Institute that offers a free, voluntary professional forest management service for private property owners of 10 acres or more of woodlands.
11. We oppose the imposition of international building code standards for lumber.
12. We recommend that commercial timber harvesters be required to notify adjoining landowners for each timber harvest.
13. We recommend that timber mills be required to keep a bill of sale log book on file containing the source of timber purchased from a harvester that includes landowner contact information.
14. We oppose the Department of Environmental Conservation conducting another study of timber theft in New York State.
15. We recommend that the Department of Environmental Conservation 480-A requirements be modified to allow property changes that relate to gas and oil development. Parcels that drop below minimum acreage requirements as a result of the changes should not be penalized and allowed to continue in the program.
16. We oppose any local road use laws or ordinances that target harvesting of timber or any other agricultural practice.
17. We support New York enacting a forestry stewardship and habitat conservation tax credit for forest landowners.
18. We oppose any effort by New York State Department of Environmental Conservation to enact a timber harvest notification law.

## FRUIT

New York is a leading producer of almost all varieties of fruit including apples, cherries, pears, peaches and berries. Unique climatic conditions and innovative research continue to make this state an attractive place to produce fruit. To continue our leadership as a fruit growing state, we need supportive policies that address issues such as marketing, input costs and excessive regulation.

### **POLICIES:**

1. We recommend that the Department of Agriculture and Markets allow produce to be sold either by volume or weight.
2. We recommend that the Department of Agriculture and Markets enforce pre-delivery contract requirements.
3. We support the inspection and grading of apples to exact weight and

percentage of grade.

4. We strongly recommend that apple vending machines in private and public New York schools contain only New York apples.
5. We support funding for a Stone Fruit Research Program.
6. We recommend that New York establish a proactive inspection and research plan with Animal and Plant Health Inspection Service (APHIS) for all stone fruit acreage in the state to test for Plum Pox. Funding sources to reimburse stone fruit growers for loss due to orchard eradication, if found, should be continued.
7. We support the use of state funds for the promotion of New York State-grown berries.
8. We oppose the sale of any apple in New York as a fresh market apple that is older than one calendar year.

## HORTICULTURE

The greenhouse and nursery industry is a rapidly growing segment of the agricultural community. Economic revenue from the sale of horticultural specialties is responsible for a significant piece of the total agricultural sales in New York. The development of new markets, and the relaxation of regulatory burdens, will help to continue this trend of economic growth in the future.

### **POLICIES:**

1. We oppose mandatory water collection for greenhouses.
2. We support the strengthening of Cornell's Horticulture, Pathology and Entomology programs through the increased funding for:
  - a. Replacement of retired professors to maintain effective instruction at Cornell;
  - b. Effective support of Extension programs from the Cornell campus;
  - c. Repair and improvement of horticulture-related research facilities at Cornell; and
  - d. Improved county and regional Extension support to growers.
3. We recommend that on-farm retail sales should be allowed in temporary greenhouses.
4. We encourage state funding for horticultural research.
5. We recommend that the Department of Agriculture and Markets inspect shipments of "starts" that are imported into the state and to ban the importation of diseased plants. If disease shows up on plants already for sale at garden departments in the state, the Department of Agriculture and Markets should have the power to require the immediate withdrawal of those plants from sale and their destruction.
6. We recommend the establishment of a producer's compensation fund for the greenhouse industry when crops are affected due to government intervention such as a quarantine or confiscation.

**NON-TRADITIONAL LIVESTOCK****POLICIES:**

1. We support the farming of non-traditional livestock, including bison, cervid (deer and elk) and camelid farming and ranching.
2. We support and encourage meat processing facilities to accommodate non-traditional livestock.
3. We support and encourage the promotion of New York farm-raised venison.
4. We recommend that non-traditional livestock, including privately owned captive cervids, be regulated solely by the New York State Department of Agriculture and Markets.
5. We recommend investigating the possibility of a research facility to be established at Cornell University for non-traditional livestock.
6. We recommend investigating that New York State, through Cornell Cooperative Extension, employ a non-traditional livestock specialist to assist alternative livestock farmers.
7. We encourage the development of safe feeds for non-traditional livestock.
8. We recommend that the Department of Agriculture and Markets allow licensed 5a meat processing facilities to use nitrates for value-added products processing for non-traditional livestock.
9. We recognize cervid tuberculosis as a growing threat in New York and support the development of an action plan for TB eradication.
10. We support reclassifying rabbits raised for food as livestock, instead of exotics, for processing purposes.

**MAPLE INDUSTRY**

The production of maple syrup is a vital part of New York agriculture and is of major economic importance to this State. As one of the top states in the U.S. in the production of maple products, this industry strives to produce a pure, unadulterated product. In order to strengthen the New York State maple industry and make it more competitive with other states and Canada, specific problems facing the industry must be addressed.

**POLICIES:**

1. We recommend that the Department of Agriculture and Markets support the Cornell Maple Program's efforts to develop a program to educate producers on best practices for food safety, syrup grading standards, correct food labeling, and the development of new food products with maple ingredients.
2. We support funding for the Cornell Maple Program, including the Cornell Maple Specialist, Cornell Cooperative Extension, the Uihlein Maple Research Center and the Arnot Research Forest.
3. We support the opening of forest lands owned by the state by long-term permit for the tapping of maple trees.
4. We encourage more active promotion by the maple industry through the Taste New York Program.



5. We support continued State funding for a promotion program for the New York State maple syrup industry.
6. We support the implementation of a fire code regulation to allow temporary public use of agricultural buildings such as sugarhouses.

### ORGANIC

Organic agriculture is a growing and developing segment of the agricultural industry.

#### POLICIES:

1. We support the USDA National Organic Program.
2. We recommend that the New York State Agricultural Statistics Service should gather information and publish statistics that include information on organic farmers and products.
3. We recommend that growers who are unknowing recipients of patented genetically engineered material through pollen drift should not be held liable for possessing the material.
4. We recommend that no synthetic materials be allowed in the processing and production of organic labeled products.
5. We recommend that Cornell University include an organic component in its Dairy Farm Business Summary.
6. We oppose the mis-labeling and mis-identification of non-organic products as organic by retailers.
7. We support the Department of Agriculture and Markets' Organic Certification Reimbursement Program.
8. We recommend that producers claiming the sale of organic products at markets and roadside stands be required to display their organic certification.
9. We oppose the labeling of hydroponic vegetables as organic under the National Organic Program, as recommended by the Northeast Organic Farming Association of New York.

### POULTRY INDUSTRY

Poultry production in New York State is an important sector of our agricultural industry. The poultry industry continues to grow, provide economic stability in our communities and generate needed revenue for the state's economy.

#### POLICIES:

1. We oppose legislation that would restrict farmers from administering health care products.
2. We support the private development of a broiler and turkey industry in New York State and the production and processing of kosher and non-kosher poultry meat.
3. We recommend that the Department of Environmental Conservation classify waste generated from washing of poultry crates as agricultural waste and allow it to be applied to agricultural land.

4. We oppose legislation that would require a salmonella vaccination, or other inoculations, for chickens as a state requirement.

## **SHEEP AND GOAT INDUSTRY**

The production of sheep and goats for meat, milk and fiber is an important segment of New York's agricultural environment. The growing demand, by New York's culturally diverse population, for nutritious red meat and natural fibers contributes significantly to the state's economy. A strong sheep and goat industry in New York provides diversity and balance to the agricultural community.

### **POLICIES:**

1. We recommend that the Department of Agriculture and Markets maintain statistics on lamb and goat prices, on a weekly basis across the state, including live weight prices in consistent weight categories and cutout values for lamb carcasses, similar to those used in the beef industry reports.
2. We support the promotion of New York State lamb and goat products.
3. We support adequate budget allocations to fund eradication programs for Johne's and Scrapie Diseases in sheep and goats.

## **VEGETABLES**

Vegetable production is a major economic revenue source of New York agriculture. New York ranks in the top 10 nationally for the production of numerous vegetable products and is consistently growing and improving to be competitive in national markets. We must continue to strengthen and enhance this important segment of New York's economy, as it offers numerous economic opportunities for our industry and for our state.

### **POLICIES:**

1. We support the development of a statewide onion promotion campaign where the trademark and logo would be owned by the Department of Agriculture and Markets.
2. We support state funding for research into the Iris Yellow Spot Virus.
3. We support the New York State Department of Agriculture and Markets designating the third Sunday in the month of August each year as the "Official New York State Onion Appreciation Day."
4. We call on the Cornell Onion Plant Breeding program to present a timetable as to when Cornell plant breeding research results would enter any commercial seed production lines.
5. In an effort to protect the New York State growers of potatoes for processing, we support a lawfully recognized third party inspection of potato shipments to processors that are being rejected because of unacceptable quality.
6. In an effort to protect New York State growers of potatoes for all uses, we support a lawfully recognized tracking system for rejected processing potatoes. We further support that this system should ensure that potatoes that are rejected by processors are suitable for their next

intended use, especially if they will be entering the fresh table market. This system should also be designed to ensure that the shipping grower knows the final use of the rejected potatoes.

7. We support funding for research purposes to assist in the control and eradication of Phytophthora.
8. We support maintaining full funding of the Onion Research Development Program with continued oversight for projects by the State's Onion Grower Board of Directors.

### **ECONOMIC ISSUES**

#### **AGRICULTURAL CREDIT**

Having a sound, competitive credit infrastructure is critical to the long-term success of New York farm businesses.

##### **POLICIES:**

1. We encourage the continued availability and expansion of commercial and community banks loan portfolios to agricultural enterprises.
2. We recommend incentives to be made available for beginning farmers to access capital.
3. We recommend that the Empire State Development Corporation Small Business Assistance program include agriculture.
4. We encourage the development of a revolving no interest loan program, with a per loan cap for on-farm environmental and business development.
5. We support low-interest loans for agricultural technology.

#### **Farm Credit System**

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

##### **POLICIES:**

1. We recommend support for legislative and regulatory actions to expand Farm Credit lending authority for agriculture, aquaculture and commercial fishing.
2. We oppose any changes to federal and state tax and fee provisions for Farm Credit institutions that could adversely affect the farmer-owners of Farm Credit cooperatives.
3. We support maintaining the cooperative structure of Farm Credit and farmer-ownership of Farm Credit associations.
4. We support inclusion of Farm Credit institutions as eligible lenders in state economic development programs.
5. We oppose unnecessary and burdensome regulations or oversight on the Farm Credit System.

**ENERGY**

The energy problems facing this state and nation require the balancing of conservation and development of alternate energy sources. Energy plans should emphasize conservation, yet not inequitably burden the agriculture industry with increased energy costs.

**Renewable Energy****POLICIES:**

1. We encourage the development of more energy from hydroelectric power and methane sources.
2. We recommend an aggressive promotion program to generate public support for the use of biofuels and support legislation to stimulate its use, including tax incentives to encourage the development of an ethanol and biodiesel industry in New York State.
3. We recommend to the New York State Departments of Environmental Conservation and Transportation that ethanol blends be the fuel of choice.
4. We support the research and development of hydrogen power through fuel cells. Hydrogen powered fuel cells offer future generations a limitless energy supply and produce water as the waste product.
5. We advocate an agricultural producer bio-fuel investment incentive bill that would promote farm producer ownership in agricultural bio-fuel and alternative energy facilities, and provide financial incentives from the state of New York to encourage construction and operation of the plant and consumer consumption. A sunset date for the incentive should be provided, as this state investment should only exist until the plant is able to effectively generate a profit.
6. We encourage the creation of energy policy and necessary incentives that support renewable energy sources and encourage increased efforts in the area of energy conservation education.
7. We support the continued use of solid fuel, including wood and grain, as a renewable source of heat and energy.
8. We recommend that the state conduct a study into the feasibility of building community methane digesters for green power production, using the waste from several farms.
9. We strongly support New York State allowing developers to site wind towers on state land.
10. We recommend that the New York State Energy Research and Development Authority support renewable sources of energy, and such assistance should be prioritized. Local governments should receive incentives from the state and federal government for promoting such projects locally.
11. As a means to encourage more development of electricity from methane and to increase the number of farmers who will develop anaerobic digesters, we believe that the farmers of New York State who supply a renewable energy source to the consumer should be paid a premium price for this production.
12. We endorse the 25 x '25 vision of Agriculture's Role in Ensuring U.S. Energy Security which reads: "Agriculture will provide 25 percent of the total energy consumed in the United States by 2025 while

continuing to provide abundant, safe and affordable food and fiber.”

13. We support cellulosic biofuels and encourage the state and federal government to financially support research, investment and industry development of this opportunity.
14. We support state or regional efforts to pool carbon sequestering practices for carbon credit contracts from multi-farm operations.
15. We oppose Cap and Trade legislation due to its cumbersome and inequitable nature and support initiatives which utilize increased development of renewable energy sources.
16. We support changing state law to allow the New York State Energy Research and Development Authority to offer renewable energy production incentives to landowners regardless of their grid connection status that ultimately provide a net benefit to rate payers.
17. We recommend that the Public Service Commission require New York State utility companies to purchase all farm alternative energy, such as anaerobic digestion, wind, solar and hydro, at a retail rate.
18. New York’s net metering program should be enhanced to assure that on-farm anaerobic digesters receive the full market rate for all power produced, unreduced by various utility charges.
19. We support public policies to upgrade the distribution electrical infrastructure in rural areas.
20. We strongly encourage the development of systems and/or regulations through the New York State Public Service Commission to enable farms and other businesses which generate power greater than needed for their own operations and operators of electrical distribution networks to work closely together to equitably share costs for required investments to interconnect to the utility system at a reasonable cost, which would be equitably shared.
21. We support extending the availability of state and federal funds in the area of renewable energy to technologies using water power, including small scale hydro systems.
22. We support equity of legal status and benefits for the production of electric power micro-hydroelectric facilities.
23. We support the use of bio-fuels in home heating fuels in New York State.
24. We support preserving the authority of local town and county governments to control the real property tax assessments and the collection of real property taxes as it relates to commercial wind development projects.
25. We oppose allowing New York State to develop energy production taxes on renewable energy sources. We believe these projects should remain taxed as real property at the local government level.
26. We recommend that the percentage of a local feeder line’s rated capacity, that an anaerobic digester can produce, be increased from the current 20 percent.
27. To conserve our natural (water) resources, we support the use of geothermal technology providing that all such systems are self-contained, closed-loop systems.
28. The renewable energy credits (REC’s), created by the generation of power from biogas, should be assigned to the on-farm anaerobic digester for sale onto the marketplace.

29. Net metering should not be eliminated unless a better system becomes available that would be beneficial to holding down electric rates and allow those willing to invest in renewable generation the opportunity to do so.
30. We support constructing a SUNY Alfred Biorefinery Commercialization Center.
31. We support the development of markets and production of ethanol, cellulosic ethanol, and biodiesel.
32. We recommend requiring solar companies to purchase a bond to cover the cost of removal of the solar panels in the event of company failure/bankruptcy.
33. We believe any solar array which has a majority of its production used for the agricultural enterprise should qualify as exempt from agricultural assessment conversion penalties.
34. We oppose a mandated standard for “pollinator-friendly” solar arrays, however, we support voluntary standards and incentives.
35. We support all counties in New York State being able to finance renewable energy projects.
36. We support funding for a marketing campaign targeted to consumers showing the benefits of renewable energy produced by farms to increase awareness and participation in a voluntary consumer renewable energy premium check-off.
37. We recommend major upgrades to the power grid using smart grid technology.
38. We support the approval of E15 by the Department of Agriculture and Markets for sale in New York.
39. We support the establishment of a state-funded program that will provide compensation for the value of methane destroyed by generating renewable energy from anaerobic digesters (ADGs), which would compliment the current net metering or Value of Distributed Resources (VDER) programs.

### Utility-Line Siting/Mandates

#### **POLICIES:**

1. We recommend companies with right-of-ways on farmland identify the location of their underground transmission lines and/or pipelines.
2. We recommend that when siting utility right-of-ways, adverse agricultural effects on all farms should be minimized by:
  - a. Judicious routing to help avoid construction and operation through farmsteads, croplands, orchards, and sugar bush operations;
  - b. Utilization of state-of-the-art mitigation practices and full rehabilitation of all agriculture-related lands which are not otherwise avoided;
  - c. Utilization of qualified agricultural specialists to maintain on-going field contact with all affected farmers and other organizations from project design stage through final land rehabilitation;
  - d. Ensuring just compensation for right-of-way easements and damages; and

- e. Consideration of all other viable routing options with preference being given to the use of previous utility right-of-ways and highway medians.
3. We support the expansion of electrical transmission systems to allow for the further development of alternative energy in the North Country, being careful to minimize the impact on prime farmland.
4. We believe that productive farmland or aquaculture/fishing grounds should not be taken by eminent domain for the construction of a utility facility, nor should a facility's location negatively impact neighboring productive farmland or aquaculture/fishing grounds.
5. We believe that the sale or use of an existing right-of-way, by a utility or an authority to another utility or authority, should be subject to the same rules and regulations as a new right-of way. The owner of such land should be adequately compensated for the new use.
6. We support regulatory requirements, which give preference to existing pipeline routes where feasible for new pipeline projects.
7. We support an amendment to the current Dig Safe New York Law 16NYCRR, Part 753 to read: "All utilities will be buried a minimum of (48") forty-eight inches deep and that Dig Safe New York will verify this with a letter to each agricultural property owner who has utilities crossing their property, and that it will relieve any responsibility from the owner if the utilities are disturbed."
8. We recommend that New York State utility companies be required to keep their utilities at current standards for height over roads.
9. We urge New York State to promote new technology power lines along state highways and the Thruway.
10. We recommend that all farmland should come under Agriculture and Markets Law with regard to reclaiming the land (i.e. soils should be returned to normal and/or agricultural standards for burial of pipelines etc.).
11. We support a mechanism by which all farms are protected from the use of pesticides, or other chemicals by utilities and municipalities.
12. We support the proposed Constitution Pipeline only if towns along its corridor can gain access to this natural gas supply. The location of the Constitution Pipeline and compression stations should preserve valuable farmland. We strongly recommend that the I-88 route be considered for the location of the pipeline.
13. We support requiring utilities to maintain minimum heights of 20 feet for power and 18 feet for other lines over farmer's fields upon request of the landowner or upon request of the farmer who is leasing the land.
14. If a utility line is impacted by farm equipment in the field, the farmer should not be held liable if the utility is improperly installed or maintained.
15. We support New York State legislation that requires notice and a copy of the application to be served on landowners in which any portion of a utility project is to be located and notice to be served on landowners in which any portion of a major utility facility is to be located. This notice must also include a clear explanation of how to file with the Public Service Commission a notice of intent to become a party to the certification proceedings and the time period in which the landowner has to do so. The Public Service Commission shall consider the

following factors when determining the effect on agricultural lands during its decision process:

- a. The economic viability of active farming within the proposed location;
  - b. Any irreversible and irretrievable commitments of agricultural resources which would be involved in the proposed location; and
  - c. If the proposed location contains land designated with specific prime soil groups, the Public Service Commission should consider the availability of alternative locations that do not contain land with such designated soils.
16. We recommend that, when any entity utilizes temporary flags (markers made out of steel, wire, plastic, and/or fiberglass) to identify the location of pipe lines and electric lines, these markers should be made of bio-degradable materials.
17. We support the right of farmers to have accessibility to utilities that cross their property, where feasible.
18. The installation of internet and cell tower locations on road right-of-ways should involve proper landowner notification and input, and provide for just compensation to the affected landowner.

### **Power Costs/General Policy**

#### **POLICIES:**

1. We support the creation of a reduced agricultural utility rate for farmers and related agribusinesses, instead of demand metering.
2. We support energy recovery facilities where feasible in the state.
3. We support the continued use of existing nuclear energy plants, provided adequate safeguards are instituted to ensure their safe and environmentally sound use. We also recommend that aged nuclear energy plants be carefully evaluated for their safety and efficiency of operation, and decommissioned if necessary.
4. We support the payment for the protection and guarding of nuclear plants in time of emergency by the National Guard, New York State Police and county sheriffs be made by the State of New York and/or the federal government.
5. We believe that agricultural production and distribution of agricultural products should be given priority for electrical power, gasoline, diesel fuel and natural gas in times of shortage.
6. We urge that the Public Service Commission should include a farmer on the commission.
7. We believe that rural New York should be guaranteed a fair share of cheaper hydroelectricity.
8. We support the Public Service Commission taking a harder stand against allowing higher utility rates exclusive of federal mandates.
9. We recommend that everything possible be done to reduce the costs of transmission or distribution of electrical power.
10. We recommend that public utilities should be required to investigate all complaints of stray voltage on farms within five working days. The utility should be required to isolate or place a blocker on grounded lines if it is found that the utility system is imposing a voltage onto the customer system at a level at or above known levels of concern.



11. We support changing current cooperative law to allow investor owned utility customers the right to choose their utility supplier.
12. We urge the insurance industry not to discriminate against those that use solid fuel as a source of heat and energy.
13. We support extending the existing regulations to grandfathered utilities in order to force remediation of past damage to agricultural land.
14. We support rural electric cooperatives. They should be allowed to provide service to all farmers and rural residents residing near the cooperative's lines but who are currently served by other central station providers.
15. We support the use of outdoor wood burning stoves and other domestic forms of energy production and recommend that any regulations imposed on outdoor wood boilers should provide a science-based, balanced, practical, market-driven approach to addressing air quality issues. Specifically, any regulations should:
  - a. Provide a grandfathering clause for all existing wood boilers;
  - b. Maintain any emission limits in-line with those established by the Environmental Protection Agency, either by regulation or voluntary adoption;
  - c. Provide for practical setbacks if necessary;
  - d. Provide for the ongoing adoption of new boilers utilizing gasification and secondary solid boiler technology; and
  - e. Not specify timeframes of use.
16. We recommend that no restrictions should be placed on indoor alternative/renewable heating sources.
17. We recommend all aspects of agriculture should equally be eligible to participate in government programs meant to protect the environment and/or conserve energy.
18. We recommend that New York State should establish a refundable "state tax credit for energy used in agriculture production" to help offset the increased costs of energy that threaten the financial wellbeing of New York farmers. The tax credit would be a direct income tax credit based on the dollar amount of energy sources utilized in agriculture production and processing.
19. We oppose the installation of the Broadwater Liquid Natural Gas terminal in Long Island Sound, since this structure would have a negative effect on the fishing industry, further industrialize the Long Island Sound and simply use New York waters as a conduit of energy to other regions.
20. We recommend that the New York Power Authority should be made available across Long Island on an equitable basis.
21. We urge that farmers should not be required to pay for compulsory upgrading of electrical lines.
22. We support using New York-produced natural gas to power local cogeneration electric plants.
23. We recommend that in the event of a power shut-off by a power company for any non-emergency, the power company should give all affected users a definitive time and date plus a personal phone call or contact.

24. We support the safe and environmentally responsible development of energy sources. Solving our energy needs will require the development of all sources of energy to meet this country's and the world's needs.
25. We support the creation of commercially run natural gas stations for automobile use.
26. We support changing Public Service Commission laws to take into account the size of natural gas services instead of strictly the distance between home heating services.
27. We recommend and encourage that the AES Cayuga Plant remains open and be retrofitted from coal to coal natural gas and adding solar.
28. We oppose fuel stations requiring/collecting signatures and information for kerosene purchases.
29. We recommend that utility bills in New York State show the breakout of all charges that are not for that utility.

### **AGRICULTURAL LABOR**

Farmers recognize that agricultural labor is one of the most critical inputs to a profitable farming operation. In order for agriculture to prosper there is a need for a knowledgeable supply of people willing to work in the unique environment surrounding agricultural production. Government rules and regulations should be established to benefit both farmers and farmworkers. Any New York State farm labor bill must address the reality of small economic margins, the seasonality of our industry and the long work days required to operate a viable farm business in New York State.

#### **POLICIES:**

1. We recommend that the Division of Immigrant Policies and Affairs operate similarly to the former Rural Labor Services, in terms of farmer education and outreach.
2. We support and encourage efforts of the New York State Departments of Agriculture and Markets and Labor, along with Cornell Cooperative Extension, to distribute materials to farmers that offer timely information on all present and new rules and regulations affecting agriculture and its employees.
3. We support a voluntary, not mandatory, day of rest for agricultural employees.
4. We recommend that fringe benefits should continue to be negotiated privately between employer and employee as part of the hiring process.
5. We oppose the inclusion of agricultural employees within the state Labor Relations Act (New York State laws).
6. In light of the presence of stringent federal labor regulations, we are opposed to the implementation of New York State labor regulations that are more restrictive than federal standards.
7. We support the continued certification of farm labor contractors, the bearing of all liabilities for unpaid wages by the contractor and the continued unlimited availability of contractors.

