

# STATE OF NEW YORK

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9169

## IN SENATE

May 12, 2022

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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:

1 Section 1. Legislative findings. The legislature declares:

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

5 b. New York dairy farmers face an uncertain future. According to  
6 statistics from the United States Department of Agriculture's National  
7 Agricultural Statistics Service ("USDANASS"), two-thirds of New York's  
8 dairy farms have shut down since 1987, even as other forms of agricul-  
9 ture have grown. In 1987, New York was home to 13,840 dairy farms. In  
10 2012, that number had dropped down to 5,427. The most recent New York  
11 State Department of Agriculture and Markets data from 2019 indicates  
12 that New York is now home to just 3,843 dairy farms. This represents a  
13 loss of 9,997 dairy farms over the past 32 years.

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

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

25 e. Current New York state policy deepens consolidation and inequality  
26 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.

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

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

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

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

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

22 j. Investing in specialty crops supports New York's climate commit-  
23 ments. According to a 2021 Columbia University analysis of food systems'  
24 impact on climate change, including a survey of nearly 100 up-to-date  
25 analyses, "In general, CO2-equivalent emissions from crop products are  
26 10-50 times lower than most animal products, per kg of product."

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

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

40 m. Nationally, according to the USDA, farmers identifying as Black  
41 receive less than half as much in federal payments as farmers identify-  
42 ing as White.

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

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

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

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

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

5 § 323-a. Promotion of opportunities for multi-generational farming  
6 families. The commissioner shall reform the dairy farmland protection  
7 initiative grant program in a manner which promotes opportunities for  
8 multi-generational farming families. Such reforms shall:

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

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

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

18 § 323-b. Promotion of opportunities for beginning farmers. The commis-  
19 sioner shall reform the new farmer grant program for beginning farmers  
20 in a manner which promotes opportunities for beginning farmers. Such  
21 reforms shall:

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

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

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

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

41 § 3. This act shall take effect immediately.