STATE OF NEW YORK

9169

IN SENATE

May 12, 2022

Introduced by Sen. BRISPORT -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to the directing the commissioner of agriculture and markets to reform certain grant programs to promote opportunities for multi-generational farming families and for beginning farmers

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Legislative findings. The legislature declares:

a. New York faces pressing needs to preserve and protect agricultural working lands, while also helping at-risk farmers maintain their livelihood.

b. New York dairy farmers face an uncertain future. According to statistics from the United States Department of Agriculture's National Agricultural Statistics Service ("USDANASS"), two-thirds of New York's dairy farms have shut down since 1987, even as other forms of agriculture have grown. In 1987, New York was home to 13,840 dairy farms. In 2012, that number had dropped down to 5,427. The most recent New York State Department of Agriculture and Markets data from 2019 indicates that New York is now home to just 3,843 dairy farms. This represents a loss of 9,997 dairy farms over the past 32 years.

c. The decline in small and mid-sized dairy farms is not unique to New York. Across the country, industry consolidation has changed dairy farming. Nationally, since 1987, the median dairy herd size has increased from 80 cows to 1,300 cows.

d. The threat posed by industry consolidation has been clear for more than a decade. According to a March 2010 report from the New York State Office of the State Comptroller, the dairy industry has been in "crisis" because the "decline of small family farms in the state negatively impacts the local economies in which these farms are located, and also changes the rural character and quantity of open space in upstate New York".

e. Current New York state policy deepens consolidation and inequality among dairy farmers. The Dairy Farmland Protection Initiative has

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD14240-01-2

invested more than $58 million to support 48 dairy farms over two application cycles. Of these projects, more than 70% supported consolidation and/or vertical integration, effectively "picking winners and losers".

f. Current New York state policy does not adequately invest in new opportunities. Since 2014, the New Farmer Grant Program has only distributed $4.19 million, less than 10% of the funding of the Dairy Farmland Protection Initiative, and less than 4% of the funding provided to farmland protection initiatives since 2018.

g. New York state agricultural policy must invest in farming's future - fruits, vegetables, legumes, grains, and other "specialty crops". Since 1987, the number of vegetable farms in New York state grew by 26%. Fruit and nut farms have stagnated due to a lack of investment. Meanwhile, despite significant federal and state funding, the number of dairy farms has collapsed.

h. Growth in specialty crops reflects national trends. According to Farm Bureau analysis, the only farmers to see an increase in their cash receipts in 2020 were "specialty crop" farmers - farmers who grow fruits, vegetables, legumes, and grains that nourish people.

i. Investing in specialty crops supports nutritional security. Nationally, only 1-in-10 adults consume Dietary Guidelines for Americans' recommended servings of fruits and vegetables.

j. Investing in specialty crops supports New York's climate commitments. According to a 2021 Columbia University analysis of food systems' impact on climate change, including a survey of nearly 100 up-to-date analyses, "In general, CO2-equivalent emissions from crop products are 10-50 times lower than most animal products, per kg of product."

k. Investing in specialty crops reduces New York's use of freshwater. According to the Water Footprint Network, per gram of protein, the water footprint for plant-based proteins like pulses is 1.5 times lower than milk, eggs, and chicken meat. The average water footprint per calorie for cereal grains and starchy root vegetables is 20 times lower than that of beef.

l. In New York, the current distribution of agricultural land ownership reflects and deepens systemic racism. According to the USDA NASS, among all producers in New York state, 98% are white compared with 70% of the overall population. On farmland with operators who all identify as Black, 45% of land is rented, which is two-thirds more than White operators. Operators identifying as Black or Indigenous less often earn a thriving wage.

m. Nationally, according to the USDA, farmers identifying as Black receive less than half as much in federal payments as farmers identifying as White.

n. By keeping farms in operation and diversifying New York's working lands, it is the intent of the legislature to increase agricultural revenue in New York to help the state become a leader in supplying and processing specialty crops and other plant-based foods and products to meet growing demand.

o. It is further the intent of the legislature that it be the policy of this state to adopt additional practices that will protect and preserve the state's environment and natural resources. By encouraging specialty crop production, the state can improve its efforts to implement this policy.

p. It is further the intent of the legislature that it be the policy of this state to adopt additional practices that create more equitable and just opportunities for farmland ownership and access among socially

disadvantaged farmers, and particularly farmers who identify as Black, Indigenous, Asian, and Hispanic/Latino.

§ 2. The agriculture and markets law is amended by adding two new sections 323-a and 323-b to read as follows:

§ 323-a. Promotion of opportunities for multi-generational farming families. The commissioner shall reform the dairy farmland protection initiative grant program in a manner which promotes opportunities for multi-generational farming families. Such reforms shall:

1. prioritize specialty crop production, including fruit, vegetable, legume, fungi, and grain production that directly nourishes people, and crops specified by the United States department of agriculture as specialty crops that nourish people, in the evaluation and selection of dairy farmland protection initiative grants;

2. when possible, foster collaboration with New York fruit and vegetable associations, farm-to-school programs, and food hub aggregators to support specialty crop market access for farms in transition; and

3. remove the project-level funding cap on easements.

§ 323-b. Promotion of opportunities for beginning farmers. The commissioner shall reform the new farmer grant program for beginning farmers in a manner which promotes opportunities for beginning farmers. Such reforms shall:

1. expand the new farmer grant program in the state for beginning farmers. For the purposes of this section, the term "new farmer" shall mean an operator who: (a) has not operated a farm or ranch for more than ten years; (b) does not own a farm or ranch greater than thirty percent of the average size farm in the county as determined by the most recent census for agriculture at the time the application is submitted; and (c) substantially participates in the operation of such farm or ranch;

2. require half of new farmer grant program funding be reserved for specialty crop producers. For the purposes of this section, the term "specialty crop" shall mean fruit, vegetable, legume, fungi, and grain production that directly nourishes people, and crops specified by the United States department of agriculture as specialty crops that nourish people;

3. prioritize prospective farmers who identify as Black, Indigenous, Asian, and/or Hispanic or Latino in project evaluation and selection; and

4. when possible, foster collaboration with land trusts and other non-governmental organizations that seek to create land ownership and land access opportunities for socially disadvantaged farmers.

§ 3. This act shall take effect immediately.