8. We recommend increased cooperation and streamlining between the state and federal agencies.
9. We support the establishment of a voluntary mediation program that would allow farmers to resolve labor related problems in an informal manner with equal farmer representation.
10. We recommend that agricultural employers not be obligated to file quarterly employee reports and payments unless the amount withheld exceeds \$1,000 per year. Employers who withheld less than \$1,000 per year should be allowed to file annually. We recommend that the state quarterly withholding reports be simplified by using the same format as federal withholding tax.
11. We support the continued availability of migratory and foreign workers.
12. We support the Agribusiness Child Care Development Center Program, which provides free child care for the children of farm workers.
13. We recommend that farmers in New York State should no longer be required to register with the State of New York for the purpose of hiring seasonal workers as now required by the New York State Department of Labor.
14. We recommend that increased funding for the Agricultural Workforce Certification Program should be directed towards attracting future employees to careers in the agricultural industry.
15. We recommend that state field sanitation requirements conform with federal OSHA requirements to allow a three-hour threshold, and/or available transportation for compliance purposes.
16. We recommend that the Attorney General's office review instances of racial profiling by law enforcement personnel working in cooperation with the Immigration and Customs Enforcement Agency, and the Border Patrol, and exercise the powers of that Office to prohibit the use of racial profiling and to insist on the use of due process.
17. We support additional funding for migrant and seasonal farm employee healthcare clinics.
18. We encourage the hiring of an outside agricultural economic research firm like the Food and Agricultural Policy Research Institute (FAPRI) or AgriLogic to accurately determine the potential economic impact and ramifications on the agricultural as well as general economy of the implementation of various agricultural labor law changes, including overtime pay, collective bargaining, no unemployment insurance exemption, disability insurance, amongst others.
19. We support an investigation by the office of the Attorney General for the State of New York into possible violations of relevant rules/laws by the New York State Labor-Religion Coalition, the Mid-Hudson/Catskill Rural and Migrant Ministry, and the Centro Independiente de Trabajadores Agrícolas in connection with their various filings as "charity" organizations in New York State.
20. We are opposed to human trafficking and encourage strong anti-trafficking enforcement by appropriate agencies. However, we oppose private right-of-action or citizen suit enforcement.
21. We support the on-line statewide registry for farm labor contractors similar to the Federal Registry.

22. We recommend that state labor law recognize that employees selling on-farm raised products at their own seasonal retail locations and/or farmer's markets be considered agricultural or farm employees.
23. We support that immigration enforcement should be handled by the appropriate federal agencies. State and local law enforcement and municipalities should not enforce immigration laws.
24. If religious and other charitable non-profit organizations continue to aggressively lobby to end the overtime exemption for agriculture, we strongly support the elimination of the overtime pay exemption for employees of non-profit organizations currently found in New York State labor law.
25. We support expanding the Department of Labor's prevailing practices survey to include the vegetable and nursery industry, and the dairy industry when appropriate.
26. We oppose any mandatory paid family medical leave requirements on employers.
27. We oppose any legislation that would increase employee benefits without significant restructuring to control employer costs.
28. We disagree with any mandatory overtime or collective bargaining requirements. Any changes to overtime should recognize the seasonality of agriculture, the needs of employees to earn money in a short growing season and the benefits already provided to farm employees in New York.
29. We call on the New York State United Teachers union to stop meddling in agricultural labor law and instead concentrate on public education issues.
30. We recommend that employers should not be held responsible for enforcing and verifying tax collection, disclosure and appropriate number of reported dependents for employees.
31. We recommend that farms, like other businesses, should be allowed to have a sign in/sign out policy on the property, including farm worker housing, for the purposes of ensuring the health and safety of any persons on the farm, as well as for liability, food safety, and biosecurity purposes.
32. We recommend that New York State Department of Labor be required to follow the Federal H2A regulations without interpretation and act only as the administrators of the program.
33. We recommend that if New York State Department of Labor oversteps its role as administrator of the Federal H2A program then the agricultural users of the H2A program will have the right to some type of recourse (i.e. mediation, arbitration, etc.) in order to resolve the issue without fear of sabotage or ramifications.
34. We oppose a state E-Verify system.
35. We recommend that workforce dollars should be utilized for agricultural skills training, not simply to train workers away from agricultural occupations.
36. New York Farm Bureau should work with the New York State Department of Labor to establish regulations enabling farm internship programs that would allow farms to hire farmer trainees or apprentices and provide training, board and a stipend in exchange for labor.
37. We support allowing custom operators/harvesters/haulers who are

involved in agriculture be governed by the same New York State wage and hour laws as farmers.

38. We request that the New York State Labor Department be required to reconstitute its Rural Employment Representative program. It is also requested that the Division of Immigrant Policy and Affairs be required to have the Rural Employment Representative assist farmers with creation and submittal of H2A work orders to efficiently obtain labor, guaranteed to be legal, to work on New York State farms.
39. We oppose an overtime rate being implemented at a per day rate.
40. We support housing allowances being updated and tied to costs in the community. These may be calculated as part of employee wages.
41. We support the voluntary use of debit cards to pay employees if an employer and an employee agree to authorize the employer to issue a debit card to the employee for the payment of wages. The employee should be able to use the card with no fee for the first withdrawal from any bank that accepts a debit card and the employee should be able to choose to withdraw the entire amount for the payment of the wages when due.
42. We strongly suggest that a study be done by New York State on the economic impact and farm viability of enacting additional labor regulations, such as overtime, collective bargaining and removal of any current farm labor exceptions, before any such legislation be considered by the legislature.
43. We support amending New York State labor laws to allow extended family members of farm owners to work as unpaid volunteers on farm operations.
44. We support amending Department of Labor regulations to allow farmers who provide housing to employees to let the employees pay their own utilities, in the same manor landlords can do with their renters.
45. We support that farms should be exempt from mandatory lunch breaks during the work day when requested by the employee.
46. Rent for housing provided by the farm to year-round employees should be allowed to be deducted from their pay, as long as both parties agree in writing.
47. We support the New York State Department of Labor establishing an Agricultural Labor Advisory Committee, composed of working farmers and other small businesses, to advise the Commissioner on labor issues facing farmers.
48. We support the New York State Department of Labor providing timely and relevant education about labor laws and regulations for farmers and agricultural employers in New York.
49. We support greater statewide consistency and accuracy in interpretations provided by Division of Immigration Policy and Affairs.
50. We support the establishment of financial penalties to be levied upon members of the public that make unsubstantiated accusations of worker mistreatment to the state Departments of Labor and Health.
51. We oppose the New York State Department of Labor attempting to enforce Migrant and Seasonal Labor regulations on year-round farm employees.

52. We support exempting H2A and H2B visa employees from New York State Paid Family Leave.
53. We recommend that the New York State Department of Labor set up a series of compliance seminars for all agricultural entities that want to participate. This should be done before any DOL audits in order to help farm businesses be in compliance and make audits go smoother. We recommend no penalties be assessed in the first audit.
54. We support the re-establishment of a training wage for all industries.
55. We recommend that the Department of Labor be proactive in informing and educating local municipalities of requirements for asbestos abatement.
56. We recommend that local municipalities inform all demolition and building permit applicants of Department Labor's requirements for asbestos abatement.
57. New York State Department of Labor and Department of Health should interpret federal laws and regulations in a manner that is consistent, both across the state and with other states in the country.
58. We recommend exempting all agricultural employees, including office staff, from the Paid Family Medical Leave Act..
59. We support changing the labor law for day shift lunch breaks to read "a thirty-minute break midway through the shift".
60. We support making our state a "Right to Work" state where workers can choose to not pay union dues.
61. We support regulations that require all financial institution, local, county and state government to provide a negative asbestos survey on any and all properties offered for sale at foreclosure sales.

### Seasonal Farm Worker Housing

Seasonal farm worker housing standards should provide a healthy, comfortable environment for workers, while realizing the cost to the farmer and the short period for which the housing is used.

#### **POLICIES:**

1. We support increased farmer participation in the writing of regulations governing farm inspections by state agencies such as the Department of Labor. Such regulations should be reviewed and concurred with by the Commissioner of Agriculture and Markets.
2. We recommend that the inspection of housing for seasonal farmworkers be consolidated under one regulatory agency. We recommend that the Department of Agriculture and Markets be granted authority to complete pre-occupation housing inspections for the purposes of the H2A program and/or farmworker housing occupancy permits.
3. We recommend that all agricultural employers should be allowed to charge a security deposit for housing provided for workers.
4. We support a two-week leeway period for farms that had a New York State Migrant Housing Permit the previous year, in order to address the concerns for pre-approved occupancy of labor housing.
5. We support the development of a cost-sharing program between the agricultural community and the state or federal government for the

development of new agricultural labor housing and the improvement of existing housing.

6. We recommend that current New York rules and regulations regarding unpaid remuneration for employee housing should be aligned; either do not count housing for Workers Comp insurance, as part of the compensation package for Women, Infants, and Children (WIC) or Unemployment Insurance purposes, or do count it for minimum wage calculations.
7. We support allowing farms with water sources meeting class A standards being allowed to use that water in employee housing.
8. We recommend that new changes in Part 15 of State Health Department Code, affecting one year previous-permitted structures, allow for pre-existing and grandfather in clauses.

### Minimum Wage

Farmers must pay competitive wages for capable, skilled workers. The marketplace dictates that in many cases farmers must pay a wage rate substantially above minimum wage rates. The farm minimum wage order remains an important component to address the unique characteristics of the agricultural industry while insuring adequate standards for farm employees.

#### **POLICIES:**

1. We recommend that a separate wage order that meets the unique needs of agriculture should be continued.
2. We support permanent linkage of the state minimum wage to the federal minimum wage, and oppose a separate state minimum wage higher than the federal minimum wage.
3. We support that the allowance for meals and housing should be adjusted periodically to reflect current costs. In determining actual cost;
  - a. The allowances that are provided under the Department of Social Services should be used; and
  - b. Room and/or board should be applicable towards meeting a part of the minimum wage requirements.
4. We recommend that the present law relating to fringe benefits, Section 198-C of Article 6 of the Labor Law, should prevail. Farmers should negotiate fringe benefits and time off at the time of employment and the work agreement should clearly state the benefits that will be given to the employee.
5. We support piecework as a valid method of payment so long as it meets minimum wage requirements.
6. We recommend that employers should be allowed to pay child support or other garnishes electronically and on a monthly basis.
7. We recommend a youth wage rate be available, for workers under the age of 18, for all employers at 85% of the state minimum wage for a limited period of time to encourage youth employment in agriculture and other occupations.
8. We support the current minimum wage reimbursement tax credit for all businesses, including agricultural and farm retail workers aged 14 to 17.
9. We oppose the New York State Department of Labor Wage Board

increasing the state's minimum wage as a way to circumvent legislative authority.

10. We support reinstating the ability to add gratuity onto the bills of large parties in food and beverage facilities.
11. We strongly support New York State conducting a fair and unbiased study of the short and long term effects of the minimum wage increase as per the minimum wage bill language. We support anecdotal evidence be included on the effects of this wage increase on all business segments in New York, particularly agriculture, and the effects of competition from surrounding states. New York Farm Bureau and other business groups should play an integral role in the study.

### **Unemployment Insurance**

The unemployment insurance system has experienced several changes due to legislative action. We recommend the continual monitoring of this system to ensure fairness for employees and employers.

#### **POLICIES:**

1. We believe that unemployment benefits should not be available to workers on strike.
2. Since there are several groups of people, such as H2A employees, who are exempt from unemployment insurance benefits, we support that payment of unemployment insurance including the Interest Assessment Surcharge should not be required on those who cannot receive such a benefit.
3. When an employee leaves his/her employment voluntarily, we recommend that the employee should not at any time, be able to collect unemployment benefits from that employer's account.
4. We recommend that the present system of determining employer responsibility for unemployment benefits be re-examined to prevent the unfair penalization of previous and seasonal employers.
5. We support an averaging of quarters in one calendar year to be used in determining compliance with unemployment insurance coverage thresholds.
6. We oppose any further extensions to unemployment benefits and recommend unemployment benefits end at 26 weeks.
7. We support legislation expanding the definition of agricultural labor to include working at farmers' markets and allowing agricultural employers to exclude immediate family members when determining liability from unemployment taxes.
8. We support extending the time to respond to unemployment insurance requests for information from 7 to 14 days.

### **Workers' Compensation**

We believe the workers' compensation system should be continually evaluated to further enhance the ability to provide timely benefits to injured employees in the most efficient and affordable means.



### POLICIES:

1. We recommend continued effort to enhance the State Workers' Compensation Insurance system through action on the following issues:
  - a. Prohibition of raids on the State Insurance Fund;
  - b. Creation of provisions for employer deductibles;
  - c. Improvement of administrative efficiency;
  - d. Resolve the independent contractor issue through clearer definitions and more detailed guidelines; and
  - e. Careful monitoring of recently adopted reforms with an eye towards controlling employer costs.
2. We support using experience ratings for all farms.
3. Since workers' compensation premiums for corporate officers are currently based upon minimum salary levels that often are higher than salaries paid to family corporate officers, we recommend that premiums should be based upon actual salaries paid.
4. We believe that the Workers' Compensation Board should be required to have one appointee with agricultural experience.
5. We encourage the deregulation of workers' compensation insurance to promote competition by private insurers.
6. We recommend that immediate family members be exempt from workers' compensation insurance coverage.
7. We recommend that farmers' markets that rent space to farmers and vendors should be classified as landlords, not general contractors, by the Workers' Compensation Board. (As a landlord, a market would not be held accountable for the workers' compensation insurance of its vendors.)
8. We recommend that monies paid to a self-employed custom harvester not be added to farmers' workers' compensation liability.
9. Since sole proprietors operating as independent contractors are not required by law to cover themselves under workers' compensation insurance, therefore they should:
  - a. Be denied benefits under any workers' compensation policy while acting as an independent contractor;
  - b. Not be required to provide proof of workers' compensation insurance coverage on themselves as a condition of contract; and
  - c. Third parties who contract with these independent contractors should not be subject to increased workers' compensation insurance premiums based on the fee paid to these independent contractors.
10. We support an income tax credit for employers that pay the minimum yearly premium for workers' compensation insurance for the unused portion for the yearly premium due to low payroll.
11. We strongly support a review of the current classification system to more accurately reflect injury risks to employees on farms in on-farm food processing ventures, such as establishing a separate classification for small scale dairy product processing employees and/or farm stand employees.
12. We recommend that when a business pays workers' compensation insurance premiums, that the premiums be based on only the workers who received a W-2.

13. We recommend that under New York State law for pedestrians, workers compensation should not be the primary insurance coverage, but that no fault auto insurance coverage should be the primary coverage.
14. We support an overhaul of the current classification system as it pertains to the “Interchange of Labor Rule” to accurately reflect each individual employee’s workers’ compensation category.
15. The State Insurance Fund should develop a policy that addresses workers’ compensation that is affordable for employers under the \$1,200 threshold prior to an elimination of the exemption.
16. We recommend that workers’ compensation reform be addressed in the coming year. It should include reforms to accept out-of-state provider rates when a worker’s permanent address is located in another state and further recommend that all premiums collected be used only for the Workers’ Compensation program and not be sent the General Fund. Past funds taken should be returned to the Workers’ Compensation fund.
17. We support a Workers’ Compensation policy mandating that if an employee returns to work without any limitation from an injury, that the employee be required to demonstrate that they were injured again in order to be eligible for a Worker’s Compensation claim.
18. We recommend that the State of New York raise the minimum Workers’ Compensation exemption to \$5,000 as long as the farm is covered by their established liability insurance.

### State Insurance Fund

The State Insurance Fund remains the largest Workers’ Compensation insurer for the agricultural industry. We appreciate their efforts to improve customer service and satisfaction.

#### POLICIES:

1. We recommend that the State Insurance Fund should be placed in a dedicated fund to eliminate any additional transfer or borrowing.
2. We recommend that all monies of the State Insurance Fund or any dedicated fund that have been transferred to or borrowed by any New York State fund or agency should be repaid in full and carry an interest rate reflecting the current bond rates that the state pays on the open money market. Furthermore, future transfers must have a written agreement of the repayment schedule.
3. We recommend that when State Insurance Fund Reserves exceed the mandated minimum level, the excess reserves should be used to cut Workers’ Compensation rates.
4. We commend the State Insurance Fund’s efforts to identify and reduce fraud, improve handling of claims in a more timely fashion and encourage their continued improvement.
5. We recommend that the State Insurance Fund decrease the minimum premium for employers to encourage participation in the workers’ compensation system.

## Agricultural Youth

The family farm provides a positive environment that is beneficial for children to learn a work ethic while receiving compensation for the work they perform.

### **POLICIES:**

1. We believe that the agricultural industry must be adequately represented on any boards or councils that have the authority to create or review laws relating to agricultural youth employment.
2. We recommend that a streamlined youth work permit system should be implemented and that the issuing agent should maintain copies of the work permit until the expiration date.
3. Since federal restrictions regarding exposure of children to toxic substances are very adequate, we recommend that New York should not impose additional regulations.
4. We recommend that there be a balance between extension of working hours and the continuing welfare of employed youth.
5. We recommend that the State should continue to adopt the federally approved prohibitions on hazardous agricultural employment activities for youth.
6. We recommend that children, regardless of age, should be exempt from child labor laws when voluntarily working for their parents, guardians, or family members as related by a third degree of consanguinity or affinity on farms owned, all or in part, by that person so long as the child is not kept from school attendance.
7. We support that adolescents, 12 years of age and older, should be allowed to do farm work provided they have received written parental permission.
8. We support that adolescents, 14-16 years of age, should be allowed more flexible hours and additional permitted farming activities.

## **LIABILITY INSURANCE**

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 finding that they are unable to obtain liability insurance or cannot receive the necessary coverage at a reasonable cost.

### **POLICIES:**

1. We support legislation which will restore fairness, balance and common sense to New York's tort litigation system, including but not limited to:
  - a. Repealing joint and several liability laws, except in cases where defendants act together to deliberately injure;
  - b. Placing a cap on non-economic damages, such as pain and suffering;
  - c. Eliminating absolute liability for contractors who provide safe workplaces; and

- d. Eliminating liability for inherent risk in agri-tourism activities, including u-pick operations.
2. We recommend the following changes to the General Obligations Law:
  - a. That the landowner not be held liable for any damage to vehicles, equipment, or the personal injury of trespassers;
  - b. The addition of all forms of outdoor recreation to the General Obligations Law, Section 9-103;
  - c. The ability of landowners to charge fees for legitimate outdoor activities without incurring liability; and
  - d. Hunting licenses shall contain a liability release upon purchase.
3. We recommend the repeal of Labor Law 200, 240 and 241 and the strict liability placed upon contractors and owners of commercial property.
4. We recommend that volunteer fire departments and volunteer emergency rescue companies should be covered by state supplied liability insurance.
5. We recommend that the landowner be exempt from any liability associated with snow fences put up by towns or municipalities.
6. We recommend that the state provide liability protection for towns affected by state-owned greenways.
7. We recommend that the state provide liability protection for state funded trails on private farmland.

## **MANDATE RELIEF RECOMMENDATIONS**

### **POLICIES:**

1. Since state mandate reduction remains a critical component to state budget deliberations, we strongly encourage continued efforts by the State Legislature and the Governor to incorporate significant mandate reductions, which will lead to cost savings at the state and local levels. Programs that should be prioritized for reform include:
  - a. Home Relief to promote self-sufficiency; and
  - b. Medicaid to promote better health and prevent abuses of the system.
2. We recommend that significant Medicaid reforms must be incorporated into state budgets to control costs and the rate of growth to closely match the inflation rate. We support the concept of eliminating Medicaid program costs from the real property tax system, if it results in a reduction in property taxes overall.
3. We recommend setting goals for real mandate reforms which include:
  - a. Cost containment of mandated programs in order to provide tax relief for the overburdened taxpayer;
  - b. Greater local control over mandated programs in order to reduce spiraling costs;
  - c. A more stable budgeting process at the local level; and
  - d. A better climate between government and business through tax reduction and the reduction of unnecessary or overburdening regulations.
4. We are opposed to unfunded mandates. All state mandated

programs, including Medicaid, should be fully funded by the state and the federal government. New York's ability to impose a local government's share of Medicaid costs should be eliminated. If the state discontinues the funding of a mandate on local governments, emergency services or school districts, the mandate should no longer be enforceable.

5. We recommend that local governments be allowed to cut funding to mandated programs by the same amount that is being cut from other programs to balance a budget.
6. We support an amendment to the Davis/Bacon Act, which would allow rural municipalities to bid on public works projects without adherence to the prevailing federal wage rate clause.
7. We recommend that Medicaid benefits be less than or equal to the national average for Medicaid expenditures.
8. We strongly urge the State Legislature and the Governor to pass into law substantial mandate relief.
9. We support New York restructuring the optional components of its Medicaid Program so that its cost are comparable to other states.

### PRIVATE PROPERTY RIGHTS

Since private property is the number one resource for agriculture, our viability is directly related to the control, maintenance, and regulation of property. Private property rights face continued erosion through enactment of various laws and regulations perceived to be for the public good. In addition to specific policy objectives in this section, New York Farm Bureau policy towards all legislative and regulatory changes is shaped by their impact on private property rights. Private property rights have been and continue to be our highest priority issue.

#### POLICIES:

1. We recommend the enactment of a law that protects the property rights of an individual against all actions of either the legislature or an agency of government that compromises the use of the property without proper compensation to the owner.
2. We support the development of a formal impact statement on private property rights for any new legislation, regulatory action, or local ordinance.
3. We are opposed to taking private property rights through zoning and regulatory restrictions. If land is taken, it must be accompanied with just compensation under the constitutional rights of the private property owners. We support compensation for a devaluation of private property because of actions by state or local governments.
4. We support the requirement that all land owners be promptly notified by certified letter if any or all of their lands are being considered for any regulatory restrictions, or are being considered for inclusion in a government inventory, map, or plan that would result in regulatory restrictions.
5. We oppose minimum acre zoning that exceeds one acre in agricultural areas, as this has the effect of diminishing land values and amounts to

a taking without compensation to the landowner/farmer.

6. We support passing a law that makes privately owned land automatically posted without the need of signs and markers, with the burden of permission lying with the individuals desiring entrance.
7. We oppose the recreational definition of navigable stream or any other expansion of public navigation on small streams. We support the previous definition of commercial use for navigation.
8. We believe that private property rights should be protected when dealing with wetlands and endangered species. With regard to endangered species in particular, we recommend that incentives be offered to landowners to manage any such species found to inhabit their land.
9. We oppose the loss of farmland through raising the spillway height on dams.
10. We oppose the practice of private, not-for-profit land conservancy organizations buying private land at low cost for resale to governments at a profit.
11. We support making it a felony offense to trespass upon private property with malicious intent to disrupt agricultural operations and/or publish any material gained from entrance on such property.
12. We oppose the requirement of archeological surveys in the sale of the land if it has been cultivated for ten years.
13. We oppose the establishment or enforcement of “aesthetic quality” standards by any government.
14. We recommend that New York State, rather than the landowner, pay for the search and evaluation of property to determine whether or not historical artifacts exist. In addition, if artifacts of a historical nature are found and the land has certain restrictions placed upon it, we believe that it should be the State of New York’s responsibility to purchase the property at a fair market value.
15. We oppose all legislation that would create a crime of “light trespass” in New York State.
16. We oppose any legislation that would mandate farmers to replace existing outdoor lighting systems on farms.
17. We oppose any village annexing land that would adversely affect agricultural land and/or operations.
18. We support amending the New York State Real Property Actions and Proceedings Law to eliminate entirely, or limit in agricultural districts, the ability to use adverse possession.
19. We recommend that third parties performing activities on properties undergoing an eminent domain seizure or through use of a right-of way, shall be required by state law to indemnify the landowner by holding an insurance certificate that protects the landowner.
20. We recommend that trespassing laws be better enforced and that the fines be raised.
21. We recommend that the New York State Highway Law Article 11, which provides for the taking of private property for a private road, be amended to grant greater protections to the affected landowner.
22. We oppose the Department of Environmental Conservation restricting streambed restoration projects by a landowner when a stream course

changes due to a flood event which does not adversely impact adjacent property owners.

