

**RESOLUTION # 7**  
**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 (CADBs) 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**, the Right to Farm Act gives primary jurisdiction in resolving complaints  
12 against agricultural operations to CADBs and ultimately to the SADC if the decisions of the  
13 county boards are appealed, and the SADC offers a voluntary Agricultural Mediation  
14 Program as an alternative to that formal process, since mediation can help disputing parties  
15 quickly resolve their problems, thereby saving all parties both time and costly legal fees; and

16           **WHEREAS**, the SADC has continued distribution of Right to Farm-related outreach  
17 and educational materials, including a Right to Farm Guidebook and fact sheets on the Right  
18 to Farm Act and Agricultural Mediation that were developed in collaboration with Rutgers  
19 Cooperative Extension; and

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

24           **WHEREAS**, the SADC in 2019 continued to make outreach presentations on the  
25 Right to Farm Act for the agricultural community and municipal officials; and

26           **WHEREAS**, the SADC in 2019 continued to focus its Right to Farm outreach efforts  
27           on increasing awareness and understanding of Right to Farm among all audiences, but  
28           particularly local officials and CADBs through webinars, workshops, continuing-education  
29           efforts and other means; and

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

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

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

42           **NOW, THEREFORE, BE IT RESOLVED**, that we, the delegates to the 105<sup>th</sup> State  
43           Agricultural Convention, assembled in Atlantic City, New Jersey, on February 5-6, 2020,  
44           strongly support New Jersey's Right to Farm Act to continue to provide responsible farmers  
45           with critical protection against public and private nuisance actions and against municipal  
46           regulations that constrain farming.

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

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

54           **BE IT FURTHER RESOLVED**, that, in the absence of SADC-adopted AMPs, we  
55 support the CADBs’ continued development and recommendation of site-specific agricultural  
56 management practices, which provide a farmer with assurance that his or her specific  
57 operation or practices conform to generally accepted agricultural management practices.

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

60           **BE IT FURTHER RESOLVED**, that we call upon the CADBs to continue education  
61 efforts with the general public, farmers and municipal, county and judicial officials with  
62 respect to the protections afforded commercial farm operators under the Right to Farm Act,  
63 including the use of regular notice via mail to all landowners that agriculture is a publicly  
64 endorsed land use.

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

70           **BE IT FURTHER RESOLVED**, that we urge the passage of legislation to discourage  
71 repeated harassment suits against farmers, including requiring complainants to pay all  
72 reasonable legal fees and associated costs the farmer may incur to defend against  
73 complaints where the farmer is determined to be operating in compliance with all appropriate  
74 AMPs or is otherwise entitled to Right to Farm protection.

75           **BE IT FURTHER RESOLVED**, that we call upon the Governor and Legislature to  
76 appropriate a minimum of \$300,000 in the FY2021 state budget for the SADC and counties  
77 to adequately administer the Act.

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