

RESOLUTION # 6

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 from public and private
3 nuisance actions, provided those farmers operate in accordance with agricultural
4 management practices (AMPs) that have been adopted by the State Agriculture
5 Development Committee (SADC) or whose site specific agricultural management practices
6 have been approved by county agriculture development boards (CADBs) consistent with the
7 Act and SADC regulations; and

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

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

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

21 **WHEREAS**, the 2018 Farm Bill was signed into law on December 20, 2018, enabling
22 the United States Department of Agriculture (USDA) Agricultural Mediation Program to allow
23 its grant funding for state agricultural mediation programs to be used on farmer-
24 neighbor/Right to Farm, lease, and farm transition issues, as well as any issues that a state's
25 Secretary of Agriculture considers appropriate for better serving the agricultural community;

26 and

27 **WHEREAS**, the SADC in 2019-20 continued to make outreach presentations, when
28 and where possible under COVID-19 restrictions, on the Right to Farm Act for the agricultural
29 community and municipal officials; and

30 **WHEREAS**, the SADC continues to focus its Right to Farm outreach efforts on
31 increasing awareness and understanding of Right to Farm among all audiences, but
32 particularly local officials and CADBs through webinars, workshops, continuing education
33 efforts and other means; and

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

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

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

47 **WHEREAS**, the New Jersey Legislature recently passed, and the Governor signed,
48 legislation to establish housing of equine-related farm employees in facilities with horses
49 under certain conditions as "Right to Farm" permissible activity and requiring the SADC to
50 adopt an Agricultural Management Practice that permits such housing; and

51 **WHEREAS**, representatives of New Jersey's aquaculture industry have approached
52 agricultural groups and legislators about extending provisions of Right to Farm to

53 Aquaculture.

54 **WHEREAS**, the State Board has formed a subcommittee to examine evolving issues
55 in Right to Farm, to include areas in the program that have become controversial in recent
56 years.

57 **NOW, THEREFORE, BE IT RESOLVED**, that we, the delegates to the 107th State
58 Agricultural Convention, assembled in Atlantic City, N.J., on February 9-10, 2022, strongly
59 support New Jersey's Right to Farm Act, and that we urge the SADC to continue developing,
60 prioritizing and adopting AMPs that establish standards for Right-to-Farm protection for
61 certain agricultural practices, in conjunction with the New Jersey Agricultural Experiment
62 Station and Rutgers University and with direct farmer input, and that we call upon the
63 Governor and Legislature to appropriate a minimum of \$300,000 in the FY2023 state budget
64 for the SADC and counties to adequately administer the Act.

65 **BE IT FURTHER RESOLVED**, that we urge the SADC to promptly adopt an AMP to
66 bring under Right to Farm protection those farms covered by the recently passed legislative
67 provisions (A2768/S1245) regarding farm employee housing concurrent with horse
68 operations, and we urge CADBs that have been advised by the SADC that they may
69 entertain and decide issues related to these recent RTF Act amendments prior to the
70 SADC's adoption of the applicable AMP to do so if necessary.

71 **BE IT FURTHER RESOLVED**, that we call upon the SADC to continue to take the
72 necessary steps to ensure that owners of deed-restricted farms enjoy the same flexibility in
73 adapting their agricultural operations to achieve economic viability as do owners of non-
74 deed-restricted farms in compliance with both the Right to Farm Act, specifically in the areas
75 of marketing and agritourism, and consistent with the terms of the farmland preservation
76 deed of easement.

77 **BE IT FURTHER RESOLVED**, that we urge the passage of legislation to discourage
78 repeated harassment suits against farmers, including requiring complainants to pay all
79 reasonable legal fees and associated costs the farmer may incur to defend against

80 complaints where the farmer is determined to be operating in compliance with all appropriate
81 AMPs or is otherwise entitled to Right to Farm protection.

82 **BE IT FURTHER RESOLVED**, that we urge the SADC to send a representative to
83 meet with those regulatory agencies involved in aquaculture to educate on what the Right to
84 Farm law is, its procedures, how it can be used, and to answer any questions and address
85 concerns from the agencies.

86 **BE IT FURTHER RESOLVED**, that we support the State Board's work to form a
87 subcommittee to examine evolving issues in Right to Farm, to include areas in the program
88 that have been controversial in recent years, and we strongly urge that subcommittee to
89 reach out to both county boards of agriculture and the CADBs for a broader perspective.