23. We believe that operators of unauthorized unmanned aerial vehicles flying under 400 feet should be prosecuted for trespassing and invasion of privacy.
24. We support prohibiting the use of unmanned aerial vehicles to capture images of privately owned property or the owner, tenant, or occupant of such property without consent.
25. We support legislation that would require that law enforcement agencies obtain a warrant before using an unmanned aerial vehicle for any surveillance below 400 feet.

### SELF-EMPLOYED RIGHTS

Since the majority of New York farmers are self-employed, the viability of the self-employed as the largest agricultural producer in New York State is directly related to the regulations covering the self-employed. The self-employed farmer should not be the highest taxed, most regulatory burdened, and least protected New Yorker. New York Farm Bureau policy towards all legislative and regulatory changes shall be shaped by their impact on the self-employed. The rights of the self-employed shall be one of our highest priority issues.

#### POLICIES:

1. We support banning all unincorporated business taxes in New York State.
2. We recommend that one size fits all regulations pertaining to business be reviewed so that regulations on the self-employed are not unduly burdensome or cost prohibitive.
3. We recommend reviewing one size fits all penalties pertaining to businesses be reviewed so that penalties on the self-employed are not unduly punitive.

### TAXES

#### Estate Taxes

Estate taxes continue to be of concern to farmers as they impact their ability to pass the farm onto the next generation or to another farmer. Current laws need modification in order to assure the continuance of New York agriculture.

#### POLICIES:

1. We support the repeal of state estate taxes and probate fees. Until repeal, we support maintaining the exemption at a level equal to or greater than the effective federal estate tax exemption and the stepped up basis be maintained.
2. We recommend increasing the time allowed to pay estate taxes.
3. We recommend that New York's estate tax code should be changed to allow "payment in kind" for settlement of levies assessed with the

concurrence of the executor of an estate.

4. We recommend that agricultural land be appraised at the agricultural use value or market values for estate tax purposes, whichever is most beneficial for the heirs.
5. We recommend that the sale of farm property, including real estate, livestock and machinery should be eligible for the same tax treatment as a lump sum distribution from a corporate pension plan. This would allow a farmer to delay paying income tax on the earnings he has built up over the years by putting the capital into an "IRA" type account and paying tax only on the portion withdrawn each year.
6. We support a change in state law that would base property divisions on after-tax values rather than market value appraisals.
7. We recommend that until the estate tax is permanently repealed, state level estate taxes should not be levied if the land is maintained in agricultural production or land conservation.

## Income Taxes

### POLICIES:

1. We oppose New York State reinstating income tax surcharges for any reason.
2. We recommend the self-employed be able to deduct health insurance premiums as a business expense.
3. We oppose the use of depreciation as income in the calculation of eligibility for social service programs.
4. We support a state tax credit for donations of locally grown food by farmers to food banks.
5. We support alcoholic beverage producers being able to file their tax returns electronically, while maintaining their ability to file them manually.

## Sales Tax

The nature of sales tax regulations is an important issue to the agricultural community. We support regulatory and/or statutory changes that would simplify the collection of sales tax, eliminate any remaining confusion about the exemption, and streamline paperwork.

## General

### POLICIES:

1. We believe that sales tax exemptions on non-production personal property, such as clothing, that reduce local revenue should not be made up by property tax increases. Local governments should have the option of opting out of these exemptions.
2. We recommend simplification of state tax refund forms (i.e. gas tax return, sales tax).
3. We believe that any taxes assessed should be based only on the per unit price of the product or service.
4. We support that all local, state and federal taxes on gasoline be a flat per gallon tax, not a percentage tax.



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5. We support posting taxes paid on gas, separated by state, local and federal, by the gallon on gas pumps in the state.
6. We recommend the elimination of the gas tax reduction program and replace it with a fuel credit program for all International Fuel Tax Agreement (IFTA) permitted vehicles.
7. We recommend that sales tax on fuels be based on the wholesale price before other taxes and charges are added.
8. We recommend that sales tax should not be applied on the feed and labor required in boarding brood mares.
9. We recommend that agricultural workers be exempt from paying sales tax for commissary meals when the only source of food is a catering service.
10. We support a one day, “tax free holiday” on the purchase of Christmas trees and/or evergreens materials products from New York State cut your-own Christmas tree farms.
11. We oppose any taxes on equipment such as robotics or drones that are designed to replace people.
12. We oppose insurance corporations receiving a tax credit for investing in rural business growth funds.

### Exemptions

#### POLICIES:

1. We recommend the State of New York work with neighboring states to provide sales tax exemption blanks that are valid for the purchase of farm supplies, which are mutually exempt from sales tax.
2. We support the repeal of the current law that requires not-for-profit organizations to pay sales tax on fund raising activities.
3. We support custom slaughtering and processing of meat for human consumption be exempt from sales tax.
4. We recommend that fuel dealers and or vendors and farmers not be charged tax at the point of sale for low or ultra-low sulfur diesel fuels or bio-fuels.
5. We support that all livestock sold for whatever reason should be exempt from sales tax.
6. We recommend that the Farmers’ Sales Tax Exemption should be for all purchases that are business expenses for the farm, not just those used in production.
7. We recommend that unprocessed wool, unprocessed alpaca fiber and other unprocessed fiber products, as well as hides and antlers, sold on the farm be exempt from collecting sales tax.
8. We support rented pallets being sales tax exempt when used in agricultural production.
9. We support expansion of the agricultural production sales tax exemption to include food for working dogs.

### Real Property Taxes

The real property tax is the single largest revenue generator in New York State, and it finances numerous services, some of which are not

directly related to the ownership of property, such as education and welfare. The farm community pays a large part of the real property tax burden in rural New York. This burden is a major factor affecting the continued viability of agriculture.

### **POLICIES:**

1. We support true property tax reform in New York State by shifting the financing of education, social services, Medicaid, etc. from the real property tax to other taxes such as income and/or sales tax. The real property tax should remain exclusively a local tax source.
2. We support the Farmer's Protection and Farm Preservation Act of 1996, which provides an income tax credit on school property taxes paid. The following issues should remain priorities as the program evolves:
  - a. The program should be designed to benefit all farmers equitably;
  - b. The program should not negatively impact the objectives and provisions of the Agricultural Districts Law;
  - c. The program provides that farmers with a leasehold interest of not fewer than three continuous years be eligible for the agricultural property tax credit;
  - d. The program includes property tax reform legislation which applies to all property-based taxes, not just school taxes;
  - e. The agricultural property tax credit threshold should be reduced from the current requirement of 2/3 of excess federal gross income from farming to a prorated percentage of excess federal gross income from farming for situations below 2/3;
  - f. To prevent erosion of the tax benefits provided under the school property tax reform, we are opposed to assessors shifting assessments from farmland to residences, agricultural buildings or other non-agriculture related buildings;
  - g. If property is used for agricultural production the person paying the school taxes should be eligible for the tax credit;
  - h. We recommend amending New York State Tax Law to allow for loss of farm income due to natural disasters to ensure that farmers will still be able to qualify for the Farmers' School Tax Credit. A similar exemption is currently allowed for agricultural assessment; and
  - i. Farms should receive an enhancement on the Farmers' School Tax Credit for land that is enrolled in a conservation program.
3. We support repeal of the Homestead Act.
4. We support that public lands should be assessed and taxed at their fair market value and that property taxes should be paid to all local taxing jurisdictions.
5. We recommend that the New York Power Authority pay its fair share of property taxes.
6. We recommend that property that generates unrelated business income for property tax exempt institutions be subject to property taxes.
7. We recommend that non-profit organizations be property tax-exempt only for land that is utilized for the primary purposes for which they have obtained such status.
8. We recommend that not-for-profit status be reviewed to ensure that

current abuses in the real property tax system be addressed so that only organizations engaged in legitimate charitable, educational or religious pursuits receive tax exempt status.

9. We recommend that not-for-profit land preservation groups not be exempt from paying property taxes.
10. We support reform of the real property tax law to resolve the inequity created within a county due to the disparity of assessments and the effect of equalization rates.
11. We recommend that farmers should only be taxed on services used regarding solid waste, sewer lines, lighting, and water lines.
12. We support the continuation of the forest tax exemption. Townships and counties adversely impacted by the forest tax exemption should be compensated.
13. We recommend that farm capital improvement projects which save soil and/or reduce water pollution should be exempt from real property taxation.
14. We support that the definition of the commodity shed exemption should be expanded to include, but not be limited to, hay, straw, fruits and vegetables.
15. We believe that privately owned designated wetlands should be exempt from real property taxes.
16. To help preserve open space and water quality, we support a reduced assessment, similar to agricultural assessment, be developed for undeveloped lands classified as sensitive.
17. We believe that regardless of the type of school tax reform adopted, control of school district budgets and policy must remain in local control.
18. We recommend that the farm building exemption be amended to eliminate the five-acre minimum eligibility requirement.
19. We support allowing local municipalities, following the expiration of the 10-year real property tax exemption, to exempt farm structures for the life of the structure while in use for agricultural purposes.
20. We recommend that agricultural and horticultural buildings that qualify for 10-year agricultural exemption should not be subject to partial assessment while the building is being built.
21. We recommend adoption of laws that allow for on-farm processing to include a renewable ten-year real property tax exemption for on-farm processing facilities, tasting rooms, including farm winery and winery tasting rooms, and respective farm retail outlets.
22. We recommend an amendment to the Executive Law and Real Property Tax Law to classify all greenhouses as equipment. Until these amendments are made, we support standardized assessment values for all permanent greenhouses.
23. We support that assessed values for permanent greenhouses should be regularly updated and included in the agricultural assessment manual and not in the commercial assessment manual.
24. We support redefining the “aggregate full valuation of taxable real property,” within the Real Property Tax Law, to exclude the portion of farmland assessments which are in excess of the agricultural assessment as established by section 305 of the Agricultural Districts Law.

25. We recommend that the Office of Real Property Services reinstate reimbursement for training courses for all assessors beyond the basic certification courses.
26. We support the standardization of rules and an education program for town assessors regarding agricultural properties, agricultural buildings and greenhouses.
27. We recommend that all properties be assessed at 100 percent of value, new or old. Budgets should dictate the rate for all properties in each county, town or village.
28. We support the continuation of the School Tax Relief (STAR) program.
29. We recommend that the six-year tax abatement program for orchards and vineyards be extended to ten years.
30. Since some individuals donate real estate to not for profit groups and take deductions on their income taxes, we recommend that said deduction should also be the basis for assessing real property taxes until such property is used for not for profit purposes.
31. We support the concept of a new state program that would enhance the Agricultural District and Farmers School Tax Credit Programs by offering further property tax reductions to farm landowners willing to commit to short-term agreements or easements to keep their land in active agricultural use.
32. We continue to support property tax reform that will further reduce New York farmers' property tax to a level that is compatible with other major agricultural states.
33. We support more flexibility under 480-A in developing required plans. Further, the requirements for use of a fully certified forester should be relaxed on small lots.
34. We recommend that property taken for utility right-of-ways for transmission lines or pipelines or designated wetlands must have the property tax rates adjusted to reflect the loss of value and use of property.
35. We support the collection of benchmark sales data and economic income and expense data for determining the assessed value for farms by the New York State Office of Real Property Services and directing the State Legislature to provide line item funding for the establishment of this data and its annual updating.
36. We favor New York State and all watershed entities paying rent yearly on land set aside from production as an easement for watershed protection.
37. We oppose the inclusion of trees as real property for the purpose of taxation.
38. We recommend that wetlands which are identified as mapped entities on the regional GIS system and affirmed by both town Planning Boards and county agricultural committees should be exempt from municipal property tax assessment.
39. We recommend that non-farm income excluded from the Farmers School Tax Credit be raised from \$30,000 to \$50,000 and be adjusted by the rate of inflation annually thereafter.
40. When implementing the real property tax exemption for new orchards and vineyards, we recommend that assessors should utilize the

average agricultural values for the tillable land of a parcel and apply that value to the land under the new planting.

41. We support keeping real estate assessment units as local and small as possible, rather than going to a statewide or regional system.
42. We support keeping mineral rights values separate from surface rights value in reporting real estate sales.
43. We recommend that any increased taxes on improvements to land from oil and gas exploration and development be paid by the energy company.
44. We oppose the granting of a property tax exemption for land that is in the process of being certified for the production of organic crops. Unlike six-year exemptions for orchard re-plantings, converting land to organic production doesn't prohibit the harvesting of crops for any period of time.
45. We support the permanent real property tax exemption of seasonal farm worker housing and the expansion of the exemption to include year round farm worker housing.
46. We support a voluntary mediation process in cases where the Board of Assessment Review does not adequately address assessment grievances.
47. We oppose using any classification, other than forest or farmland, for land that is forest or farmland for property taxation purposes.
48. We recommend that landowners should be notified if any part of their assessment changes, including classification, whether or not their total assessment changes.
49. We recommend that the Office of Real Property Services should have direct authority over all local assessors in regards to agricultural land and building assessment.
50. We recommend that New York State reform its real property tax and assessment procedures. Properties purchased at an arms-length transaction should be assessed based on purchase price within three years of the date of sale.
51. We recommend that properties used for analysis of comparable property values be disqualified if mineral and/or wind rights were part of the purchase price.
52. We support legislation which will allow a taxpayer who has outstanding tax liens to redeem the liens against the parcel(s) in any order to minimize penalty and interest payments generated by older liens.
53. We recommend that assessing the speculative value of natural resources, such as mineral rights and gas rights, of a parcel for property tax purposes should not be allowed.
54. We support including nursery stock, new maple trees, and new berry plantings, except strawberries, in the current six-year orchard and vineyard real property tax exemption.
55. We support a change to state law that would require a taxing jurisdiction to remove interest and penalties from late tax payments in the case where the tax bill was sent to the wrong address.
56. We oppose the 25% cap set by New York State on requested assessment reductions on properties exceeding \$450,000.

57. We support a property tax credit for landowners who allow state sanctioned snowmobile trails on their land.
58. We support cost sharing, sharing of services and other cost saving methods for local municipalities, school districts and other government entities.
59. We oppose adding more tax-exempt, municipality-owned properties and any vacant lands should be sold and returned to the tax rolls.
60. We support Industrial Development Agencies issuing payments in Lieu of Taxes (PILOTS), when agreed to by the local communities.
61. We support extending the 10-year Real Property Tax Exemption for newly constructed or reconstructed agricultural structures.
62. We support the “Ag-Navigator” program as it exists in Dutchess County, and support its adoption across the state.

### ENVIRONMENTAL ISSUES

#### AGRICULTURAL PROTECTANTS

Agricultural protectants continue to be a tool for the production of agricultural products. As the use and availability of pesticides becomes more restricted, it is necessary to have economical and effective alternative pest control measures developed.

#### General

#### **POLICIES:**

1. We support the use, promotion and funding of Integrated Pest Management (IPM) as an environmentally sound practice. We support increased funding of the Integrated Pest Management Program. We recommend that New York State and Cornell University expand research and development of this program and include aerial application as a recommended option.
2. We recommend legislation to amend the environmental conservation law authorizing certain uses of pesticides which do not appear on the label, in accordance with and consistent with Federal Law, Federal Insecticides, Fungicide and Rodenticide Act (FIFRA). Legislation should provide for the use of alternate methods of application including aerial spraying.
3. We support the removal of pheromones, not applied directly to a crop, from the pesticide classification to encourage and permit their easier usage.
4. We recommend that pheromones not be registered as toxic chemicals.
5. We recommend that introduced natural predators, parasites, pathogens and bioengineered organisms should be continuously monitored to prevent uncontrolled proliferation. We further recommend that input for appropriate regulation should come from all involved groups, as well as the scientific community.
6. We encourage chemical companies to use safer and more user friendly packaging, which includes printing that is easily visible.

7. In the interest of promoting reduced pesticide applications, we support increased funding so that effective and environmentally safer crop protectants can be approved for use as quickly as possible through sound science and a transparent state approval process.
8. We support that aerial application should be included as an acceptable method of application for pesticide products applied in accordance with Federal Insecticides, Fungicide and Rodenticide Act (FIFRA), Section 18, 24c and 2ee.
9. We recommend that the fees for pesticide label registration, pesticide business registrations and applicator certification should not exceed those in states whose agricultural products compete with those of New York.
10. We recommend that pesticide regulation should be created and administered solely at the state level, rather than delegating authority to local governments.
11. We support the continued use of safe agricultural protectant products for food production. When reviewing an agricultural protectant product, the benefits it provides in the production of food should be considered in the risk/benefit analysis.
12. We recommend that before a pest control product is taken off the market, an effective and economical alternative product must be provided.
13. We recommend reducing the number and type of pesticides available to the public without an applicator's permit.
14. We recommend that an appropriate amount of fees collected for pesticide registration purposes should remain in the Bureau of Pesticide Registration at the Department of Environmental Conservation to expedite the timely registration of chemicals.
15. We believe farmers should be able to purchase pesticides from Canada and elsewhere as long as the product is identical in composition to those registered in New York State.
16. We oppose the Department of Environmental Conservation requiring content labeling for sprayer tanks.
17. We support adequate state funding for the Pesticide Management Education program.

### Public Education

#### POLICIES:

1. We recommend that the State Consumer Protection Board, the Department of Environmental Conservation and the Department of Health inform consumers of the importance, necessity and safety of agricultural protectants for producing a marketable product. The public should also be informed of the safety precautions taken during pesticide applications.
2. We recommend that the public be informed that all applicators must be trained to meet rigid requirements to protect the safety of the public.

### Notification and Reporting

Farm Bureau shares the public's goals of maintaining a clean, safe

environment and a high quality of life. Agriculturists have been and will continue to be responsible stewards of the air, water, and soil of our country. We will continue to assist in the development and implementation of programs to maintain these goals. We support the concept of an agricultural pesticide information exchange program that is sensible and does not place an undue burden on the agricultural industry.

### **POLICIES:**

1. We recommend that all state agencies be required to abide by all pesticide regulations and reporting requirements.
2. We recommend that Cornell University's College of Agriculture and Life Sciences give economic and feasibility assessments on all proposed notification regulations and participate in any rulemaking procedure.
3. We oppose any pesticide notification program that requires notice to be given to anyone other than workers before applying pesticides.
4. We oppose the establishment of any pesticide database without sound scientific justification, a review process, and a sunset clause. We support the use of actual data and sound science in developing risk levels standards.
5. We support a voluntary study of farm families to evaluate the existence of a relationship between human diseases and pesticide use.
6. We support protecting the public from mosquito-borne illness through Integrated Pest Management practices. The use of Malathion should only be considered as a last resort. If Malathion or any other pesticide is applied by county or state authorities to control mosquito-borne illness, applicators should be licensed and follow the strict guidelines set forth by both the manufacturer and the federal government. State or county authorities responsible for pesticide application must be liable for any damage to conventional or organic farmer's fields or crops, including beehives.
7. We recommend that local, county and state authorities notify farmers of intended pesticide applications. These authorities should refrain from spraying cropland without explicit permission from the farmer.
8. We support the continued exemption of agriculture from pesticide neighbor notification requirements and encourage a good neighbor policy by supporting a voluntary reverse registry concept.
9. We support the repeal of the Pesticide Reporting Law.

### **Registration**

### **POLICIES:**

1. We recommend that notification should be given to applicators one year prior to discontinuing availability and use of a given product. If a pesticide registration expires or is withdrawn, supplies on hand should be depleted through normal use or the state should provide a location for disposal and reimbursement to users for unused crop protectants.
2. We strongly oppose any law that will restrict New York State agriculture's access to crop protectants that are approved by the Federal Government. The Department of Environmental Conservation should follow Environmental Protection Agency guidelines for registration and re-registration procedures.



3. We recommend that all third party registration applications should be acted upon by the Department of Environmental Conservation within 90 days of receipt. We urge the continuation of efforts to “streamline” third party registrations for obtaining limited amounts of materials for specific problems without extravagant cost to the growers or the manufacturer.
4. We support automatic acceptance by state agencies of federally approved bio-engineered crop protectants.
5. We strongly oppose any increase in pesticide registration fees for chemical companies.
6. We encourage Department of Environmental Conservation staff to carefully consider the net environment and agricultural impact of the registration or denial of registration for pesticides in various regions of the state to ensure that the most effective, sustainable tools are available to growers.
7. We support the use of atrazine and atrazine-related products for agricultural use in New York State.
8. We recommend that the Department of Environmental Conservation streamline and expedite the approval process for EPA-approved products, with a registration decision made within six months.
9. We recommend the New York State Department of Environmental Conservation pursue and expedite registration of Avipel seed treatment bird repellent for the prevention of corn seedling bird damage in time for the 2017 growing season, so that farmers do not continue to operate at a competitive disadvantage with farmers in adjacent states where this product is already registered.
10. We urge the New York State Department of Environmental Conservation to expedite the registration of the crop protectant Intrepid, so the grape industry will have a viable alternative to combat impacts of the grape berry moth.

### Disposal

#### POLICIES:

1. We recommend that the Department of Environmental Conservation should work with the Department of Agriculture and Markets, Farm Bureau, and the chemical industry to dispose of empty pesticide containers and unused chemicals to expand the Clean Sweep Program.
2. We recommend that Department of Environmental Conservation’s Clean Sweep Program, which collects unwanted and unregistered farm pesticides and is now funded through consent order fines, be funded through the Environmental Protection Fund.

### Training of Applicators

#### POLICIES:

1. We recommend the Department of Environmental Conservation financially support continued education on the proper use and handling of agricultural protectants, without raising applicator licensing fees.
2. We further recommend:
  - a. The Department of Environmental Conservation be required

- to commit funding for educational programs for pesticide applicators;
- b. Pesticide re-certification credits be transferable from other states (e.g. the New Jersey Vegetable Growers Conference);
  - c. The listing of renewal recertification dates on pesticide application permits; and
  - d. Increased accessibility for learning disabled participants in applicator certification programs.
3. We support the elimination of Section 5, Subdivision 2 of Part 325 of Environmental Conservation Regulations that requires a Social Security number in order to obtain a pesticide applicator's permit.
  4. We recommend that pesticide application educators at our schools and colleges, who currently must pay certification fees in every applicator category that they teach, should be exempt from certification fees as long as they are not actively involved in commercial application.
  5. We oppose the Department of Environmental Conservation requiring 45 days' advance application for pesticide credits. The 45-day application deadline will have a negative impact on extension pesticide program participation. Many of the crop management and compliance programs are organized in fewer than 45 days.

### DEPARTMENT OF ENVIRONMENTAL CONSERVATION

The Department of Environmental Conservation plays an instrumental role in preserving and improving New York State's environmental resources. Farmers are also dedicated to conserving soil and water resources as they are a key to maintaining a viable farming industry in this state. The delicate balance between over and under regulation by this state agency, in an effort to protect New York's environment, is a major concern of the farm community.

#### POLICIES:

1. We oppose further acquisition of lands by the State of New York or any county, city or town unless:
  - a. They are purchased from a willing seller;
  - b. The purchases are approved by the legislature on a case-by-case basis;
  - c. The purchases are funded exclusively by the sale to the private sector of non-critical state land;
  - d. The state makes payments in lieu of taxes based on local assessments; or
  - e. There is no net increase in acreage of state owned land.
2. We recommend that New York State replace additional purchases of land with voluntary conservation easements, which are subject to a renewable lease with sunset provisions.
3. We recommend that rivers should be placed into the Wild, Scenic, and Recreational River system only if located on state-owned land.
4. We recommend that the Department of Environmental Conservation use funds for wildlife management, not land acquisition.

