

## RESOLUTION # 38

### RIGHT TO FARM PROGRAM

1           **WHEREAS**, the Right to Farm Act provides eligible, responsible farmers with  
2 protection from restrictive local government ordinances, as well as public and private  
3 nuisance actions, and provides increased protection to those farmers who operate in  
4 accordance with agricultural management practices (AMPs) that have been adopted by the  
5 State Agriculture Development Committee (SADC); and

6           **WHEREAS**, the SADC, working with a group that included farmers and  
7 representatives from New Jersey Farm Bureau, Rutgers University, county agriculture  
8 development boards and the planning community, developed and adopted an AMP  
9 regarding On-Farm Direct Marketing facilities, activities and events, which became effective  
10 in April 2014; and

11           **WHEREAS**, while P.L. 2014, Ch. 16, was signed into law in July 2014 to allow  
12 wineries to hold special occasion events, including weddings and other life-celebratory  
13 events, on preserved farmland under certain conditions, such winery events are not eligible  
14 for Right to Farm protection under the law that was enacted; and

15           **WHEREAS**, there exists the possibility that the number of life-celebratory events on  
16 a given farm could reach a threshold where their main objective is not the marketing and  
17 promotion of the farm's agricultural output, and thus would not be eligible for Right to Farm  
18 protection; and

19           **WHEREAS**, the Right to Farm Act gives primary jurisdiction in resolving complaints  
20 against agricultural operations to CADBs and ultimately to the SADC if the decisions of the  
21 county boards are appealed, and the SADC offers a voluntary Agricultural Mediation  
22 Program as an alternative to that formal process, since mediation can help disputing parties  
23 quickly resolve their problems, thereby saving all parties both time and costly legal fees; and

24           **WHEREAS**, the SADC in 2017 continued distribution of Right to Farm-related  
25 outreach and educational materials, including a Right to Farm Guidebook and fact sheets on

26 the Right to Farm Act and Agricultural Mediation that were developed in collaboration with  
27 Rutgers Cooperative Extension; and

28 **WHEREAS**, the Right to Farm Guidebook has been widely distributed throughout the  
29 agricultural community and also made available to other interests, including attorneys, CADB  
30 members, municipalities and the general public; and

31 **WHEREAS**, the United States Department of Agriculture (USDA) Agricultural  
32 Mediation Program maintains that its grant funding for state agricultural mediation programs  
33 may be used only to support conflict resolution of disputes involving USDA agencies and  
34 agricultural credit matters; and

35 **WHEREAS**, the SADC in 2017 continued to make outreach presentations for the  
36 agricultural community on Agricultural Mediation and the Right to Farm Act; and

37 **WHEREAS**, the SADC intends to focus its 2018 Right to Farm outreach efforts on  
38 increasing awareness and understanding of Right to Farm among all audiences, but  
39 particularly local officials and County Agriculture Development Boards through webinars,  
40 workshops, continuing-education efforts and other means; and

41 **WHEREAS**, the agricultural community continues to view Right to Farm as critically  
42 important, with Right to Farm consistently ranked first among the New Jersey Farm Bureau's  
43 annual ranking of its top 10 policy issues; and

44 **WHEREAS**, legislation is needed that would allow farmers to recover reasonable  
45 costs and attorney fees incurred in defense of bad-faith complaints against commercial  
46 agricultural operations, much the way Wisconsin's Right to Farm Law recently helped a  
47 farmer recover legal fees after multi-year litigation found that his practices did not, as litigants  
48 had claimed, deprive the public of recreational use of a waterway; and

49 **WHEREAS**, experience shows that regular notice to all landowners that agriculture is  
50 a publicly endorsed land use greatly enhances the education of newcomers and longtime  
51 residents alike about the protections of the Right to Farm Act and can help municipalities  
52 head off conflicts between farmers and other residents before they become confrontational.

53                   **NOW, THEREFORE, BE IT RESOLVED**, that we, the delegates to the 103<sup>rd</sup> State  
54                   Agricultural Convention, assembled in Atlantic City, New Jersey, on February 7-8, 2018,  
55                   strongly support New Jersey’s Right to Farm Act to continue to provide responsible farmers  
56                   with critical protection against public and private nuisance actions and against municipal  
57                   regulations that constrain farming.

58                   **BE IT FURTHER RESOLVED**, that we urge the SADC to continue developing,  
59                   prioritizing and adopting AMPs that establish standards for Right-to-Farm protection for  
60                   certain agricultural practices, in conjunction with the New Jersey Agricultural Experiment  
61                   Station and Rutgers University and with direct farmer input.

62                   **BE IT FURTHER RESOLVED**, that we recognize the SADC’s increased outreach  
63                   and education efforts regarding the Right to Farm Act and to encourage mediation before  
64                   Right-to-Farm complaints are filed, and urge the SADC to continue those efforts.

65                   **BE IT FURTHER RESOLVED**, that while special occasion events permitted on  
66                   preserved farmland as a result of P.L. 2014, Ch. 16, are not eligible for Right to Farm  
67                   protection, the 44-month pilot program for wineries on preserved farms is an important  
68                   opportunity to improve knowledge and understanding of such events so that, at the end of  
69                   the pilot program, solid data will be available upon which future special occasion event/Right  
70                   to Farm policy could be developed.

71                   **BE IT FURTHER RESOLVED**, that, in the absence of SADC-adopted AMPs, we  
72                   support the County Agriculture Development Boards’ continued development and  
73                   recommendation of site-specific agricultural management practices, which provide a farmer  
74                   with assurance that his or her specific operation or practices conform to generally accepted  
75                   agricultural management practices.

76                   **BE IT FURTHER RESOLVED**, that we call on the SADC to continue its efforts to  
77                   provide the maximum protections under the Right to Farm Act.

78                   **BE IT FURTHER RESOLVED**, that we call upon the County Agriculture  
79                   Development Boards to continue education efforts with the general public, farmers and

80 municipal, county and judicial officials with respect to the protections afforded commercial  
81 farm operators under the Right to Farm Act, including the use of regular notice via mail to all  
82 landowners that agriculture is a publicly endorsed land use.

83 **BE IT FURTHER RESOLVED**, that we call upon the SADC to continue to take the  
84 necessary steps to ensure that owners of deed-restricted farms enjoy the same flexibility in  
85 adapting their agricultural operations to achieve economic viability as do owners of non-  
86 deed-restricted farms under the Right to Farm Act, specifically in the areas of marketing and  
87 agri-tourism.

88 **BE IT FURTHER RESOLVED**, that we urge the passage of legislation to discourage  
89 repeated harassment suits against farmers, including requiring complainants to pay all  
90 reasonable legal fees and associated costs the farmer may incur to defend against  
91 complaints where the farmer is determined to be operating in compliance with all appropriate  
92 AMPs or is otherwise entitled to right-to-farm protection.

93 **BE IT FURTHER RESOLVED**, that we call upon the Governor and Legislature to  
94 appropriate a minimum of \$300,000 in the FY2019 state budget for the SADC and counties  
95 to adequately administer the Act.

96 **BE IT FURTHER RESOLVED**, that we call on the SADC and the New Jersey  
97 Department of Agriculture to work with the USDA Secretary of Agriculture to address federal  
98 Agricultural Mediation Program grant funding issues and enable the New Jersey Agricultural  
99 Mediation Program to use federal funding to support mediation and conflict resolution efforts  
100 for right-to-farm purposes.