5. We recommend that public land be used for public projects.
6. We recommend continued opportunities for agricultural input to the Department of Environmental Conservation on issues affecting agriculture.
7. We recommend that the Department of Environmental Conservation reevaluate its approach to environmental problems by adopting a more constructive and educational approach.
8. We recommend that the Department of Environmental Conservation should provide reasonable time limits for businesses to come into compliance with environmental regulations.
9. We support exempting agricultural producers from a permit requirement to haul up to 600 gallons of waste oil per year.
10. We recommend restoration of the agricultural exemption to the Long Island Well Permit Program.
11. We recommend that the Department of Environmental Conservation should give reasonable notice for public meetings and hearings and be directed to include county Farm Bureau and New York Farm Bureau designees on mailing lists for all Department public hearings.
12. We recommend reform of the Department of Environmental Conservation current judicial system to a process whereby proceedings are presided over by an impartial body and criminal sanctions by violation have the option of trial by jury.
13. We recommend that monies collected by the Department of Environmental Conservation, either by fines or legal proceedings, should be placed in an escrow account to replenish losses incurred by violations and to educate to reduce similar violations in the future.
14. We recommend that the Department of Environmental Conservation regulations not restrict best management practices.
15. We support regulatory reform within the Department of Environmental Conservation that requires regional offices to operate under uniform standards and practices.
16. We oppose the establishment of any footprint area by the Department of Environmental Conservation.
17. We support open burning of non-toxic, non-hazardous materials. We strongly oppose a blanket prohibition of open burning in New York State at either the state or local level. The Department of Environmental Conservation should increase its education about the current open burning prohibition and which materials are toxic and/or hazardous to burn.
18. We oppose fees and additional regulations for the farm storage of petroleum, fertilizer (both dry and liquid), and farm chemical products.
19. We recommend that low interest loans should be made available to businesses, to aid in speeding up the process of compliance with chemical and fuel bulk storage regulations.
20. We recommend the use of risk assessments that employ sound science in establishing priority of regulation within the Department of Environmental Conservation.
21. We support the establishment of additional underground mining regulations that will protect surface landowners from damages

that occur from underground mining and related operations. Such protections shall apply to surface landowners whether or not they have sold their mineral rights. These protections shall also provide indemnity to such landowners if damage occurs.

22. We support and highly recommend that the Commissioner appoint personnel with an agricultural background to head the Department of Environmental Conservation's regional offices.
23. We recommend that the process for obtaining Department of Environmental Conservation permits issued to municipalities affecting agriculture, such as drainage ditch maintenance, be streamlined.
24. We oppose fines levied by the Department of Environmental Conservation for incidents caused by wildlife.
25. We support the removal of Department of Environmental Conservation from regulating non-traditional livestock.
26. We support the recognition of the Department of Environmental Conservation as the sole environmental regulator of New York State. We oppose local municipalities superseding Department of Environmental Conservation laws.
27. We recommend that the Department of Environmental Conservation not levy fines against farmers where salt and minerals are provided for livestock in pastures without buildings.
28. We recommend that Department of Environmental Conservation be responsible for all wildlife management and control in county and state parks.
29. We recommend that the Conservation Fund Advisory Board, duly in place as a Conservation Fund watchdog, report to New York Farm Bureau, at least twice a year, on the status of the Conservation Fund and federal revenues, and also status of any vacancies in the Division of Fish, Wildlife and Marine Resources.
30. We recommend that the New York State Attorney General be barred from prosecuting environmental lawsuits unless a violation has been issued by the Department of Environmental Conservation.
31. We support a market value monetary reimbursement for crop, apiary and animal damage by wildlife or domestic animals.
32. We strongly support agricultural plastics being produced without chlorine.
33. We support a program to increase testing for Chronic Wasting Disease in the deer herd.
34. We support timber sales and mineral lease/royalty revenues from state-owned lands be committed to the New York State General Fund.
35. We believe that enclosed farm structures should not be required to comply with any indoor air quality standards.
36. We support management strategies in the Zoar Valley that promote wise use (conservation) of the natural resources.
37. We strongly oppose defining milk house wash water as industrial waste by the Department of Environmental Conservation.
38. We oppose any additional hazardous waste land disposal capacity in New York State.
39. We support the Department of Environmental Conservation notifying a farm operation when a Freedom of Information Law (FOIL) request

is granted by the Department. The name and address of the person or organization requesting the FOIL information shall be provided to the farm operation.

40. We support a general State Pollution Discharge (SPDES) permit for winery and small scale distillery process wastewater.
41. We support including “silvopasturing” as an acceptable silvicultural practice in 480-A, if consistent with landowner goals and prescribed by a qualified forester.
42. We oppose the Department of Environmental Conservation’s requirements for retrofitting all engines to meet the 2010 emissions standards.
43. We support Department of Environmental Conservation providing funds to maintain specific roads in state forest lands on a seasonal basis in order to enhance the use of such areas for recreational purposes.
44. We urge the New York State Department of Environmental Conservation to allow USDA-inspected slaughterhouses located in New York State, that have sanctioned BSE handling procedures, to process deer from the state of Pennsylvania.
45. We support changing Environmental Conservation regulations, part 608, to allow landowners to better control water course and flooding on their property.
46. We support the Department of Environmental Conservation issuing permits for careful gravel bar skimming for on-farm use.
47. Water used to cool milk in plate coolers should not be considered processed waste and should be allowed to be discharged to a ditch or pond.
48. We strongly recommend that landowners be informed when officials are considering changing or altering wetland status on any portion of their holdings.
49. We recommend that the New York State Department of Environmental Conservation make heating oil tanks exempt from New York State bulk storage regulation.
50. We recommend that agricultural businesses with less than 10,000 gallons of petroleum products be exempt from the New York State bulk storage regulation.
51. We support allowing a third-person arbitrator be involved in mediating any dispute between DEC and farmers.
52. We recommend that the Department of Environmental Conservation work with the Rogers Environmental Education Center/Friends of Rogers on a long-term solution to keep it open and operational, as it is an important asset to the area, and a leader in environmental education in the state.
53. We believe that waste tires used on agricultural operations should be exempt from the waste tire storage facility regulations when used for agricultural purposes, i.e. covering bunk silos.
54. We support the addition of agricultural uses of creosote treated products (e.g. fence posts, trellis supports) to the list of permissible uses of creosote-preserved wood products.

## **ENVIRONMENTAL LIABILITY**

The liability of farmers for environmental contamination from the use of agricultural chemicals is a potentially devastating burden for an individual producer and for all of agriculture. We support a fair standard of liability that will recognize the farmers' role as a user of agricultural chemicals and in the production of necessary farm commodities.

### **POLICIES:**

1. We recommend that a negligence standard of liability for groundwater contamination should be applied to farmers based upon the lawful use of agricultural inputs such as fertilizers, crop protectants or sludge at the time of their use.
2. We support a negligence standard of liability for groundwater or soil contamination by a previous owner.
3. We recommend that State Superfund monies should be used for the clean-up of non-negligent groundwater contamination by agriculture.
4. We oppose legislation allowing citizens the right to sue for alleged violations of New York State Environmental Conservation Laws.
5. We oppose mandatory jail time for anyone unwillingly or unknowingly contaminating a waterway or watershed.

## **HARMFUL INVASIVE SPECIES**

### **POLICIES:**

1. We recommend that a definition of "Harmful Invasive Species" should include the phrase regardless of origin, species which cause harm to the economy, human health, or the environment, and does not include sub-species, races, or populations.
2. We support the New York Invasive Species Council as the sole authority in New York State in developing and implementing a program to list and control harmful invasive species or noxious weeds, provided that the New York Invasive Species Council, the Department of Agriculture and Markets, the Department of Environmental Conservation, the Legislature or any other State entity taking action against harmful invasive species take the following into account:
  - a. Keep all state actions as much as possible in accordance with federal policy;
  - b. Do a full risk assessment conducted in cooperation with an appropriate research institution that follows federal guidelines, and considers both the economic and the environmental costs and benefits prior to the listing of a harmful invasive species or noxious weed for regulatory action;
  - c. Appropriate notification and public hearing must be conducted prior to a new listing of harmful invasive species or noxious weed and includes such being published in the state register with a public comment period;
  - d. In no event shall research or scientific surveys conducted

regarding the spread of a harmful invasive species or noxious weed impinge upon private property rights. Landowners must give explicit, written permission to researchers or government agency personnel each and every time such person wishes to enter their property for the purpose of doing harmful invasive species or noxious weed research; and

- e. Should a new listing of a harmful invasive species or noxious weed occur, appropriate funds must be dedicated by the State to control such harmful invasive species or noxious weed, and in no event shall the private landowner be required to undertake a control program without proper compensation.
3. We oppose any do-not-sell list that is separate from a state list of noxious weeds or invasive species.
4. We support efforts to promote healthy forests by the eradication of invasive, destructive, and non-native flora and fauna.
5. We support the control of Emerald Ash Borer.
6. We recommend that the regulations restricting movement of wood products to control the spread of the Emerald Ash Borer be amended to allow landowners of property which straddles a county or state line to have access to all of their property.
7. New York State should spend more of the resources allotted to the eradication of the Emerald Ash Borer on control practices rather than on detection.
8. We support full protection of private property rights concerning the detection and eradication of harmful invasive species and noxious weeds.
9. We support the establishment of a state agricultural indemnity and response fund in relation to harmful invasive species.
10. We support the immediate eradication of invasive species that threaten New York's maple trees.
11. We recommend that trees or shrubs that are not harmful to the environment when managed, should not be listed as "prohibited."
12. We support the eradication of Asian Longhorned Beetle.
13. We support increasing the penalties for releasing exotic animals into the wild.
14. We support the inclusion of a plant cultivar on a do-not-sell list by a state or local government agency should be subject to periodic review.
15. We urge that proper action be taken to stop the invasion or spreading of zebra mussels, hydrilla and sea lampreys.
16. We support eradication program funding for the Department of Environmental Conservation giant hogweed, wild parsnip, multiflora rose, Japanese knotweed, knapweed, and all other invasive species not yet detected.
17. We support the necessary funding of the Cornell Invasive Species Clearing House website.
18. We support legislation to mandate the sanitation of utility company vehicles, and their subcontractors, to mitigate transmission of invasive species.

Oil and gas leasing issues are becoming increasingly prominent in New York State, given our wealth of natural resources. Farmers and landowners have a vested interest in protecting air, water and soil quality on their land and seek to protect their rights with regard to these resources.

**POLICIES:**

1. We support drilling for natural gas in New York State, including the New York City watershed.
2. We recommend that the Department of Environmental Conservation work with New York Farm Bureau to educate and assist landowners on how best to protect private property from detrimental activities conducted by oil and gas companies, which negatively impact their property.
3. We support landowners being paid on a per unit basis for right-of-way agreements with gas and oil companies.
4. We recommend the establishment of a dedicated fund, funded by natural gas and oil companies operating within the state, to remove commercial pipelines and restore the hydrology of the land after the impacted site is no longer of commercial use, and have strict, continued liability.
5. We recommend the expansion of the current three-day cooling off period to 14 days following the signing of a mineral rights lease agreement, with a 30-day default.
6. We support amending the Environmental Conservation law to protect unleased property owners from sharing in the cost of drilling a well by reverting to the original statute in force prior to August 2, 2005.
7. We support amending the new gas leasing statute to prohibit gas companies from recovering more than 200 percent of drilling and operating costs from unleased or third party leased landowners.
8. We recommend the establishment of a dedicated fund to pay for well sealing or converting the well paid for by natural gas and oil companies to farm use when the well is no longer commercially viable.
9. We recommend that New York State require and regulate gas and oil well meters on the well and bypass manifold to assure the accuracy of any output.
10. We recommend that a portion of the profits from gas leasing on State forest land be applied to a land restoration program.
11. We recommend that New York State be required to enter only into agreements submitted through the bid process with a minimum royalty of 25 percent for drilling on state lands, as is done in other states.
12. We recommend that gas and oil companies be required to provide separate lease agreements for gas storage and for each strata (layer of earth) or single formations of mineral resources.
13. We recommend that a functioning well permitted prior to August 2nd, 2005 be unitized within one year or shut down until unitization has been completed.



14. We encourage the Department of Environmental Conservation to acquire the technical expertise necessary to monitor and respond to oil and gas issues.
15. We support requiring that landowners and lessees receive their proceeds concurrently with the operator of the well within their spacing unit. Failure of concurrent payments shall halt production until any dispute is resolved.
16. We recommend that the Department of Environmental Conservation be required to include the Department of Agriculture and Markets during the drilling permitting process to ensure the protection of agricultural resources with regard to the siting, construction, reclamation and monitoring of drilling pad areas and access to pipeline right-of-ways.
17. We recommend that every landowner, who owns mineral rights, or any lessee of such owner, be allowed to participate as an operating interest in any well that affects their land prior to 8/02/05.
18. We recommend that the relationship between landowners and gas companies should be a fiduciary relationship entitling landowners to seismic, production and other data, as well as audit authority.
19. We recommend that mineral leases should include a "PUGH" clause, which would release or pay for leftover acreage not included in a unit.
20. We recommend that gas companies be required to be bonded for at least the full value assessment of all property in a unit.
21. We recommend that, in order to guarantee lease validity, full gas and mineral lease agreements be recorded at the county clerk's office.
22. We recommend that the Department of Environmental Conservation be required to provide seismic, financial and other data for challenges to spacing units.
23. We recommend that the Department of Environmental Conservation establish strict regulations governing the use of explosives for gas exploration, and ensure that necessary liability protections are provided for landowners.
24. We recommend that all permit data and the application itself be made available to all landowners in a spacing unit at the time of the application filing.
25. We recommend that all gas and oil exploration and transportation companies be required to carry performance bonding to cover all damages to road and bridge infrastructure caused by their operations.
26. We recommend that the Office of the Comptroller, and not the New York State Department of Environmental Conservation, be the agency in charge of putting state lands out for bid for mineral resources development. The State Comptroller should work to see that bonuses and royalties are maximized to the greatest extent practicable.
27. We support state licensing and regulation of gas and oil leasing agents (i.e., Landmen).
28. We strongly recommend that the Department of Environmental Conservation read seismic data to better set units to protect landowners' correlative rights.
29. We recommend that Social Security numbers recorded with leases at the County Clerk's Office not be made available to the public.
30. We support calculation of gas and oil royalties based on gross

extraction of gas and oil without costs of production.

31. We believe that if any governmental or regulatory entity denies a permit for gas or oil drilling in watersheds to protect water quality, the landowners must be justly compensated for the loss of their mineral rights.
32. We recommend that pipeline companies with power of eminent domain should be required to fund a program to provide affected landowners with legal assistance to include, but not be limited to, mediation, arbitration, and recapture of legal expenses.
33. We recommend that the Department of Environmental Conservation require that compulsorily integrated landowners receive the highest royalty within the spacing unit or have the opportunity to negotiate their own contractual terms, and encumber no liabilities.
34. We support a standard baseline water testing protocol for local streams and private wells paid for by the drilling applicant, but independently implemented following a standard established Department of Health protocol, prior to and after drilling, to safeguard the landowner and his or her neighbors from liability.
35. We recommend that the Department of Environmental Conservation should study the permeability of various strata to better establish the size of the units and distance between the drill site and adjoining lands.
36. We support the utilization of the more efficient and cost effective “closed loop” gas drilling technologies.
37. We support an amendment to state law requiring that oil and gas leases on state lands should be subject to competitive bidding for royalties and bonus payments and be subject to audit and control by the New York State Comptroller.
38. We support tracking and monitoring of all gas pipe lines by the Public Service Commission regardless of pressure, and that all gas lines be registered with Dig Safe New York for the purpose of public safety.
39. We oppose local governments removing mineral and/or water rights from property acquired through non-payment of taxes.
40. We oppose any government entity authorizing or negotiating the right to trespass on private property for any purpose, including gathering of data for marketing to private gas companies.
41. We support Department of Health/the Department of Environmental Conservation requiring a tracer substance in any materials used in drilling/developing wells that would provide more unequivocal evidence of drilling related contamination.
42. We support the Department of Environmental Conservation providing to local, county planning departments, all pertinent information related to the unitization of all properties within the county, in a timely fashion and being made available online.
43. We support drilling for gas in the Marcellus Shale, Utica Shale and other future productive shale layers in New York State. We recommend that the Department of Environmental Conservation include the following items in the final Draft Supplemental Generic Environmental Impact Statement (dSGEIS) document:
  - a. A comprehensive assessment of impacts on the environment and human health from numerous gas wells;
  - b. A practical plan for the disposal of all waste water that will be

- generated by hydraulic fracturing of numerous horizontal gas wells, inclusive not only of fracturing fluids, but any waste that will be generated by drilling and fracturing;
- c. That all expenses to county and local government to implement the SGEIS be the responsibility of gas companies;
  - d. Include a comprehensive list of safer alternatives to currently used fracturing chemicals that may impact human health and safety;
  - e. Develop and publish a statewide strategy to train and hire the many additional staff needed to enforce the final SGEIS, as well as a description of penalties to empower the state to protect the public;
  - f. Full monetary compensation for lost leasing rights in aquifer buffer zones.
  - g. We support prohibiting gas or oil companies from using water from on-site wells for drilling and hydraulic fracturing;
  - h. We support the Department of Environmental Conservation requiring gas drilling companies to disclose their proprietary recipe for hydraulic fracturing fluid to the agency, and disclose to the public a list of chemicals used in the recipe, as a condition of drilling and fracturing permit approval. In addition, the Department of Environmental Conservation should ensure the proper disposal of drilling waste material to protect the environment through coordination with the Departments of Health and Transportation; and
  - i. We support stringent measures to prevent methane migration into aquifers and wells from hydrofracking
44. We recommend that the New York State Attorney General be more involved in follow up investigations of complaints and problems associated with the implementation of leasing agreements.
45. We recommend that the fees charged for hydrocarbon drilling permits should be used to properly staff the Department of Environmental Conservation in order to issue drilling permits and monitor the hydrocarbon industry. Any excess funds should be used to streamline the permitting process and fund drilling research.
46. We support the Department of Environmental Conservation having sole authority to regulate mineral exploration and drilling operations for gas and oil in New York State.
47. We oppose the application of “force majeure” by gas companies to extend gas leases when the delay in drilling is due to government regulation.
48. We support the transport of crude oil along the railroad until a better form of transportation can be found.
49. We support the storage of natural and liquefied propane gas in salt caverns in the Watkins Glen/Seneca Lake area of New York State.
50. We oppose CEAs (Critical Environmental Areas) being used in Agricultural Districts to prevent the extraction of natural resources.
51. We support the use of gelled propane to extract natural gas in New York State, as an alternative to high volume hydro-fracturing.
52. New York State should eliminate the practice of compulsory integration, as it relates to gas exploration and drilling.

**New York Farm Bureau**  
**NUTRIENT MANAGEMENT**

Proper nutrient management is an important aspect of a livestock or dairy operation. Based upon growing public interest and involvement in this issue, there is a need for the agricultural community to steer policy discussions in a positive direction.

**POLICIES:**

1. To better address manure management concerns, we encourage Soil and Water Conservation Districts to prepare agricultural water management plans upon request by their cooperators.
2. We recommend that public funding of water quality projects, including low interest loan programs, be available for projects related to agricultural practices, such as manure and other waste management and barnyard reconstruction. Adequate resources, including financial and technical, should be readily available to assist farmers in complying with environmental management.
3. We oppose any legislation on animal density per acre.
4. We encourage general permit requirements for the spreading of animal waste on agricultural lands and/or the transport of such material within the boundaries of a farming operation.
5. We do not oppose limited restrictions for Concentrated Animal Feeding Operations (CAFOs) on winter spreading of certain types of manure, under certain conditions, on certain soils, to protect the waters of New York State. We oppose the use of calendar dates or state-wide bans on manure spreading.
6. Since optimal nutrient management on a farm includes proper manure handling and since application of commercial fertilizers differs, we recommend that any Agricultural Environmental Planning Program should treat these issues distinctly and differently.
7. We support a common sense approach to water quality standards with dialogue between agriculture and county and state agencies.
8. We oppose mandatory regulations and support voluntary use of best management practices in the development of nutrient management plans.
9. We support an effort to coordinate all aspects of manure management which will provide technical assistance, implementation and liability protection.
10. We recommend that farmers not be limited to one accredited soil and nutrient testing organization as it pertains to manure management and the permit process.
11. We recommend that best management practices be used on smaller farms instead of possibly being mandated under Concentrated Animal Feeding Operations (CAFO) regulations.
12. We support an investment in technical support and the development of information resources for CAFO plans in conjunction with the Soil and Water Conservation District, Cooperative Extension, Farm Service Agency (FSA) and Natural Resources Conservation Service (NRCS).
13. We support defining CAFO permits to address nutrient management issues only.

14. We support continued collaboration with state agencies to implement CAFO policies.
15. We recommend the Department of Agriculture and Markets and the Department of Environmental Conservation work to defend the confidentiality of CAFO plans, thus maintaining the premise of a General Permit versus an Individual Permit process.
16. We support that CAFO requirements should not have state Department of Environmental Conservation requirements added to them. For instance, the Nutrient Management Plan that a farm is required to have should not have to include such things as placing overhead transmission lines, gas, sewer, water lines, etc. on maps.
17. We support that private CAFO planners should be given indemnification for the development of certified CAFO plans, similar to existing indemnity provided to Soil and Water Conservation District personnel.
18. We support more equitable distribution of available EQIP funding between farms of all sizes through a revision in the “needs ranking” process. We recommend that the New York Association of Conservation Districts work with the State Technical Committee to revise this process.
19. We insist that farmers who are following a state approved CAFO plan be protected against lawsuits.
20. We recommend that CAFO farms should be allowed to incorporate the storm water permit for building into their CAFO permit.
21. We believe that changes to the CAFO compliance regulations should be based on sound science.
22. We support stepped-up research efforts on methods to control odors from manure.
23. We recommend that, if air quality rules are to be put in place, these rules must be based on sound science and be given reasonable time periods for implementation.
24. We support state cost sharing of Certified Nutrient Management Plans.
25. We support a significant reduction in the paperwork and overhead associated with managing CAFO plans.
26. We support the use of state funds for a Manure Management Technology Extension position at Cornell University.
27. We believe that New York livestock farmers have had a longstanding tradition of protecting the environment. To encourage these efforts, revisions to the current CAFO permit should:
  - a. Acknowledge the agri-terrorism risk posed to farms. Farmstead and field maps should not be made publicly available;
  - b. Recognize that the Department of Environmental Conservation will respond within 60 days if a major change on a farm needs Department of Environmental Conservation approval;
  - c. Adopt a definition of discharge that includes a de minimus recognition;
  - d. Provide that farms with a state permit not be charged with discharging without a Clean Water Act permit in the event of a water quality violation;

- e. Recommend CAFO farms have access to manure storage, unless a CAFO plan demonstrates there is not a need;
  - f. We support the availability of conservation funding to comply with manure storage needs;
  - g. Allow permittees to house information for Annual Nutrient Management Plans for the state CAFO permit describing or disclosing the farmstead facility plan, including the location and operational procedures for facilities, storages, water flows and other elements that serve the farm and its production processes, on the farm or at the certified planner's office. This information should be exempt from FOIL and FOIA.
  - h. Retain the current standards for training on manure management.
  - i. Include only NRCS standards that relate to water quality; and
  - j. Allow an existing CAFO moving from one permit to another time to update required structural changes (ie: moving from the CWA to ECL permit).
28. We support removing the requirements for a Professional Engineer's design and approval of minor best management practices of the New York State CAFO permit.
29. We support allowing any structures in use on a farm in the current permit that were built to NRCS standards in place at the time or have been certified by a Professional Engineer to be functioning as designed, to substantially meet the intent of the applicable NRCS standard at the time and to be adequately protecting the surface and groundwater quality, will not have to upgrade to new NRCS standards unless a major modification or change in the structure takes place.
30. We support that when dealing with CAFO regulations, state officials investigating complaints must be well-versed in current best management practices as per NRCS standards and the regulations should not be subject to individual interpretation.
31. We support all CAFOs, medium and large, be inspected by the Department of Environmental Conservation not more than once every five-year permit cycle, unless there is an accidental discharge or violation of the Clean Water Act.
32. We oppose requirements for farmers to notify local municipalities when installing manure storage when they have appropriate state approval.
33. We support allowing farms adequate time for implementation of sufficient manure storage as regulations change.

## RECYCLING

### POLICIES:

1. We recommend continued support and expansion of recycling programs.
2. We recommend that state bottle redemption centers be required to take all New York marked bottles and cans regardless of where purchased.
3. We recommend that the Department of Environmental Conservation, on both a local and state basis, help find alternate uses or economical disposal or recycling of plastic materials used in agriculture.
4. We recommend that New York State investigate the feasibility of using recycled tires.

5. We recommend that all taxable beverage containers, except wine, but including glass, plastic, metal and beverage water bottles, should be included in the existing bottle deposit law for a refundable \$.05 deposit, with a portion of the unclaimed bottle deposits devoted to agricultural environmental projects and farm educational outreach within the Environmental Protection Fund.
6. We support incentives for businesses that will promote and establish farm recycling.
7. We support the continuous expansion of handling recycled agricultural plastics in New York State under the Recycling Agricultural Plastics Program (RAPP).
8. We support a free recovery program for farm tractor and truck tires as there is currently not a recycling program available.

### SOIL AND WATER CONSERVATION

Soil and water conservation programs have been a well-accepted part of agricultural improvement in New York State. These programs must continue for New York agriculture to remain competitive with farmers from other states and nations.

#### **POLICIES:**

1. We recommend continued support for the Soil and Water Conservation District programs.
2. We support programs intended to improve soil quality through improved drainage on a multi-farm basis.
3. We recommend that the implementation of agricultural pilot projects, through the Section 319 Program under the Clean Water Act, be expedited in New York State directly through the State Soil and Water Conservation Committee.
4. We support a three-way agreement between the Army Corps of Engineers, the Department of Environmental Conservation and local Soil and Water Conservation Districts (SWCD) with the local SWCD acting as the clearinghouse for all permits issued involving agriculture.
5. We recommend that there be more equitable distribution of Soil and Water funds based upon the agricultural need.
6. We support that with all the added responsibilities, new programs, and pressures from EPA, the Department of Environmental Conservation, counties, municipalities, and land owners, Soil and Water Conservation Districts need additional funding for more resources to help implement and carry out said programs, responsibilities, and duties.
7. We support the voluntary incentive-based Agricultural Environmental Management (AEM) program as the best way to address natural resource management on farms and encourage full funding for the program at the state level.
8. We recognize the need for and availability of professional engineers (PE) for agricultural project engineering; therefore, we recommend that a list of private PEs be made available by the Department of Agriculture and Markets for each Soil and Water region.
9. We support improvements to the application process for government

assistance programs whereby landowners can apply once for portions of the farm in multiple jurisdictions and the application will be duplicated and forwarded to each jurisdiction electronically.

10. We support additional funding for New York State Soil and Water to increase engineering staff to assist in the implementation of non-point source grant programs.
11. We recommend that Agricultural Environmental Management (AEM) and Environmental Quality Incentive Program (EQIP) monies be available to the greenhouse, nursery, and fruit and vegetable industry to help with nutrient management.
12. We encourage New York State to re-establish the funding for the current GRAZE-NY program and expand it statewide.
13. New York State should create an agricultural environmental response fund that would provide emergency low-interest loans to farmers to pay for on-farm environmental remediation projects needed as a result of natural disasters.
14. We support the efforts of the Upper Susquehanna Coalition of Soil and Water Conservation Districts and favor increased funding for the Coalition through the New York State Environmental Protection Fund.
15. We support an in-depth training program for Soil and Water employees to more efficiently use staff and resources in the implementation of environmental best management practices on private lands.
16. We strongly recommend that the New York State Agricultural Environmental Management program remain a voluntary program, and that the Agricultural Environmental Management program continue the proactive approach to improving water quality standards.
17. We oppose local and state government laws, policies and actions that unduly discriminate against non-traditional animal producers that are or would be operating under the New York State Soil and Water Conservation Committee's Agricultural Environmental Management standards and USDA and NRCS standards within established agricultural districts.
18. We support increasing the Environmental Protection Fund appropriation dedicated to Soil and Water Conservation Districts' reimbursements.
19. We recommend that Soil and Water Conservation Districts, acting in cooperation with local governments, be eligible applicants for Local Waterfront Revitalization Grant programs.
20. We support the New York State Soil Health Working Group.

## WASTE MANAGEMENT

Regulatory changes affecting solid waste management have created problems for municipalities. Many municipal landfills have been ordered closed for lack of regulatory compliance, leaving difficult alternatives for local officials.

### **POLICIES:**

1. We support the application of sewage sludge on agricultural lands according to the guidelines of Cornell University Center for the Environment. We urge the Department of Environmental



Conservation to adopt these recommendations as its own standards because they are more protective of both the consumer and the farmer. We further support the premise that liability and responsibility must lie with the waste handling authorities.

2. We recommend that the Department of Environmental Conservation should work cooperatively with localities in developing sufficient solid waste management programs when landfill closures are mandated.
3. We support state financial assistance in the closure of landfills.
4. We support waste-to-energy facilities if and when the technology is proven safe and the correct state-of-the-art facilities are available for the landfilling of the ash.
5. We recommend that public land be considered first for siting landfills, hazardous waste facilities, and the storage and disposal of low-level nuclear waste.
6. We support establishment of waste facilities on a regional basis close to the source of generation. The costs of these facilities should be borne by the producers of such wastes.
7. We strongly oppose dredged polychlorinated biphenyls' (PCB) being processed and/or landfilled on active agricultural land.
8. We support stricter penalties and better enforcement of the litter law.
9. We recommend that state regulations be changed to allow the disposal of farm generated veterinary medical wastes through voluntary collection and transportation by New York State licensed veterinarians from client herds without paperwork by either party. This waste should be considered part of the veterinarian generated waste stream.
10. We recommend the West Valley site be used for low level waste as long as it is properly maintained and used only for New York State waste.
11. In preparing for the PCB dredging of the Hudson River, we request that EPA:
  - a. Provide for a schedule to allow producers who irrigate from the Hudson River to continue or provide an alternative irrigation supply;
  - b. Establish a contingency fund to provide financial relief for producers who suffer financial losses attributed to the dredging project;
  - c. Assume all clean-up costs of contaminated agricultural land and any land contaminated by re-suspension; and
  - d. Continue to work with the agriculture community so producers can make informed decisions on how the dredging project could affect their operations.
12. We support environmental policies at all levels of government which prohibit dumping in the ocean and coastal waters of any contaminated dredge spoil, untreated sludge, or any sludge containing metals, infectious or radioactive wastes.
13. We encourage the development of additional downstate sources of energy, such as trash to energy recovery facilities, to meet the growing energy demands of that area.
14. We support the education of both farmers and the public on the

benefits and concerns about using bio solids as a source of fertilizer, and using information provided by the Departments of Agriculture and Markets and Environmental Conservation. These agencies are the appropriate regulators for the use of this product and municipal prohibitions restricting the use of bio solids should not be allowed.

### WATER MANAGEMENT

Farmers continue to be advocates of protecting water resources. Protection of water resources also involves preserving open farmland allowing for aquifer recharge. Water protection standards need to be compatible with necessary agricultural practices on a voluntary basis. Maintaining the availability of an abundant, clean water supply is also an important goal of the agricultural community.

#### POLICIES:

1. We recommend that the State Soil and Water Conservation Committee and the local districts should be the lead agency in the determination of best management practices for the control of non-point source pollution. The Committee should receive adequate funding in order to provide the necessary guidance and assistance to implement an agricultural non-point source control program.
2. We support efforts to consolidate the number of entities that oversee the regulation of watersheds.
3. We support funding of Non-Point Source Pollution programs through the Environmental Protection Fund.
4. We support the monitoring of watershed studies to ensure agricultural interests and private property rights are addressed properly.
5. We recommend that the State Soil and Water Conservation Committee and the Water Resources Institute should review groundwater protection proposals prior to being promulgated.
6. We support education on proper nutrient management.
7. We recommend that when farmers are required to comply with water quality program rules and regulations, funding must be available to finance these projects.
8. We oppose registering, metering, permitting or charging fees for agricultural fresh water usage by any entity. Efforts to obtain agricultural water use data should be done cooperatively between local Soil and Water Conservation Districts and participating farmers.
9. We oppose the New York State Canal Corporation charging for siphons and pumps used for agricultural purposes.
10. We recommend that any regulations developed or practices required within the Susquehanna River Basin and its watershed should be financed by the regulatory authority, and should include local input.
11. We strongly oppose any regional governing body taking control of the Lake Champlain Watershed.
12. We do not support the Lake Champlain Basin Program recommendations of accelerated phosphorus reductions of Lake Champlain. Instead, we recommend no unfunded mandates, no new regulations that winter spreading be permitted and all programs be voluntary.
13. We support the Agriculture Advisory Committee for Lake Champlain.

14. We oppose the findings of the economic analysis in the final plan for the Lake Champlain Management Conference.
15. We support programs that will protect the water resources of the Great Lakes Basin from diversion to other parts of the country.
16. We recommend agricultural water use receive a greater priority relative to other non-potable types of water use and that no restrictions be made on agricultural use when all other uses are restricted.
17. We support that any proposed regulation that may limit the quantity and/or timeliness of a sufficient water supply to produce agricultural products should reflect the full agricultural impact before being implemented.
18. We oppose the pumping of water from the Hudson River and the aquifer of the Delaware Reservoir to New York City.
19. We recommend that governmental agencies or authorities promulgating watershed regulations on local and state levels should be required to hold public hearings.
20. We recommend that watershed commissions have strong agricultural representation and that all members be legal residents of the watershed.
21. We recommend that the Department of Environmental Conservation allow farmers to maintain or make minor changes to rivers and streambeds located on land owned or rented by farmers.
22. We recommend that the regulatory process to apply for public water be simplified.
23. We oppose all attempts to impose minimum flow standards on agricultural withdrawals from designated waterways.
24. As residential waste from septic systems is a significant problem to water quality, we recommend it be included in watershed reviews.
25. We recommend that local county water quality committees be required to meet after regular working hours (9:00 AM to 5:00 PM, Monday through Friday) to afford non-governmentally employed citizens the opportunity to attend.
26. We support the decommissioning of the Susquehanna River Basin Commission.
27. We recommend that the Department of Environmental Conservation, Army Corps of Engineers, and Environmental Protection Agency develop standards and regulations that are consistent and compatible between the three agencies. These agencies should collaborate and provide landowners with a list of standards and permits necessary to complete a project.
28. We recommend that water quality projects funded from the Environmental Protection Fund be scored on individual merit and not be restricted by their proximity to priority watersheds.
29. We recommend that, in an effort to reduce possible flood damage, the Department of Environmental Conservation and other agencies be less restrictive with respect to the removal of debris from streams.
30. We recommend that proof of water pollution source be established before regulation or remedial actions are proposed by any regulatory agency.
31. We oppose any entity or business outside the Great Lakes region being allowed to transport and use water from the Great Lakes.

32. We oppose the EPA Chesapeake Bay Program nutrient allocations for the New York portion of the Susquehanna Basin. We support the viability of agriculture in the New York portion of the watershed with practices that can be reasonably implemented and maintained given the resources available.
33. We support enforcement of the appropriate placement and construction of new water wells in order to protect farm practices, as outlined in current state regulations regarding water well placement.
34. We oppose the creation of any new regional watershed regulations.
35. We recommend that river and stream erosion be addressed by selective dredging and shaping using common sense and limited guidelines. Local oversight of dredging must remain local.
36. We recommend that landowners be able to clean and maintain ditches on their property.
37. We recommend that agricultural and forestry operation activities should be exempt from New York State Department of Environmental Conservation Narrative Water Quality Standards.
38. We support water rights as property rights that cannot be taken without compensation and due process of law.
39. We support a system of appropriation of water consumption rights through state law and oppose any federal preemption of state water laws.
40. We oppose giving the New York State Department of Health any increased authority over existing private water wells.
41. We support the current setback of 100 feet from property lines for all new well construction and encourage stronger enforcement of all new well standards.
42. We support funding for the Long Island Groundwater/Agricultural Stewardship Protection Program.
43. We believe that the New York State Department of Agriculture and Markets should have the control to restrict water usage in New York State in cases of wide-spread drought with the advisement of the New York State Drought Management Task Force.
44. We support that the Department of Health develop guidelines for wastewater treatment from on-farm processing facilities.
45. We support maintaining the state's standards for chloroform in water in statute.
46. In the event of wide-spread drought, water from wells on private property should be the right of the private landowner.
47. We recommend, as a model for solutions for water bodies worldwide, state and federal resources be provided to define the science of Cyanobacteria toxins in Owasco Lake and accelerate development of next level best practices to reduce nitrogen and phosphorus losses into Owasco Lake to prevent Cyanobacteria toxins.
48. We support an exemption from farms being required to consult engineers on the installation of back-flow prevention devices in water supply lines. Rather, work from a list of approved devices with verification of proper installation by local authorities.
49. We recommend that access to the waters of the Erie Canal be uninterrupted for agricultural uses during the growing season.
50. We support allowing farmers access to public water/hydrants.

**HIGH HAZARD DAMS**

Throughout the state there are large dams, the failure of which could lead to significant loss of life, as well as agricultural lands and property. It is imperative that these dams be maintained in a way that upholds public health and safety.

**POLICIES:**

1. We recommend that regulations dealing with dam safety should exempt farm pond dams, as these dams do not pose a significant threat to public safety.
2. We recommend regulations dealing with dam safety should be clearly written to prevent any interpretation that manure storage lagoons be governed by such regulations.
3. We recommend all high hazard dams, those dams whose failure would result in catastrophic loss of property and life, shall be built, repaired, and maintained to Factors of Safety of 2.0 (normal condition) and 1.5 (probable maximum flood condition).
4. We recommend any county wherein a high hazard dam is located may annually retain a qualified engineer to inspect such dam, audit such operation and maintenance records as the engineer shall deem necessary, and report findings to such county. The cost of such inspection and report shall be borne entirely by the owners of such dam.
5. We recommend that failure of a high hazard dam shall be prima facie evidence of negligence, and the owner of a high hazard dam shall be liable for damages resulting from the failure of such dam.
6. We urge the New York City Department of Environmental Protection must maintain the water level of the Gilboa Dam reservoir at a safe level.
7. We recommend that the Department of Environmental Conservation should be given the authority to use New York City owned dams to control flooding. These flood mitigation efforts should be in conjunction with the Delaware River Basin Commission when affecting the flow of the Delaware River.

**WETLANDS**

Historical land use trends in New York agriculture have provided a net gain in wetland acreage. There is an over-emphasis on the protection of wetlands that is leading to an infringement on private property rights.

**POLICIES:**

1. We support that private property rights should be protected when dealing with wetlands and endangered species regulations.
2. Since cropped wetlands are not irretrievably destroyed as wetlands, we recommend that agricultural use of wetlands should not be considered a permanent conversion and therefore should not be included in a “no net loss” goal for wetlands.

3. We strongly object to the method used to calculate wetlands by the Department of Environmental Conservation in their remapping of the wetlands of New York State.
4. We recommend that wetland regulation should not impede normal agricultural practices. We further recommend that any lands so classified meet all three criteria: hydric soils, vegetative growth and standing water. All levels of government should use a consistent wetland definition.
5. We oppose legislation which would reduce the minimum requirement for wetlands regulation.
6. We recommend that the New York State definition of a wetland should not be more stringent than the Federal definition.
7. We support continuation of the agricultural exemption within wetlands and buffer zones, provided for in the Department of Environmental Conservation freshwater and tidal wetland regulations.
8. We support a wetlands permit exemption for agricultural crop drainage projects.
9. We oppose all the Department of Environmental Conservation user fees or permit requirements to regulate normal farming practices that are exempt from the freshwater or tidal wetland regulations.
10. We support:
  - a. The adjustment of land assessments, for those landowners owning regulated wetlands, to reflect the decreased value and usability of this property;
  - b. Full compensation for seizure of property rights; and
  - c. That no additional wetlands be designated.
11. We recommend that an agricultural representative be part of the regulatory review process in the definition and designation of wetlands by the Department of Environmental Conservation, Environmental Protection Agency, Adirondack Park Agency, and the U.S. Army Corps of Engineers.
12. We oppose government acquisition of agricultural lands for the enlargement of the Montezuma Wildlife Refuge and the Wallkill Wildlife Refuge. Further, an agricultural impact study and local public hearings should be held before any land acquisitions commence.
13. We oppose further acquisition of wetlands by New York State or third parties for the specific purpose of reselling to the state, such as Braddock Bay in Monroe County and Black Creek Marsh in Albany County.
14. We recommend that no local municipality or county government be able to regulate wetlands.
15. We recommend that the buffer zone for wetlands be decreased to fifty feet.
16. We oppose adopting a wetlands classification system that would grade wetlands according to their environmental benefits.
17. We oppose any buffer zone requirements for regulated freshwater wetlands less than 12.4 acres.
18. We support eliminating wetland mitigation regulations in projects of public need when current regulations would result in the loss of active agricultural land.

**WILDLIFE MANAGEMENT**

Wildlife management is an important function and a continuing concern to farmers. Wildlife that damages orchards, vineyards, and agricultural crops is a continual, costly problem for farmers. Coyotes are causing severe problems for domestic livestock, while bears are a problem for some honey producers. Current management practices for controlling wildlife pest populations are inadequate.

**Hunting Issues****POLICIES:**

1. We support the harvest of antlerless deer during muzzleloader season, recommend the season be extended for an additional week statewide and allow for the issuance of a second tag.
2. We support free deer hunting licenses for farmers to hunt on their own and rented land.
3. We support the removal of the sunset clause from the current muzzleloader season law which allows an extended season.
4. We recommend that opening day of bear season coincide with the opening day of the gun season for deer in the southern zone.
5. We support increasing the seasonal take of wild turkeys as follows: four Toms during the spring season and four of either sex during the fall season.
6. We support using rifles or shotguns during a year-round season on coyotes, crows, geese, and bears.
7. We support competitive fish and game events without interference.
8. We support a lifetime sportsman's license for a fee of \$5 at age 65.
9. We recommend that the Department of Environmental Conservation encourage sportsmen to take does as well as bucks and issue the adequate permits to balance the herd.
10. We recommend that the goose, deer and bear season be lengthened and increased to include spring seasons on private land.
11. We support the inclusion of crossbows as legal implements for all hunting seasons.
12. We support creating or improving the Department of Environmental Conservation's efforts to curtail the decline of hunting throughout this State by using public service announcements (PSAs) and other means to promote sportsman activities within New York.
13. We support utilizing hunter license fees to fund State wildlife management programs such as DMAP and the Venison Donation Program.
14. We recommend that New York State should encourage an increase in the number and availability of hunter safety training courses.
15. We recommend that wildlife management unit residents have preference over wildlife management unit non-residents in obtaining deer management permits.
16. We support allowing hunters in the Southern Tier to hunt deer and bear in the regular season with handgun, rifle, shotgun, muzzle loading firearm, and archery.

17. We support making cable restraint devices legal implements to help control the beaver and coyote population.
18. We recommend that there should be no state-regulated fishing and hunting seasons and licenses for privately owned, captive fish and game.
19. We recognize the code of ethics for the operation of privately owned big game hunting preserves in New York State.
20. We support the licensing of privately owned big game hunting preserves in New York State.
21. We support inherent risk legislation for hunting activities on privately owned hunting preserves.
22. We support hunters wearing “hunter orange” during big game gun and rifle hunting seasons.
23. We support the provision of DMAP’s permits in all Wildlife Management Units in New York State.
24. We support the continuation of current positive trend in good deer herd management by the Department of Environmental Conservation and recommend the automatic pairing of doe permits with regular buck licenses in high deer population areas. We further recommend that the Department of Environmental Conservation provide information to hunters showing the benefits of managing the deer herd, especially does.
25. We oppose spotlighting on private property without the permission of the landowner, with a fine levied on violators.
26. We believe when purchasing a hunting license, hunters should be allowed to donate as much money as they want to help fund the Venison Donation Program.
27. We support legislation that exempts domestic and imported animals harvested at a game hunting preserve from sales and compensating use tax.
28. We recommend that only neutered male swine can be used in hunting preserves.
29. We oppose mandatory deer antler restrictions on public land and private property.
30. We encourage the Department of Environmental Conservation and the New York Trappers Association to work together to establish a regionally appropriate trapping season throughout the state.
31. We support the Department of Environmental Conservation issuing more doe permits in order to better manage the deer population.
32. We recommend farmers who qualify for an agricultural assessment should be exempt from Department of Environmental Conservation Guide Licenses for their principals and employees and be permitted to collect fees for hunting privileges on their land.
33. We support Department of Environmental Conservation implementing a dove season.
34. We support extending the daily start time of big game hunting to a half hour before sunrise and ending a half hour after sunset.
35. We recommend agriculturally assessed land and/or land zoned as agricultural be eligible for hunting, as long as the land meets the minimum general hunting safety requirement set by Department of Environmental Conservation.



36. We support youth hunters, age 12 and older, under the proper adult supervision, being allowed to hunt both big and small game during the appropriate season, after the completion of a hunter's safety course.
37. We support the State Veterinarian's restrictions on transportation of cervids from states with Chronic Wasting Disease.
38. We support the reduction of hunting license fees and tag fees to encourage more hunters.
39. We support allowing the use of rifles for hunting in Tompkins County.
40. We support the sale of deer urine by deer farms in New York State that have been certified Chronic Wasting Disease-free. We support the use of deer urine by hunters for scents, lures, or attractants while hunting.
41. We support legislation that would prohibit the use of unmanned aerial vehicles (UAV) for hunting wildlife, but with an exception for using DEC nuisance permits.
42. We support labeling tree stands on private land with names and addresses the same way traps are labelled.

### Nuisance Wildlife Controls

#### POLICIES:

1. We believe farmers are best able to assess wildlife damage on their own property and should have the prerogative to determine appropriate humane control on their own property.
2. We recommend that the Department of Environmental Conservation conduct a formal study of wildlife damage to crops and farmland so we know how much it's costing the farmers of New York State to subsidize the feeding and protection of wildlife in the State. The study should include population density of deer, raccoon, wild turkey, beaver, bear, geese, starling, blackbird, crow, pigeons, and migratory birds, and other forms of wildlife damage. Farmers and farmland owners should be compensated for the value of the determined damage and the cost of predator control.
3. We recommend that governmental agencies and private wildlife preserves be accountable for the agricultural damages by lack of wildlife management. Programs should be developed to refund farmers for agricultural damages.
4. We recommend that permit procedures allow farmer landowners to protect crops, livestock and property from nuisance wildlife and predator damage at any time during the year, including bow season. High priority should be given to the issuance of these permits.
5. We encourage the Department of Environmental Conservation to fully implement, simplify, and support the Deer Management Assistance Permit (DMAP) Program. We support the increased availability and timeliness of nuisance permits and DMAP permits to farmers, as well as increasing where bow hunting is allowed.
6. We recommend support for the Department of Environmental Conservation's research for alternate deer control measures such as the use of repellents and infertility programs.
7. We support:
  - a. Additional landowner liability protection as a vital tool for enhanced wildlife management control in New York State;

- b. Cost sharing and low interest loans by the state be made available to farmers for deer and bear fencing;
  - c. Private landowners being allowed to charge fees for hunting access without incurring additional liability; and
  - d. Economic loss, due to crop damage, to be included as part of citizen education.
8. We support continued use of the steel jaw foothold and body traps.
  9. We support abolishing the state protection of coyotes, sea gulls and crows until their numbers decline to a more manageable level.
  10. We support and insist upon better management of the resident and migratory geese flocks to prevent destruction of crops by extending the goose season.
  11. We recommend that before a wildlife control product is taken off the market, an effective and economical alternative product must be provided.
  12. We support the Department of Environmental Conservation's authority regarding hunting and trapping regulations and are strongly opposed to any legislation which will give regulatory rights to any local government with regard to any aspects of environmental conservation law, especially hunting and trapping.
  13. We recommend that the Department of Agriculture and Markets and the Department of Environmental Conservation establish an indemnification program to fairly compensate agricultural producers for loss or damage caused by wildlife species.
  14. We support the following in an ongoing attempt to control wildlife damage to farmland:
    - a. The continuance of the extended muzzleloader season;
    - b. Increasing the number of doe permits issued;
    - c. The activation of implement licenses for New York State residents which allows people the opportunity to take a deer during the rifle or shotgun, bow and muzzle loader seasons;
    - d. Active year round management of wildlife;
    - e. The active monitoring of diseases in wildlife by the Department of Environmental Conservation;
    - f. An increase in the number of turkeys allowed taken during spring season where populations are high and allow for the taking of a hen turkey in the spring in those areas of high populations and where damage occurs;
    - g. We support sections 11-0521 and 11-0523 of Environmental Conservation Law allowing agriculturists to protect their crops, animals and property from wildlife; and
    - h. We support easing the restrictions surrounding nuisance permits, disposal of carcasses, and reporting times.
  15. We support the repeal of restrictions to the removal of beaver and the breaching of their dams. We recommend that beavers be taken off the list of animals to be regulated by the Department of Environmental Conservation.
  16. We are in favor of reinstating a bounty on nuisance wildlife.
  17. We support state, regional, and national policies that recognize that farm animals and agricultural crops are at least as important as wildlife.

18. We recommend that New York State continue and increase funding for a statewide venison donation program. Such a program should encourage hunters to increase the number of deer taken, in order to assist those in need.
19. In an effort to make DMAP more farmer friendly, we recommend that the Department of Environmental Conservation eliminate the two doe per hunter limitation.
20. We support the authority of the Department of Environmental Conservation in dealing with local Wildlife Management through education of hunters and landowners.
21. We recommend that modifications be made to the process and procedures, including third party or farmer verification, for declaring wildlife damage to crops and streamlining the permitting of landowners to enact control measures.
22. We recommend the discontinuation of the release of wild turkeys.
23. We recommend that agricultural property renters should be afforded the same consideration as landowners in regard to priority issuance of doe permits.
24. We support an open season on deer for farmers on their own or rented land. In the absence of an open season, we demand that nuisance permits be continued throughout the bow season.
25. We support extending the ban on feeding wild deer.
26. We are opposed to the importation, relocation and introduction of any wildlife into New York State.
27. We recommend that the Department of Environmental Conservation should be directed to assess the extent to which manure from wildlife and waterfowl overpopulation might be a non-point pollution source.
28. We recommend that the Department of Environmental Conservation regulate the taking of elk and moose in the same manner as deer hunting and trapping is currently regulated.
29. We support opening county parks for hunting to help control the wildlife population.
30. We support a greater effort by the Department of Environmental Conservation to increase the deer harvest through education of hunters and advertising options, such as the DMAP program, to better address farm crop and forest damage.
31. We recommend that the Department of Environmental Conservation accurately assess the deer population to establish a base line for deer management. From the base line study, the Department of Environmental Conservation should determine if current management efforts are effective or if alternative techniques, such as a professional harvest, must be considered.
32. We support a bear management program similar to the deer management program.
33. We support extending bear hunting to additional areas of the state, including New York City watershed land, to further reduce the bear population.
34. We support hunting in state parks to control the wildlife.
35. We oppose the reintroduction of gray wolves in New York State.
36. We support expanding bear and bobcat (large cats) hunting seasons as needed to reduce agricultural damage and for population control.

37. We support a law allowing a farmer the right to protect his or her livestock from wild and domestic animals.
38. We oppose all state mandated wildlife and livestock setbacks for fruit and vegetable production until research and sound science establishes that animal carriers and vectors of contamination from E. Coli 0157:H7.
39. We urge immediate state funding of research on the animal carriers and vectors of contamination from E. Coli 0157:H7 to establish sound science about this food safety concern.
40. We support a feral swine population control initiative.
41. We recommend that the Department of Environmental Conservation should be required to continue mailing DMAP applications, unless an electronic copy is requested.
42. We support the Department of Environmental Conservation assisting farmers in the control of nuisance bird populations.
43. We support fines and penalties for individuals who release non-native species of vertebrates, excluding predatory species utilized for pest or disease control.
44. We strongly support the addition of bucks to nuisance deer and DMAP permits to allow for their legal population control when they become a threat to production farmland.
45. We strongly support the continuous eradication of non-domesticated wild pigs.
46. We support the use of live hold cable restraints for control of coyote, beaver, raccoons and other nuisance wildlife.
47. We recommend New York State allow the trapping of snapping turtles.
48. We support the use of conservation fund money to alleviate crop damage for farmers who earn their primary income from farming.
49. We recommend that New York State Department of Agriculture and Markets, New York State Integrated Pest Management, Cornell University, Cooperative Extension and Department of Environmental Conservation work to aggressively research and develop solutions to prevent bird damage to seedling corn, as well as mature sweet corn.

### Landowners' Rights Issues

#### POLICIES:

1. We recommend that sportsman and landowner relationship be emphasized in hunter safety courses and license applications.
2. We recommend that when hunters violate landowners' rights, they be subject to the suspension of their hunting license.
3. We support the right of landowners to ask for, and receive, the identification of trespassers on their property.
4. We oppose a restrictive regulatory approach to protecting endangered species habitats.
5. We support raising the fine for trespassing on private property to at least \$100 per offense.
6. We support voluntary management plans to develop wildlife areas on privately owned land.

7. We support that beaver ponds on one person's property should not be allowed to back water on another's property.
8. We recommend that the Department of Environmental Conservation regulations on posting property be changed so that posting is only required for the point of entry to the property.

### GENERAL ISSUES

#### **ABANDONED RAILROADS AND LINEAR PARKS**

Abandoned railroads have been looked at to provide new opportunities for public access. This can have a negative impact on private property rights. Actions must be taken to resolve current problems.

#### **POLICIES:**

1. We support the return of abandoned rights-of-way to the properties from which they were taken.
2. We recommend that easement rights-of-way obtained by public or private sectors shall not be committed to any new or additional purpose, either during its original usage or after abandonment without consent of the owner of the land underlying the easement.
3. We oppose legislation that would permit utility rights of way, including railroad rights-of-way, to be used for recreational purposes without permission of adjoining landowners.
4. We believe that adjacent landowners should be informed by registered mail and formally involved in all steps of any process to change the use of an easement or right-of-way or other linear passageway from its originally designated use.
5. We believe that government agencies or any other organization which change the use of an abandoned railroad or utility rights-of-way, must be held responsible for fencing, taxes, control of noxious weeds, maintenance of rights of way and other such costs which were required of the railroad or utility. Such agencies or organizations should also be responsible for compensating the owners of the rights of way for use of the property easement and for placement of signs in agricultural districts and other agricultural areas which states that normal agricultural practices occur in the area.
6. We recommend that public notice be issued and a public hearing be held prior to offering sections of abandoned railroad beds for sale.
7. We oppose the Rails to Trails Program when it disregards property owner rights.
8. We oppose the paving of the canal paths.
9. We recommend that trails presently existing on state lands, which are now considered multiple use (hikers, bicyclists, skiers, snowmobilers and horseback riders), be preserved as such.
10. We recommend that utilities, agencies, or other entities should not coerce, intimidate, or otherwise force landowners to relinquish their property rights in abandoned rights-of-way.
11. We support protecting property owners from liability and nuisance lawsuits brought by trespassers.

12. We support providing recourse for landowners to be compensated for damages caused by users of the trail.
13. We support the repeal of state law that has allowed the acquisition of railroad rights of way without regard to reversionary properties or deeded back properties.
14. We support the development and maintenance of trails, specifically for use by wheeled off road recreational vehicles on existing public lands, or willing private landowner's property, in order to limit unauthorized use of these vehicles on private farm property. Any cost should be funded by registration fees and taxes on these vehicles and/or voluntary contributions.
15. We support that federal, state, and county moneys should be used for its original intent and funding for the trails should be curtailed.
  - a. Where trails are built all possible safeguards should be constructed to keep unauthorized motorized vehicles out;
  - b. Liability for property owners should be covered solely by the operators of the trails;
  - c. Devices, including but not limited to, fences should be constructed to limit trespassing; and
  - d. Privately owned land bordering trails should be considered automatically posted without need of signs and the burden of obtaining permission should lie with the individual desiring entry.
16. We support landowner compensation in the event that the state orders a closure of a railroad crossing due to safety concerns, where the landowner has an easement to access the land, and an alternative route to access this land will add substantial cost.

### ADIRONDACK PARK

We believe the Adirondack Park Agency violates private property rights as guaranteed by the Fourth Article of the United States Constitution.

#### POLICIES:

1. We support the abolition of the Adirondack Park Agency.
2. We recommend that Section 803 of the Adirondack Park Authority Act be amended to include the following: at least two members appointed by the Governor shall be persons employed in agriculture or forestry within the park.
3. We recommend that the Department of Environmental Conservation should retain control of forest, fish, wildlife, and pest management programs within the Adirondack Park.
4. We oppose the establishment of a separate law enforcement unit to enforce regulations within the park.
5. We oppose any efforts that would diminish private property rights or infringe on the future viability of agriculture in and around the region.
  - a. We oppose any recommendation that would tax open space and farmland at a higher rate than hamlets.
  - b. We oppose any recommendation to bury all utility lines which is a needless expense that will be passed on to the rate payers.

- c. We oppose any expansion of the park and/or establishment of a transition zone because of the possible adverse impacts on agricultural practices including farms, agribusiness, maple production, Christmas tree and other food-related enterprises.
  - d. We oppose the creation of a new administrative unit, such as the Adirondack Park Administration and Adirondack Park Service.
  - e. We oppose any zoning more restrictive than at present.
6. We believe that local governments should retain a major decision making role in local land use planning and economic development within the park and proposed transition zone, thus continuing a strong home rule tradition free of agency influence.
  7. We recommend that environmental objectives should not be set ahead of all other considerations, but should be balanced with other identified needs and objectives of the people and local economy within the park. In particular, agriculture and forestry should be encouraged.
  8. We recommend that a local independent board of appeals be established to review permit requests denied by the Adirondack Park Agency.
  9. We oppose acquisition by any governmental entity of additional land in the Adirondack Park or the use of third-party acquisitions in anticipation of future state purchases.
  10. We oppose additional purchases of land by the state within the Adirondack Park for recreation purposes.
  11. We recommend that any farmland purchased by the state be allowed to continue in agricultural production.
  12. Because the zoning restrictions of the Adirondack Park Agency deprive property owners of the same rights that are constitutionally guaranteed to the rest of New York, we support compensation to the private property owners within the Adirondack Park.
  13. We recommend that state lands be harvested according to prudent forest management practices. This process could allow some income from publicly owned forestland, and produce an ecological environment (feed) for the dwindling deer and bear population in deep aging forest areas.
  14. We support the right to a speedy permit process and a 90-day time limit on reviews.
  15. We oppose any Adirondack Park property being reclassified as “wilderness” thereby preventing access by motorized vehicles.
  16. We support annual compensation from New York State to landowners in the Adirondack Park. Payments would be based on the zoning classification, if the property is not developed.
  17. We recommend that, if New York State is determined to meet its renewable energy goals it should set an example and site wind power towers in the Adirondack Park where there is ample wind and mountains.
  18. We support multi-carrier cell towers in the Adirondacks.
  19. We support New York State Department of Agriculture and Markets superseding the Adirondack Park Agency’s authority in decisions regarding agriculture.
  20. We support all State agencies using the same definitions for

“agricultural use, agricultural use structures, specialized agricultural equipment and agricultural service use.” Specifically, we recommend that the Adirondack Park Agency accept farmworker housing as an “agricultural use structure” and greenhouses, silos, and grain bins as “specialized agricultural equipment” in compliance, along with Agriculture and Markets, Office of Real Property Services, and Department of State building and codes definitions.

21. We support no net loss to the Adirondack private forest.
22. We support the Adirondack Park Agency using the census definition for farms.
23. The Adirondack Park Agency should not have jurisdiction over any agricultural production and processing activities and facilities.
24. We recommend that a lead New York State agency or department be identified and define effective advertising signs for farms stands and other agricultural retail establishments along federal, state, county and town roads within the Adirondack Park.
25. We support completing phase II of the “I-87 Multimodal Corridor Study of 2004” by establishing a Tourist Destination Signage Program or the formation of the Adirondack Signage Task Force.

### CATSKILL REGION

Agriculture continues to have a major presence in the Catskill Region. As a result, farmers continue to have a vested interest in how this region is regulated. The concepts of home rule and private property rights remain guiding principles to farmers and rural landowners in this agriculturally significant area of the state.

#### **POLICIES:**

1. We oppose any regional land use plan or watershed regulations for the Catskill Region that would result in the loss of home rule or impose restrictive regulations that would threaten the viability of this region’s agricultural industry.
2. We believe that the New York City Department of Environmental Protection (DEP) and the Delaware River Basin Commission should not be allowed to make unrealistic regulations and demands on agriculture and rural life in the quest to maintain a safe water supply. We support home rule and local town control for such purposes.
  - a. The Department of Environmental Conservation should continue to control forest management, fish and wildlife management and pesticide management programs.
  - b. We oppose the establishment of a separate law enforcement unit to enforce regulations within the Catskill watershed region.
  - c. We oppose any taking of private property rights without just compensation.
  - d. If the Department of Environmental Conservation and/or DEP bans gas drilling in the Delaware River Watershed to protect water quality, the landowners must be justly compensated for the loss of their mineral rights.
3. We oppose any efforts that diminish private property rights or infringe on the future viability of agriculture in and around the region.



4. We oppose the Catskill Commission or any regional governmental land control by any outside agency.
5. We recommend that Farm Bureau should continue to assist in the implementation of the New York City watershed agricultural program.
6. In light of the pressure on farmers to control phosphorous runoff into New York City's reservoirs, we strongly support research into the internal loading (releases by a reservoir's sediment) of phosphorous in New York City's reservoirs.
7. We support research into the effectiveness of planting and harvesting alternative crops as a means to control phosphorous runoff into New York City's reservoirs.
8. We support allowing swimming and all unmotorized boating in the Cannonsville and Pepacton Reservoirs.
9. We believe that land acquired by New York City in the watershed should be assessed at fair market valuation.
10. We are opposed to the DEP and the EPA agreement for land acquisition in the New York City watershed without the agreement of the towns in the Catskills.

### EDUCATION

Our challenge for the future is to provide for quality education and equity among taxpayers. Providing a system of education that supplies training in basic skills, an understanding of social and economic concepts and technical skills to meet expanding job opportunities, is one of the most difficult tasks we face today. Rural areas are faced with transportation problems, declining enrollment and inadequate financial resources, which restrict educational opportunities.

#### Agriculture in the Classroom

##### POLICIES:

1. We support funding for the Agriculture in the Classroom curriculum in grades pre-k through 12 in all schools in New York and funding for the Cornell Ag in the Classroom program. We also encourage the agriculture industry to work cooperatively to support Agriculture in the Classroom in our schools.
2. We support the use of Curriculum for Agricultural Science Education for Learning in the New York State School System to better incorporate agricultural education into the core educational offerings.
3. Since a dedicated fund for Agriculture in the Classroom has been established through the sale of distinctive plates for agriculture in New York State, we recommend that a portion of the revenue generated through the sale of agriculture and farm plates be placed in the Agriculture in the Classroom fund.
4. We support state funding of the "New York Kids Growing Food" program.
5. We support the inclusion of agricultural biotechnology information in the Agriculture in the Classroom materials.
6. We recommend agricultural and farm plated trucks should be eligible for the agricultural education license.

7. We support and encourage the New York State Museum to change and expand its agriculture display to show the importance of agriculture to the state and on how agriculture makes affordable and safe food for all New Yorkers.
8. We urge the New York State Department of Education to significantly increase the curricula requirements regarding the origin, means of production, and benefits of the food we eat, and request that funding necessary for schools to meet these requirements be provided through the New York State budget without raising taxes by diverting operating aid from existing programs that have failed to meet the goals for which they were originally funded.
9. We strongly support a more balanced approach in the presentation of agriculture in the New York State Core Curriculum at all educational levels.
10. We support expanding Ag in the Classroom, by collaborating with CCE county offices throughout the state to provide educational support to elementary and middle school teachers as they integrate agriculture, food, and natural resources instruction into their curriculum.

### High School Agricultural Education

High School agricultural education is an effective way to teach agricultural awareness, agricultural careers and leadership skills. Agricultural education is also an effective vehicle for students to meet and surpass the New York State Education Department's Learning Standards. High school agricultural education courses are important resources to qualify young people who are needed to fill the many job opportunities in the production agriculture and agribusiness industries.

### POLICIES:

1. We continue to support increased 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 Ag in the Classroom, FFA, and professional support to the New York Association of Agricultural Educators (NYAAE).
2. We recommend continued efforts to improve the image of agricultural education programs.
3. 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.
4. We recommend that the New York State Education Department plan to require additional units for students to achieve a high school diploma must include flexibility so that agricultural education courses fulfill curriculum requirements.
5. We support continued agricultural education through:
  - a. Additional agricultural courses at BOCES but not limited to agricultural engineering; and
  - b. Career and technical training for farm employees.

6. We recommend that high school guidance programs include promotion of agriculture careers and post-secondary agricultural education.
7. We encourage the New York State Department of Education to require the inclusion of agriculture education in schools at each grade from level K-12 and encourage use of the curriculum that has already been developed through the Agriculture in the Classroom program that meets and exceeds current state educational standards.

### Post-Secondary Agricultural Education

Agriculture is New York's largest industry, providing employment in agriculture and agriculturally related occupations. Agricultural education programs should provide training to meet the employment needs of the agriculture and food industries and promote agriculture as a career choice.

#### **POLICIES:**

1. We recommend that SUNY Central should consider the importance of the Agricultural and Technical Colleges to the future viability of the agricultural industry and allocate more funds accordingly.
2. When SUNY Central considers funding for Cornell's statutory colleges, the additional responsibilities of research and extension should be taken into account. We recommend compensation for Cornell College of Agriculture and Life Sciences (CALS) and Vet College professors to reflect their additional responsibilities, and be compensated competitively with other land grant universities.
3. We recommend that all teachers be made aware of the Agriculture in the Classroom Program during their college and in-service training.
4. We support in-state tuition rates for children of migrant farm workers who have worked in New York State for six months during the past year.
5. We urge New York State to support funding to modernize the dairy facility at Alfred State College so it can become a real educational asset in promoting the future of agriculture in the region and all of New York State.
6. We recommend a program for new veterinarians entering large animal practices in New York to help support those veterinarians who maintain these practices today:
  - a. We support encouraging new entrants to large animal practices through the development of incentives, such as lower interest student loans, loan forgiveness programs with a required service term in New York State, other educational benefits, and/or tax credits to assist in establishing new larger animal practices.
  - b. Existing Rural Large Animal Practice (RLAP) veterinary providers who maintain a practice providing emergency and after-hours service shall receive a \$25,000 "adjustment to income" tax credit.
7. We support New York's agricultural and technical colleges.
8. We oppose combining the presidencies of the SUNY system.
9. We support adding an agriculture teacher certification pathway that

allows an individual who has a bachelor degree with an Initial or Professional Teacher Certification in any of the current Career and Technical (CTE) agriculture titles (Animal Production, Science, Business, Ag Engineering and Mechanics, Plant Science, Animal Science, or Natural Resources and Ecology) and who successfully passes the Agriculture Content Specialty Test, would be granted an additional CTE certification in all agriculture areas.

10. We support increasing the capacity of all agriculture education teacher certification programs in New York State to recruit, train, and retain agriculture teachers to meet the growing demand for agricultural education in New York's public schools.

### Adult and Continuing Education

#### POLICIES:

1. We support BOCES vocational agricultural education programs and adult agricultural courses, which provide opportunities for students to receive a quality career education.

### Finances/State Aid

#### POLICIES:

1. We believe that:
  - a. State aid should continue to be based on average daily attendance;
  - b. State mandates on local school districts should be fully funded from state revenues;
  - c. New York State should continue to fund the Rural Education Research Program.
2. We support a dedicated education trust fund, to receive all monies collected in the name of education, including lottery receipts.
3. We support that local control over public schools must be retained and property taxes must be reduced as part of any reform proposal.
4. We support differential statistical aggregation, so that rural towns are figured as rural, rather than urban when the Consumer Price Index (CPI) is figured for school taxes.
5. Because special education has become a burden financially to local school districts, we feel there should be a cap of 2.5 times the cost of what a local school district would pay to educate a child. After this cap, the balance of cost of a special education child should be assumed by the state.
6. We recommend that any proposed state legislation and/or budgetary proposals regarding education which affects school budgets be submitted to school districts for review and comment prior to enactment.
7. We believe before mandating the merger or consolidation of any school district, the state should first redistribute state aid in a manner that shifts aid from paying for supplemental services in certain districts to ensuring coverage of basic needs in all districts.
8. We recommend New York State stand behind committed funds for school budgets for an entire fiscal year.
9. We support the inclusion of school greenhouses and maple processing facilities as classroom space in order to be eligible for building aid.

10. We support establishing a proportional threshold regarding the allotment of state aid to public school districts as a means of encouraging mergers.
11. We support abolishing the New York State Gap Elimination Adjustment for schools.
12. We oppose allowing school districts to circumvent the 2% property tax cap by allowing districts to have voters approve separate propositions outside of the normal school budget process.

### General Issues

#### **POLICIES:**

1. We oppose the current tenure system. The Department of Education should develop a primary and secondary educator evaluation program which would be based on a point system, where good or bad performance (determined by a number of interested parties including school boards, administrators and fellow teachers) would be identified, codified and tracked. This new evaluation system would replace the current tenure system. Educators that fall below a predetermined point level could be subject to employment termination.
2. We support legislation to repeal or amend Section 209-a (1) (e) of the Civil Service Law (the Triborough Amendment). Upon expiration of a public employee contract, all salaries and benefits should be frozen at existing levels until a new agreement is executed.
3. We support an aggressive, comprehensive educational program, presenting the facts of agricultural production and information relating to the overall economic impact of food costs, to the general public, legislators and school children. This program should include the "Agriculture in the Classroom" curriculum.
4. We recommend the Agriculture in the Classroom program and Farm City Week materials be made available to all groups and consumers. We further recommend that programs be supported which will result in an agriculturally literate public.
5. We support agriculture and FFA programs in the school system. We recommend that career, technology, and science courses, including environmental science courses, are acceptable to fulfill the Regents requirement and that schools offer agriculture classes in order to have an FFA.
6. We oppose the action of some state universities and local school systems having sold the exclusive right for sale of the products of beverage companies.
7. We recommend that New York State support agricultural awareness across the state to demonstrate to the general public the positive aspects of modern agriculture.
8. We support the statewide Continuum for Agricultural Education Initiative and its components of agricultural literacy, secondary (high school) education, agricultural youth leadership development (FFA), urban agricultural education, and postsecondary agricultural education in-service.
9. We believe that school districts should not be penalized with loss of state school aid when a resident wins a large lottery prize, which skews the Local Combined Wealth Ratio in the school aid formula.

10. Materials disparaging industry-accepted practices of animal agriculture must not be placed on display or used for educational instruction in schools.
11. We support Cornell University's "Alliance for Science" and call on the University to reject efforts to remove it from its campus.

### School Meals Programs

#### POLICIES:

1. We continue to support legislation requiring state and federal funding of school nutrition programs for breakfast, lunch and special milk programs.
2. We encourage schools to use food products produced in New York State in fundraising, school meal programs and in vending machines.
3. We support increased sales of milk in schools by encouraging districts to explore utilizing milk dispensers and offering additional servings of milk as part of a Type A lunch.
4. We strongly advocate use of REAL dairy products in school lunch programs.
5. We support requiring school lunch programs for grades 7 and above to serve one pint of milk.
6. We oppose the sale of soft drinks in public schools.
7. We strongly oppose efforts to discourage the use of milk and milk products in public and private schools.
8. We encourage the use of re-sealable single serve containers for school milk.
  - a. We support the availability of many choices of flavored milk.
  - b. We support the availability of fortified and whole milk in schools.
9. Child school nutrition programs should be based on sound nutritional guidelines, which encourage the consumption of New York fluid milk, dairy products, and fruits and vegetables within school meals, vending machines, and a la carte choices.
10. We oppose a "meatless day" in school lunches.
11. We strongly oppose the New York Parent Teacher Association working to ban all genetically modified foods and ingredients from school lunch programs.
12. We support increasing the state school meal program reimbursement to assist schools in purchasing New York-grown products such as fruits, vegetables, meat, milk and other dairy products.
13. We support the current school food programs especially providing for hot or cold breakfast and lunch with cold dairy milk as part of the public education system.

### EMERGENCY SERVICES

The continued existence of rural, volunteer fire departments and emergency services is seriously jeopardized by the cumulative costs of compliance with existing and new regulations and requirements. Without volunteer fire and emergency services, rural residents would be exposed to possibly life-threatening delays in response from centralized professional services.

### **POLICIES:**

1. We recommend that the state maintain current standards for procedures used by existing volunteer Emergency Medical Service (EMS) companies, without requiring further future expansions in their scope of service as a prerequisite for continuation.
2. We recommend that all state mandated equipment and training for volunteer fire and rescue squads must be state funded.
3. We support continued use of the FARMEDIC training program as the preferred training vehicle for fire departments and emergency response teams.
4. We recommend rural communities be allowed flexibility in training requirements for volunteer rescue squads.
5. We support the distribution of KI (Potassium Iodide) pills to all people in counties with nuclear power plants that would not be able to evacuate because they are caring for livestock. We would ask that an adequate supply, enough to last the duration of the nuclear emergency be supplied to all livestock owners.
6. We recommend that New York State develop incentives to encourage more people to become trained as EMTs.

### **EMINENT DOMAIN**

Eminent domain represents the ultimate infringement upon private property rights. As such, the use of eminent domain must be limited and occur only in a way in which maximum deference is accorded to the owner or property. We continue to believe that property rights are among the human rights essential to the preservation of individual freedom.

### **POLICIES:**

1. We believe that all parties should be fully informed before eminent domain procedures are instituted. Furthermore, we believe eminent domain should be used only as a procedure of last resort and all eminent domain procedures should be strictly adhered to.
2. We recommend that when farmland, in an agricultural district, is taken by eminent domain, the value should be placed on other factors including the economic importance to the farmer. The land should be purchased by the condemning agency at the full, independently appraised market value with prime consideration being given to the severance loss. Payment should be received upon transfer of title.
3. We recommend that when eminent domain is invoked, a seller should be given the option of complete buyout if partial purchase would leave the property economically nonviable.
4. We believe that agricultural use of land should be given equal priority to any other use of land and farmland should be subject to an agricultural impact statement prior to eminent domain proceedings.
5. We urge that land, previously condemned by eminent domain but no longer of use for the specific purpose for which eminent domain was invoked, should be returned to the present owner of the lot of which it was a part at the owners' option.
6. We recommend that the Department of Environmental Conservation

should not be allowed to use eminent domain or third parties in acquiring lands for the state.

7. We recommend that utilities and natural gas pipeline projects be prohibited from acquiring agricultural land by eminent domain. If eminent domain proceedings are recommended, the following criteria must be satisfied:
  - a. The utility must demonstrate actual and immediate need;
  - b. All alternative routes have been considered; and
  - c. A legally binding agreement must state that the farmer and his successors retain the right to use the land for agricultural purposes.
8. We are opposed to the use of eminent domain or mandatory conservation easements to acquire lands to be used for recreational uses, farming or for aesthetic and material enjoyment.
9. We strongly oppose the use of eminent domain to site solid waste management facilities on or contiguous to productive agricultural lands, both in and outside of agricultural districts, or where negative agricultural impacts will result.
10. We support the creation of an appeals process, whereby any project, which enforces the right of eminent domain, can be required to assess the impact of such action on the landowner's entire holdings.
11. We support legislation that would give the Department of Agriculture and Markets expanded oversight over the siting and land reclamation of all pipelines and utility right-of-ways that affect all viable agricultural lands, not just agricultural district properties.
12. We are opposed to the use of eminent domain by a non-elected body such as a county industrial development agency.
13. We oppose the use of eminent domain for transferring land to entities that will provide higher tax revenue or greater economic development benefits.
14. We oppose the taking of property by eminent domain for private for profit entities.
15. We support a state law or constitutional amendment which restricts the use of eminent domain to prohibit it from being used for economic development.
16. We strongly support requiring an agricultural and economic Impact statement when any land within an agricultural district may potentially be taken under eminent domain.
17. Eminent domain should not be allowed to be exercised on lands protected for forever-agricultural use under New York States Purchase of Development Rights Program.

### HUDSON VALLEY GREENWAY

The Hudson Valley has traditionally been a blend of homes, agriculture, commerce, natural resources and history. A balance of these provides economic stability, an "open space" environment and a community atmosphere. A bright future for the region depends on the maintenance of this balance.



### **POLICIES:**

1. We recommend that, in the endeavor to reach any goal of the Greenway, all parties involved should ensure that the private property rights of all citizens are respected and protected. Further, property owner participation in the Greenway should be on a voluntary basis only.
2. We recommend that the Hudson River Valley Greenway should prioritize attracting new businesses which are related to agriculture.
3. We recommend that, in an effort to afford communities the long term financial stability to make the Greenway a success, a majority of the Greenway funds should be used for the purpose of economic development.
4. We support that the Greenway should promote the harmonic coexistence of open space, development, agriculture and commerce.
5. We recommend that the Greenway or any regional commission should strive to educate the non-farm public and government officials to enhance their understanding of the importance of agriculture.
6. We believe the success of the Greenway concept will depend on the adherence to the principles that participation is voluntary by local governments and that they maintain input into and control of the process.
7. We recommend that the Greenway Compact should promote the participation of local farmland protection boards in the Compact process.

## **LAND USE PLANNING**

### **POLICIES:**

1. We recommend that land use planning should remain a local government power consistent with Agriculture and Markets law.
2. We oppose any regional land use plan that would:
  - a. Result in the restriction of home rule, which is guaranteed by the New York State Constitution; or
  - b. Impose regulations that would threaten the viability of New York agriculture.
3. We believe that smart growth should not be state mandated either by law or by the withholding of normal state funding of local government expenses.
4. We oppose state planning or the forced state collaboration with local government except when specifically asked for by the municipality.
5. We support intermunicipal agreements on land use planning.
6. We support planning which supports the agricultural districts program and county agricultural and farmland protection plans.
7. We recommend the elimination of the term “general welfare” from the enabling legislation of land use planning. Current enabling legislation cites public health, safety, and general welfare as a basis for justification.
8. We recommend any inter-municipal advisory or planning boards have agricultural representation. When siting roadways, the Department of Transportation regulations should consider the impact upon agricultural land. Land protected by the Agricultural Districts Law must be preserved and the law enforced.

9. We support the use of, but not a limitation to the use of, mediation in the prevention or resolution of municipal planning and zoning disputes.
10. We support that a municipality consider the impact on agriculture of any proposed local ordinance, law or action through consultation with the county Farm Bureau.
11. We support the use of agricultural impact statements when there are changes in zoning. Agricultural owners and businesses must be notified by certified mail by local planning boards, the local municipal board responsible for zoning changes.
12. We support the evaluation of each municipality in New York State to assess and monitor the compatibility of local laws, regulations and attitudes towards agriculture.
13. We recommend that lands in the agricultural districts should be exempt from any town taxes levied for open space land protection.
14. We recommend that combining municipalities should only be done when financially prudent.
15. We oppose the United Nations Agenda 21 and 2030 and the ratification or implementation of their components at any level of government.

### MISCELLANEOUS

#### **POLICIES:**

1. We oppose any restriction of our right to own and carry firearms, as this right is guaranteed by the second amendment of the United States Constitution.
2. We support an exemption from jury duty for farmers who are unable to serve at the time requested.
3. We support the continued local county control of general elections, including the mechanical or electronic tabulation of results as provided by current New York State law.
4. We support the production, processing, commercialization, utilization, and sale of industrial hemp and that it be regulated by the USDA rather than the Drug Enforcement Administration (DEA).
5. We recommend that the state of New York provide a detailed disclosure of the administration cost and the system of distribution of income for the lottery system.
6. We support the government providing financial assistance to improve historic farm facilities as long as the facilities are being used for active production agriculture with \$10,000 in gross farm receipts as defined in Agriculture and Markets law, regardless of location.
7. We encourage fair and equitable treatment of all New York counties in issues concerning state funding, trade representation, and all other agricultural issues with exceptions being made only to those in disaster situations.
8. We recommend that closely held corporations that are not publicly traded should be allowed to bring suit in small claims court.
9. We support the right to recite the Pledge of Allegiance.
10. Whereas civil litigation is time consuming, be it resolved that we support legislation to eliminate the 90-day municipality litigation time frame.

11. We recommend that appropriate systems be developed to help victims of identity theft receive restitution and that penalties for the crime of identity theft be increased significantly.
12. We oppose the sale of the upstate land telephone lines by Verizon as it puts the rural population of New York at risk of being underserved.
13. We support inclusion of rural areas in upgrading and expansion of technology and vital services including affordable high speed internet and cellular coverage throughout New York State.
14. We support that the loss of an agricultural working dog should be considered similar to the loss of livestock or crops for the purpose of compensation resulting from criminal injury by a third party.
15. We urge the State of New York to extend access to discounted snowmobile registration fees, as are currently available to snowmobile club members, to all landowners who provide access to official club trails.
16. We oppose the mandatory requirement that all town justices be lawyers.
17. We recommend amending Section 61-part d of the New York Cooperative Corporations Law by deleting the words “shall represent primarily the interest of the general public in such corporation.”
18. We oppose information, such as Social Security numbers and dates of birth, being made publicly available. We strongly encourage their immediate removal of this information from all publicly accessible databases.
19. We support the inclusion of agricultural businesses within the Minority and Women Owned Business Assistance programs, recognizing the historical and present value of immigrants to the farm community in beginning as employees and working into farm ownership.
20. We support the elimination of the asset test, so that farmers can apply and qualify for food stamp benefits if net farm income falls within the existing federal criteria.
21. Where appropriate, we support a portion of municipal or public park or other owned public space be devoted for the use of community gardens.
22. We support full repeal of the NY SAFE Act.
23. We support the reinstatement of funding for the Agricultural On-Farm Capital matching grant funding through the Consolidated Funding Application (CFA).
24. We encourage New York State to expand the number of hospitals and doctors offering coverage in the health plans offered through the new health benefit exchange.
25. We support banning any balloons or Chinese lanterns if made with wire or metal or any other non-biodegradable material.
26. We support responsible agricultural redevelopment of the former Monterey Shock Incarceration Facility.
27. We support the direction of a portion of Regional Greenhouse Gas Initiative (RGGI) funds to assist farmers to mitigate the adverse effects of climate change on their farms.
28. We support the farmer veteran organizations.

29. We support modification by the state of the contracts at all regional New York Offices of General Services warehouses to include distribution of New York farm products through farmer-aggregators.
30. We recommend the seasonal party barns, greenhouses, etc. be exempt from the New York State Fire Code that requires sprinkler systems.
31. We support requiring manufacturers who operate and sell in New York State to make available diagnostic and repair information for all digital electronic parts and machines.
32. We support the creation of an Agri-Ability program in New York State.
33. We support programs that encourage veterans' involvement in agriculture.
34. We support municipalities being held to the same standards of Property Maintenance Code as individual property owners.
35. We support requiring agency inspectors to follow and respect biosecurity standards and protocols on farms.
36. We support the continued use of locally elected, non-lawyer magistrate judges.
37. We oppose the limitation of the number of farms allowed to grow industrial hemp by the Commissioner of the Department of Agriculture and Markets under the Industrial Hemp Pilot Program.
38. Farm Bureau welcomes all members without regard to gender, race, religion, or sexual orientation.
39. We oppose the classification of industrial hemp as a controlled substance.
40. We support the Department of Agriculture and Markets removing the \$500 application fee from the industrial hemp application.
41. We support the Department of Agriculture and Markets removing the requirement for specific GPS coordinates for each hemp stand from the Industrial Hemp application.
42. We support the Department of Agriculture and Markets removing the research component from the Industrial Hemp application.

## RURAL HEALTH CARE

### POLICIES:

1. We recommend supporting the Cornell University Agricultural Health and Safety program to complement FARMEDIC and the New York Center for Agricultural Medicine and Health at Bassett Health Care. Information resulting from research at these locations should be distributed widely.
2. We support efforts to recruit and retain quality medical professionals in rural areas, such as the Rural Medical Education Program.
3. We support the New York State Rural Health and Safety Council.
4. We oppose a compulsory state health insurance program.
5. We support an active effort to control and eradicate Lyme disease.
6. We recommend full funding for the Agriculture State Health Nurse full time positions because they are available resources for farm safety and health.
7. We support changing the Community Rating Law to require health

insurers to continue coverage on self-employed/older citizens on health insurance.

8. We recommend that when setting income-based premiums, health insurance companies should not count depreciation as a component of gross income.
9. We recommend that all levels of government support local and rural hospitals to provide healthcare and emergency services to our agricultural families.
10. We support an effort to lower the health insurance costs to our members, such as Association Health Plans (AHPs) that would allow small business owners to band together across state lines to purchase health insurance as part of a large group (such as Farm Bureau), thus ensuring greater bargaining power, lower administrative costs, and freedom from costly state insurance mandates.
11. We support continued state funding of the Child Health Plus program and recommend that the application process be simplified.
12. We oppose efforts to establish a minimum income standard for eligibility for sole proprietor health insurance.
13. We support that there should be minimal government intervention in the decisions of individuals and their health care provider(s).
14. We support the network of Community Health Care Centers, which provide a safety net for our rural communities.
15. We support an effort to lower the health insurance costs to our members, with:
  - a. Non-discriminatory health insurance rates for self-employed business owners.
  - b. Lower prescription drug coverage cost, affecting overall insurance rates.
16. We oppose the closing of any VA Hospitals.
17. We support the removal of the State surcharge on hospital charges.
18. We support allowing doctors to treat patients with specialized therapies for Lyme Disease without facing disciplinary action by the New York State Board of Professional Medical Conduct.
19. We support New York restructuring the optional components of its Medicaid Program so that its costs are comparable to other states and so that the local share of the Medicaid program does not place a disproportionate burden on rural counties, farmers, and forest owners.
20. We support mandating that health insurance companies cover tick-borne illnesses and treatments.
21. We support large state funding to develop a Lyme Disease vaccine and improved Lyme tests to address this health care crisis in rural and suburban New York.

## RURAL LAW ENFORCEMENT

### POLICIES:

1. We encourage the New York State Police Academy and other municipal law enforcement training centers to include training in agricultural crimes/law, animal care/welfare, livestock/machinery/fertilizer theft, highway safety issues and vandalism.
2. We recommend that law enforcement officials be more effectively

trained on agriculturally related laws including, but not limited to, motor vehicle rules and regulations.

3. We strongly request local and state government law enforcement officers aggressively enforce existing rules and regulations pertaining to the damage and destruction of private property and trespassing with the use of any vehicle.
4. We recommend that perpetrators stealing anhydrous ammonia from farm tanks be subject to the most severe legal consequences for each and every infraction.
5. We recommend that penalties be increased for individuals who steal agricultural products to help provide a greater deterrent to such thefts.
6. We support a mechanism that would penalize anyone who maliciously obstructs farm operations and compensates for the farmer's lost production and time.

### **STATE CONSTITUTION**

#### **POLICIES:**

1. We oppose a constitutional amendment establishing an initiative and referendum procedure in New York State.
2. We recommend that the Bill of Rights paragraph 10, which was repealed, effective January 1, 1963, be restored in the New York State Constitution.
3. We support legislation making English the official language of New York State and the United States.
4. We strongly support term limits for elected local and state government officials.
5. We oppose a Constitutional Convention.

### **EXECUTIVE BRANCH**

#### **POLICIES:**

1. We support legislation that will require exploration of all available alternatives before property is temporarily appropriated in an emergency situation.
2. We recommend that New York State agencies purchase products grown or manufactured in New York whenever possible.
3. We recommend strict enforcement of the New York State Administrative Procedures Act which requires state agencies to provide an economic impact analysis for any proposed rules or regulations which would affect small businesses.
4. We recommend that all governmental agencies consider the demographics of the majority impacted by a proposed change in regulation, when planning the locations of public hearings.
5. We encourage the executive branch to appoint more agri-business personnel to serve on state and local committees, such as Economic Development, Industrial Development Agency and Tourism Boards.
6. We recommend that all state agencies use a single and consistent definition of agriculture when referring to our industry.
7. We recommend that the governmental agency that finds fault with project implementation must first deal with the permit-issuing agency and mitigate policy discrepancies that lead to this conflict.

8. We recommend that all government agencies work to preserve farmers' market locations and work to open other locations.
9. We recommend that rules and regulations reflect the intent of the legislation as drafted by legislators.
10. Since many of our New York farmers are self-employed and operate sole proprietorships, we support providing New York's self-employed the same economic incentives and benefits as are offered to large employers through state-run programs.
11. We recommend that the social security number should not be required to be on a driver's license and not be used for identification purposes.
12. We recommend that the Department of Agriculture and Markets should have the final determination of building code interpretations and application of building code regulations as they relate to agriculture.
13. We support clarification and enforcement of the Agricultural Building Code exemption on all farm properties. The only instance where these codes are applicable is when public safety and welfare could be affected.
14. We recommend that farm operations be exempt from the International Property Maintenance and Fire Safety code as adopted by New York State.
15. We oppose state-required inspections for all non-residential occupancies for fire safety and property maintenance.
16. We insist that agricultural representation from the Department of Agriculture and Markets or other agricultural interests should be a part of any and all interagency work groups, task forces, or executive order established cabinet level groups that relate to water, air, land use, food and nutrition, or other agricultural, economic development or environment issue based committees.
17. We propose that all regulatory agencies be assistance-oriented first before revenue-oriented.
18. All of New York State government, including legislators, related agencies and entities should serve New York products at any sponsored function when the products are available.
19. We support business owners and the regulated community having formal opportunities for direct participation in the development of proposed agency regulations through negotiated rule making.
20. We support an exemption for buildings used for retail or agritourism with an occupancy less than 50 from the New York State Building, Fire, and Energy Code as long as adequate marked exits and smoke/ fire detectors are provided.

## STATE LEGISLATURE

As the lawmaking body in state government, the activities of the legislature are an area of concern for all farmers and rural residents in the state. Farm Bureau will continue to insist that the state legislature conduct itself in a way that is ethical, democratic and representative of the people of New York State.

## **POLICIES:**

1. We strongly recommend that the state legislature review and revise the procedures of the state regulatory agencies to insure that there is no conflict between the permitting and regulatory enforcement activities within a state agency.
2. We support efforts to keep state and federal agencies within their bounds dictated by law and limit disproportionate fees and penalties.
3. We recommend that any proposed legislation contain an economic impact analysis, including the effects on small business/agriculture, as part of the bill introduction material providing justification for the proposed legislation.
4. We support the state legislature reversing its present policy, so that Electoral College electors are required to be elected by Congressional district and vote for the candidates to which they were pledged.

## **STATE GOVERNMENTAL ACCOUNTABILITY AND REFORM**

The challenging legislative environment in New York can create negative repercussions for all citizens of New York, and particularly the business community. We need our elected officials to act objectively, without undue influence from an unworkable campaign financing system, so negative public policy choices are not made that will harm the future success of our farms and small businesses. To that end, the following structural problems in Albany should be addressed:

## **POLICIES:**

1. We recommend that public sector employee unions not be allowed to make campaign contributions to the same elected officials who are ultimately accountable for the performance of public sector employees and their compensation.
2. We recommend that stricter contribution limits for “housekeeping” contributions to political parties should be adopted and enforced, and fundraisers in Albany should be limited to the first three months of the legislative session.
3. We suggest all bonding be publicly transparent through the state budget process and included as part of the state’s fiscal analysis.
4. We recommend that the State Comptroller should be responsible for developing a consensus-based revenue figure to be utilized by the state legislature and governor in budget negotiations.
5. We recommend that the authority of the legislature to amend the governor’s Executive Budget proposal should be clarified and expanded to allow for more equitable negotiations between all three parties.
6. We believe that joint public hearings should continue to be held on the budget by the State Legislature, thereby giving the public the opportunity to comment on the governor’s Executive Budget proposals.
7. We recommend that public legislative conference committees be utilized to aid and assist in public transparency in the budget process.



8. We support small businesses having the right to request judicial review of agency compliance with rulemaking procedures.
9. A person or entities seeking bids for state contracts should be limited to \$400 in campaign contributions. If a larger contribution is given within a two-year period, the entire amount must be refunded.

### STATE FISCAL AND MONETARY POLICY

The Empire State's agricultural industry is supportive of the many essential functions performed by government, but remains concerned about ongoing pressures for growth in state spending. Long term economic health for New York State can only be achieved through significant cuts in overall spending rates. Farm Bureau strongly recommends that state legislators employ a spending plan that is within our fiscal means rather than raising additional revenues to balance the budget. With the adoption of this proven pattern, a truly favorable economic environment within New York State will occur.

#### General Fiscal Policies

##### POLICIES:

1. We believe that the state budget must be balanced without increasing or creating new taxes, surcharges, or fees. Specifically, spending cuts must be targeted to service providers of formula-driven programs such as Medicaid and public assistance, which costs have increased far in excess of the inflation rate.
2. We oppose the practice of financing state regulatory and enforcement agencies by imposing licensing fees, permits, fines, and penalties on businesses and individuals.
3. To help reduce the total tax burden, we support user fees, at the point of service rendered, for any government service possible, except those that benefit the general public. However, user fees should not be allowed to exceed the cost of program operations.
4. We recommend that the State of New York reduce and, wherever possible, eliminate all surcharges, fees, and hidden taxes, such as surcharges on public water supplies, electric, gas and telephone utilities.
5. We recommend state government review and revise current fiscal and regulatory policy to hold and attract businesses and industry to the state.
6. We recommend that pay and benefit increases for public officials and employees should be limited to levels that correspond to increases in performance.
7. We recommend that the state legislative and executive government branches reduce their office operating budgets.
8. We are opposed to a personal property tax.
9. We recommend that new or reauthorized government programs require a life-cost budget, which identifies the source of revenue.
10. We are opposed to the use of the dedicated transportation fund moneys for projects other than the repair and construction of our state's roads and bridges.

11. We support that the state should not balance the budget by reducing revenue sharing and that revenue sharing funds should be distributed equitably across the state.
12. We oppose back door borrowing by public authorities of the state.
13. We oppose the construction or reconstruction of new or existing sports facilities for professional sports with New York State tax money.
14. We support the privatization of state owned facilities wherever appropriate. We oppose privatization of state highways or the New York State Lottery.
15. When practical and economical, we recommend that when the State conducts business with private enterprises, it do so with New York State businesses which are liable for New York State taxes.
16. We oppose assessing taxes and fees on businesses using minimum employee numbers as a threshold, which discourages entrepreneurs from starting businesses.
17. We recommend that lien-holders be required to remove all Uniform Commercial Codes (UCC) filings when the lien is satisfied.
18. We recommend that employee contributions to the state retirement fund be increased and continue beyond the current ten years.
19. We recommend public pension funds be structured like private sector investment retirement plans.
20. We support the timely release of state government funds to meet their contractual commitments.
21. We support giving a tax credit or lowering the capital gains tax for any retiring farmer who sells their livestock herd, production equipment, or farm to a family member or beginning farmer.
22. We oppose the practice of sweeping any dedicated funds into the state general fund.
23. We oppose the current annual fee for LLC's being based on gross income and instead recommend a maximum fee of \$25 per LLC member.
24. We oppose regulatory agencies instituting disproportionate fees and penalties.
25. We recommend that New York State remove the surcharges levied for not electronically filing any required paperwork.
26. We require that all New York State agencies that propose either changes to existing rules or propose new rules first be required to file an economic impact statement during the rule making process.
27. We support school increasing the limit for districts to purchase local food with discretionary monies without a waiver from \$25,000 to \$150,000.

### State Bonding Recommendations

#### POLICIES:

1. We recommend that bond issues should only be for specific capital investments, not used for operating or maintenance expenses.
2. We believe that bond issues should be presented to the voters as individual components, each judged on its own merits.
3. We are opposed to the use of state employees and state funds to

promote bond issues or any other state proposition. The present state law prohibiting such activity should be strictly enforced. We are opposed to the expenditure of state moneys in anticipation of the passage of such issues.

### **Budget Process Recommendations**

New York citizens are poorly served by limited legislative involvement during budget construction and negotiation phases. The use of conference committees offers the potential to correct this problem. However, there still is little or no opportunity for legislators and citizens to scrutinize budget proposals prior to the final vote by the legislature.

#### **POLICIES:**

1. We recommend the budget development process be open to all state legislators and the general public. If a state budget is not passed by April 1, then the previous fiscal year's budget should be automatically reinstated.
2. We recommend the use of generally accepted accounting principles when formulating the state budget.
3. We believe that all state agencies should employ zero based budgeting to effectively reevaluate their programs.
4. We oppose the use of messages of necessity for the passage of budget bills.
5. The state should pay interest charges and address all negative impacts incurred by any public entity resulting from a late state budget.

### **Tax Code Recommendations**

#### **POLICIES:**

1. We support a refundable state investment tax credit for farmers, with a three-year phase-in period, and recommend the reinstatement of income averaging and the tax exemption for capital gains.
2. We believe that the sale of agricultural land should be exempt from capital gains tax provided the proceeds of the gain, or portion thereof, are reinvested in agricultural land. The capital gains tax treatment would be similar to tax treatment afforded involuntary sales of land such as eminent domain condemnations.
3. We support a reduced New York State capital gains tax.
4. We support an agricultural exemption from the real estate transfer tax.
5. We recommend the state adoption of the current federal tax law, which allows for the expensing of certain capital assets placed in service during a tax year.
6. We support elimination of the State Gross Receipts Tax.
7. We support repeal of state withholding taxes for employees earning less than \$10,000 per annum as this is an unnecessary burden on the employer as well as the employee.
8. We recommend that the deductions of health insurance and disability insurance premiums paid by farmers for their families and small businesses be fully deductible from their income tax as a business expense.

9. We support enactment of a two-thirds majority rule for legislation that increases or enacts new taxes.
10. We support modification to state tax law to minimize the effects of the one-time event initiated by the voluntary or involuntary permanent exiting the business by spreading the economic activity over several tax years.
11. We recommend that levied taxes be used for their originally intended purposes only; fees and surcharges imposed arbitrarily by county, state, or federal agencies should have a definite sunset clause; and stricter controls developed to stop and retroactively end these “back door” taxes without representation.
12. We support an amendment to change the New York State Tax Law to recognize the breeding and production of purpose-bred animals for research, service and working animals as farming.
13. We support an annual payment of quarterly use taxes or fees if the amount owed is under \$500 per year.
14. We oppose the passage of the so-called “fat-tax,” which would place a tax on non-diet sodas and sugary drinks.
15. We support repealing the utilities assessment tax.
16. We recommend that penalties imposed by the Department of Taxation for late or improperly filed taxes, be scaled to be a percentage of the payment due.

### **TRANSPORTATION AND MOTOR VEHICLE CONCERNS**

Transportation problems facing New York are of continuing importance and concern to farmers. The level of highway use taxes, repair and maintenance of the present system and safety are but a few of the concerns farmers maintain. It is also important for the state to continue to recognize the unique characteristics of agriculture when dealing with transportation issues.

#### **Farm Vehicles and Equipment**

##### **POLICIES:**

1. We recommend that farm plated vehicles should be exempt from the Department of Transportation (DOT) regulations as long as they meet minimal Department of Motor Vehicles (DMV) safety requirements and stay within a 50-mile radius of the farm.
2. We recommend that implements of husbandry be exempted from licensing as long as the implement of husbandry is being pulled by a farm, agricultural or commercial-plated vehicle. We support including anhydrous ammonia tanks into the definition of an agricultural commodity implement.
3. We recommend that trucks used in agricultural operations with fuel capacities under 250 gallons should be exempt from having to display fuel hazard stickers.
4. We recommend making a partial year agricultural registration for all trucks.
5. We recommend that vehicles operated not for hire under 10,000 lbs.

Gross Vehicle Weight (GVW) have access to all state parkways.

6. We recommend that no vehicle should be subject to DOT and State Police inspections more often than once in 30 days.
7. We recommend that “except for local delivery” should be added to weight limit signs where the use by farm vehicles does not pose a hazard. In addition, we support the expansion of the current legal definition to include access when there is no other route to the destination.
8. We oppose mandatory farm equipment emission controls.
9. We oppose any legislation requiring a higher level of driver’s license than is currently in effect with regard to driving a pickup and trailer.
10. We recommend the elimination of any mileage limitation for farm endorsements on Commercial Driver’s Licenses (CDL).
11. We support the Farm Plate Law and recommend working toward getting all state agencies to consistently enforce the Farm Plate Law.
12. We believe that more complete and accurate information should be available concerning agricultural and farm vehicle registration.
13. We recommend that farmers have the right to move farm equipment on public roadways without being cited for impeding traffic.
14. We strongly support an increased effort by the Department of Motor Vehicles to educate drivers on the meaning and use of the Slow Moving Vehicle (SMV) sign. Emphasis should be placed on the lawful use of the Slow Moving Vehicle sign and the hazards related to slow moving farm equipment and horse riders and buggies.
15. We recommend that the manufacturer of Slow Moving Vehicle signs be made to place a use definition sticker on the sign and that any store that sells Slow Moving Vehicle signs post the regulations on the proper sign use above the display area.
16. We recommend that anyone who uses Slow Moving Vehicle signs on a stationary object be made to remove the sign and pay a fine of at least \$250.
17. We support a more uniform interpretation between Vehicle and Traffic Law and Department of Transportation regulations for agricultural vehicles and farm equipment.
18. We support upgrading present state standards for truck axle weights.
19. We support changes to the Farm Plate law that would allow Farm Plated trucks to be used for the Commercial Driver’s License road test.
20. We recommend:
  - a. That mileage limits be raised or eliminated to meet the changing agricultural needs;
  - b. That time of day limitations be amended to allow custom harvesters and farmers to continue night time work and moving of equipment and produce during lighter traffic hours through urban areas with adequate lighting and approved widths; and
  - c. That limitations on weather conditions and day of the week be amended to allow continued work to complete harvesting.
21. We recommend keeping the dollar license plate for farm trucks.
22. We recommend that agricultural/commercial plated vehicles be exempt from the Department of Transportation regulations since

they already must comply with the Department of Motor Vehicles inspection laws.

23. We oppose overturning the exemption agriculture currently receives regarding placarding farm vehicles that carry chemicals and fertilizers less than one ton from farm to farm, or warehouse to farm.
24. We support legislation allowing farm-plated vehicles to be insured as part of a general farm liability insurance policy.
25. We support amending state transportation law to allow agricultural plated vehicles to transport everything related to the farm operation including all waste materials generated on that farm.
26. We support a reciprocal licensing agreement between New York, adjoining states, and Canadian provinces recognizing agricultural license plates as a legal registration.
27. We recommend that towed agricultural commodity implements should be allowed to travel further than a 50-mile radius from the farm.
28. We support exempting self-propelled agricultural equipment from the Highway Use Tax (HUT) New York State Inspection, and any Department of Motor Vehicles registration other than as special commercial. Such equipment would include farmer or commercial agricultural equipment to include but not be limited to sprayers, spreader trucks, and other single purpose applicators. Exempted equipment would include equipment owned or leased by a farmer or retail agricultural applicator and used on agricultural land for production. In the event the owner chooses to register as a special-commercial, the implement would still be exempt from Highway Use Tax.
29. We support a reduction in the title fee to \$15.
30. We support allowing agricultural equipment to be governed by the same regulations governing bulk agricultural commodity implements, provided that they adhere to the SMV law.
31. We support raising the Gross Vehicle Weight Rating (GVWR) limit for hauling bulk agricultural commodity implements to 50,000 pounds.
32. We support a change in the Vehicle and Traffic Law from “tractors used exclusively for agricultural purposes” to “tractors used predominantly for agricultural purposes.”
33. We support that agricultural equipment, such as sprayers, being transported with an over-width permit should be allowed to operate on weekends and holidays.
34. We support the right to operate farm equipment on roads on weekends.
35. We oppose using Blue Cards with all roads listed for travel on farm plated vehicles.
36. We recommend that the Slow Moving Vehicle law be updated to allow up to 35 miles per hour for farm vehicles.
37. We recommend that New York State Department of Motor Vehicle law subdivision D be amended and shall not be applied to farm vehicles or implements, or a combination thereof exceeding 17 feet in width used solely for farm purposes that have warning lights, over width sign, flags, two flashing lights, and escorts. The width shall not exceed 27 feet. This shall also apply to farm equipment dealers.

38. We support amending the Motor Vehicles law to allow two implements to be towed in tandem by a tractor.
39. We support a change to Department of Transportation law that agricultural equipment dealers be allowed to transport equipment at the same dimensions as farmers (17 feet width, 13' 6" height) with the proper permitting and escorts.
40. Farmers should be exempt from the proposed federal tri-axle upgrade requirement.
41. We support changes to the Farm Plate law that would allow aquaculture to be considered an acceptable agricultural use.
42. We support greater emphasis on farm safety, including:
  - a. Public Service Announcements (PSAs) on radio and the internet;
  - b. On-site training of farmers for use of dangerous equipment at the time of equipment purchase; and
  - c. Emphasis on operating of and sharing the road with slow moving vehicles and horses and buggies in the New York State driver training and/or New York State Department of Education curriculum.

### **Motor Vehicles and Highway Safety**

#### **POLICIES:**

1. We recommend banning roadside flares with spikes as they pose a potential hazard to tires and pedestrians.
2. We recommend that state, county, and town highway departments should ensure that all roadways and sides of roadways are cleared of all obstructions, that low shoulders are built level with the road and that intersection markings, and road signs, brush, and trees not obstruct vision, and are limbed to a height of 15 feet. To make roads safe and accident free, highway departments need to consider the vantage point of the operator of larger agricultural equipment.
3. We recommend that drivers should be liable for damage done to livestock when the driver is proven negligent.
4. We recommend that the Department of Motor Vehicles require all vehicles to stop and yield the right-of-way to livestock and any agricultural workers walking or crossing livestock on any road or highway. Failure to abide by this requirement should lead to fines and/or penalties.
5. We recommend that the Department of Transportation begin an information outreach program to notify motorists and law enforcement agencies of new motor vehicle regulations enacted at the state and federal levels and in Canada.
6. We oppose the adoption of California Emission Standards in New York State.
7. As differing state commercial motor vehicle regulations act to restrain trade and productivity, we recommend that all state Department of Transportation regulations be uniform with federal regulations on federal highways, including increasing the threshold for the requirement of DOT numbers from 10,000 to 26,000 lbs.
8. We recommend that any New York State inspected commercial agricultural vehicle should be entitled to an educational inspection.

9. We recommend that violations on farm trucks receive no greater fines than an automobile.
10. We recommend that the Department of Transportation and the Department of Motor Vehicles issue a single comprehensive guide for the transport of farm vehicles and machinery on public highways.
11. We support the exemption of agricultural equipment dealers from the certified escort law.
12. We recommend allowing hay and straw trucks up to 10' in width on all highways.
13. We believe that roadside Commercial Vehicle Inspections should only be performed by Certified State Department of Transportation inspectors.
14. We recommend that agricultural antique motors and motorized equipment be exempt from all emissions standards.
15. We support modification to existing motor vehicle law regarding 10,000-pound limit for trailers under standard licenses that graduates the trailer load in proportion to the truck size.
16. We support increasing vehicle dimensions to 75 ft. in length and 102 inches in width.
17. We support an addition to drivers' education courses and a Public Service Announcement (PSA) program to deal with farm machinery, Slow Moving Vehicle laws, and livestock using public highways.
18. We recommend that, as it is currently illegal to be parked over the fog line, New York State should change the law to exempt agricultural businesses from violations where it has been determined by the Department of Transportation that the practice can be safely conducted in specific areas.
19. We recommend that agricultural operations should not be required to pay the Unified Motor Carrier Fee.
20. We support exempting vehicles registered with agricultural or farm plates under 26,000 pounds from commercial motor vehicle regulations.
21. We oppose mandatory replacement license plates.
22. We oppose additional vehicle registration fees.
23. We support increases in the length of straight trucks from 40 feet to 45 feet in New York State.
24. We support allowing an exemption for 53 foot trailers operating on roads not currently listed as either a Qualifying Highway, a National Network Highway, or an Access Highway in New York State, provided that using the unapproved road is the shortest, most efficient route for the truck operator.
25. We support allowing the use of the Taconic State Parkway north of I-84 by four-wheel vehicles up to 12,000 GVW for agricultural plated vehicles.
26. We recommend that the Department of Transportation must be required to notify owners of commercial vehicles, agricultural and farm plated trucks and trailers when laws are changed that affect their legality.



**POLICIES:**

1. We support a dedicated highway trust fund to receive highway user taxes and revenues. The proceeds of such a fund should be used exclusively for highways and bridges. This trust fund should receive sales tax revenues from motor vehicle fuels and moneys from vehicle licenses and registrations.
2. We recommend that rural areas be guaranteed their fair share of dedicated highway funds and federal highway funds.
3. We recommend that priority be given to the repair and reopening of bridges when more than one bridge has been closed in a local area. When local bridges are closed, emergency access should be provided. We recommend that roads and bridges be repaired in a timely manner to enhance fuel and time efficiency.
4. We recommend that temporary bridges be built wide enough to accommodate modern agricultural equipment.
5. We recommend that all highway departments should provide landowners at least two weeks' advance notification, through local media sources, of any major road closing, repairing, or rebuilding.
6. We support the establishment of a state class of minimum maintenance roads and all other roads and bridges should be upgraded to support modern agricultural equipment. Minimum maintenance roads should consider access to agricultural lands.
7. We support legislative advisory groups, established on a regional basis, to consult with the Department of Transportation officials to improve maintenance, repair, and reconstruction of rural highways.
8. We support that railroads should maintain their bridges, ditches, crossings, and fences, as per their agreements.
9. We recommend using less salt on roads. The property and environmental damage due to the use of salt justifies further research into alternative de-icers.
10. We recommend subcontracting of all road building work and maintenance where economically beneficial to the taxpayer.
11. We support the proper maintenance of drainage ditches along roads, without interfering with farm field access, by state and local highway departments.
12. We oppose highway and bridge tolls on highways that connect branches of the Interstate Highway system until a dedicated maintenance fund is in place.
13. We recommend that when a municipal drainage project is performed to improve road drainage culverts, ditches, and tiles should be lowered beneath the level of the old culvert being replaced. This will allow tiles and ditches that drain farmland to be improved.
14. We recommend to the state highway maintenance crews that roadside mowing be done fence-line-to-fence-line and ditches be graded for more efficient roadside maintenance, with the exception of pollinator strips.
15. We recommend that the State raise the priority of road improvement to meet the requirements of a modern-day transportation system. We support increasing weight on state, county and town roads and installing pull-offs to reflect the heavier and larger agricultural

equipment currently being manufactured. Additional costs should be reflected by increased state funding such as in the Consolidated Highway Improvement Program (CHIPs).

16. We encourage the use of local mulch hay or straw for erosion control on roadside and construction projects.
17. We oppose construction of a Route 63 bypass and support the use of existing interstate infrastructure and encourage this through: Reducing Thruway tolls, installing lower truck weight limits and road scales on Route 63, policing Route 63 to ticket speeders, and overweight vehicles, etc.
18. We recommend that any municipality, including counties, towns and villages, that receives Consolidated Highway Improvement Program (CHIPs) funds should allow legally licensed and permitted heavy trucks to travel their roads and bridges rated to handle such loads.
19. We support and encourage New York State and the Canal Corporation to maintain the Erie Canal Bridge System and request the development of a strategic plan for maintaining and repairing these bridges. Bridges across the state are being narrowed with weight limits lowered or closed all together.
20. We support maintaining Ball Creek in its original channel to prevent currently eroding bridge supports on the Stow side of the Chautauqua Lake Bridge and to minimize sedimentation and erosion.
21. We support New York State Department of Transportation fully funding repair of Edgemont Road, Moriah Road and Russell Street because of damage done by the closing of Route 9N and 22.
22. We support the upgrading of State Route 11 to a Rural Expressway, with four lane traffic in places where it is appropriate as consistent with traffic regulations determined by the Department of Transportation, instead of building a new interstate across Northern New York.
23. We oppose the proposed development and construction of a bypass from the New York State Thruway through Montgomery County agricultural lands to Fulton County.
24. We support and encourage the Department of Transportation to maintain the Canal Bridge System.

### Miscellaneous Transportation Issues

#### POLICIES:

1. We oppose any increase in tolls on the New York State Thruway.
2. We recommend allowing the seasonal placement of signs, including “off premises” signs, on the state right-of-ways directing motorists to points of sale of agricultural products.
3. We recommend for All-Terrain Vehicles (ATV) and off-road motorcycle issues:
  - a. Owners, operators, and/or parents of operators should be held financially responsible for quadruple damages caused to crops and property from such vehicles.
  - b. There must be enforcement of registration and insurance laws enacted for ATV use.
  - c. The ATV must display a license plate with 3-inch letters.
  - d. We support a requirement that ATV and other off-road vehicle

buyers be informed of trespassing laws and private property rights as part of the required safety course.

4. We recommend that the Thruway Authority not have any regulatory power that applies to canal land that it does not own.
5. We recommend that vehicles should not be required to stop at a railroad crossing that has been inactive for the two preceding years and that the railroad has no intention of using again. Further, rails should be pulled or paved over at these inactive crossings.
6. We oppose efforts to increase liability policy rates of owners of pickup trucks and SUVs.
7. We support Scenic Byway initiatives provided that current language is changed so that the local autonomy of communities is preserved. A scenic byway must not affect private property rights and a Farm Bureau member must be appointed to the implementation body.
8. We recommend that the Department of Transportation do a detailed study of State Route 8 from Deposit to Utica, and furthermore, from this study they develop a plan which should include widening of the shoulders and driving lanes, straightening of several sharp curves, improvement of bridges and culverts, and signaling of several blind intersections, to enhance the safety and the development of the area.
9. We recommend the issuance of a new license category for operation of pick-up truck fifth-wheel combination vehicles.
10. We recommend the use of state and county owned land for any proposed extension of highway routes.
11. We demand representation of the agricultural community on all regional metropolitan transportation committees.
12. We encourage the State of New York to use prisoners and able-bodied welfare recipients to pick up trash along the roadsides, in addition to the Adopt-a-Highway program.
13. In an effort to reduce fuel consumption, road maintenance, and lower the cost of shipping agricultural products and supplies, we support expansion, improvement and technological advancement of the railroad system.
14. We recommend a portion of the newly-increased registration fees of off-road recreational motor vehicles should be set aside to reimburse property owners for land and farm damage.
15. We recommend that the safety of the Taconic State Parkway be improved in a manner that does not involve the closing of at-grade crossings.
16. We oppose any laws or regulations that cause any agricultural utility ATVs to be considered differently than any other tractors or unlicensed farm slow moving vehicles.
17. We recommend that all ATV operators be required to obtain written permission from landowners before riding on private lands. This written permission should be on the operator's person during times of ATV operation. If it is not, we recommend a \$100 fine for the first offense and a \$200 fine for any subsequent offense.
18. We support the use of a portion of ATV registration fees to be used for the development and maintenance of ATV trails on public and private lands, as long as these trails are designed and built by a recognized trail development agency.

19. We support the development of a high speed ferry from Connecticut to the South Fork of Long Island provided that all environmental and community impacts are mitigated. Alternative Cross-Sound vehicle crossings to the South Fork of Long Island should be considered.
20. We recommend that Part 150. (A) (9) be amended to exempt farm operations in controlled areas from needing a valid permit for signage on state highways; and recommend that Part 150.13 (b)(3) (i) be amended to recognize Agricultural Districts Law that defines a farm operation as having land that is contiguous or non-contiguous; and recommend that Part 150.1 (i) be amended to clearly define that agricultural, forestry, ranching, grazing, farming and related activities are exempt from being zoned commercial.
21. We support the position of the Association of Towns of the State of New York that “home rule” should apply in regards to allowing towns in the State of New York to set speed limits on town roads versus speed limits being set by the New York State Department of Transportation.
22. We recommend horse-drawn transportation should display regulation size Slow Moving Vehicle (SMV) signs, adequate lighting and reflective materials—front, side and rear—when in use from sunset to sunrise.
23. We believe that farms that rent trucks for farm purposes should not be required to pay the highway use tax on those vehicles.
24. We recommend that New York State not restrict the travel of trucks on state highways.
25. We recommend modifying the vehicle and traffic law (§2403) so that, similar to ATVs, all motor vehicles will not be allowed to operate on private property without consent from the owner.
26. We recommend that road signs for farms should be allowed on all lands owned and operated by the farm.
27. We support New York establishing a farm-specific EZ-Pass category to allow farm trucks and horse and stock trailers to obtain a reduced toll-rate on the Thruway and the bridges and tunnels in metropolitan New York and that the existing for-hire charge for gooseneck trailers be reduced to the equivalent of RV tolls.
28. We recommend that New York State move forward with a high speed rail plan. However, that plan must include economic feasibility studies and accommodations for local traffic, including farm vehicle and field access.
29. We support the repeal of the Metropolitan Transportation Authority Mobility Tax in counties outside of metro New York City.
30. We support the repeal of the Metropolitan Transportation Authority Mobility Tax on license and registration fees on newly registered vehicles and replacement license plates.
31. We believe that construction of Route 219 in Western New York should not be delayed so that further environmental studies can be done, unless such studies relate to the integrity of the finished highway.
32. We recommend that there be no registration of ATVs used exclusively for agricultural purposes.
33. We support having Utility Terrain Vehicles fall under the Department

of Motor Vehicles category of ATV's.

34. We support an exemption for farmers from paying rental fees to New York State for pipes that are run under New York State roads.
35. We encourage and strongly support that New York State enter into aggressive negotiations with Pennsylvania to allow bulk milk haulers to use interstates.
36. We recommend that taxes from road fuels be totally dedicated to highway improvements and maintenance.
37. We believe New York State farmers should have the right to haul their own products regardless of the products' state of processing.
38. We encourage New York State agencies being required to seek a recommendation from the Commissioner of Agriculture and Markets about impacts to agriculture if they are going to remove bridges, roads, or other public infrastructure in or near an agricultural district.
39. When placing restrictions designed to limit access to local roads by villages, towns and counties for vehicles or combinations of vehicles, those servicing, delivering, picking up merchandise or other property for agricultural operations shall be exempt. The municipality must provide an appropriate truck route that connects to neighboring municipalities' truck routes.
40. We recommend that the State Power Authority not have any regulatory power that applies to canal land that they do not own.
41. We support UTV use on roadways for agricultural purposes if they follow the laws of a slow-moving vehicle and display a SMV sign.
42. We support giving the New York State Canal Corporation more leeway in removing debris that is obstructing their structures with landowner permission.

### TRIBAL ISSUES

At least three Native American tribes have laid claim to millions of acres of land presently owned by the state, local governments, and private landowners. The historical and legal bases of the three major Native American land claims have a common thread that connects them. The Native Americans claim that treaties to the State of New York are void for lack of congressional approval. In addition, businesses in our local economy are suffering from unfair competition from Native American businesses that don't abide by existing taxation laws.

#### **POLICIES:**

1. We recommend that legislation be enacted by which the state guarantees present titles in areas subject to Tribal land claims.
2. We recommend that Native American nations should pay property taxes on land which they purchase either inside or outside land claim areas. If this is not legally or politically achievable, government should reimburse school districts and local governments for tax revenues lost due to these land purchases.
3. We recommend that, in the event Native American tribes commence legal proceedings against individual landowners, the state government should pay all attorney fees, disbursements, court fees and costs, as well as any money damages awarded to the Native Americans.

4. We oppose the taking of privately owned land in settling Native American land claims. Any land recently acquired by, or given to Native American tribes should be subject to all taxes and laws as private land, including fish and wildlife laws.
5. We recommend that government should resolve the Native American land claims issues as soon as possible.
6. We support a moratorium on the creation or expansion of any Native American casinos located in New York State until all litigation of Native American land claims and tax issues are resolved.
7. We support Seneca and Cayuga counties in their efforts to resolve the Cayuga Land Claim through the federal judicial system. Specifically, we recommend that the State of New York resolve this claim through the United States Court of Appeals and, if necessary, the United States Supreme Court and not accept an out-of-court settlement.
8. When dealing with Native American land claims, we recommend that the State involve all local municipalities because of the permanent impact of any settlement agreement on local tax structures and property taxpayers.
9. We recommend that New York enforce the collection of all taxes on all goods and services sold to non-Native American at business operated by Native American entities. We oppose the concept of "Price Parity."
10. We oppose any Tribal land being put in trust with the Bureau of Native American Affairs to avoid local, state and federal regulations.
11. We recommend that Native Americans operating a business held in fee should be required to collect and remit all taxes due on the products and services they sell and that this be enforced immediately.
12. We oppose the purchase of property not contiguous with a Native American Reservation that is then allowed to gain Nation status and removed from the tax rolls.

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