

**RESOLUTION # 5**  
**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 Development  
5 Committee (SADC) or whose site-specific agricultural management practices have been  
6 approved by county agriculture development boards (CADBs) consistent with the Act and  
7 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 Program  
15 as an alternative to that formal process, since mediation can help disputing parties quickly  
16 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 continues to focus its Right to Farm outreach efforts on  
28 increasing awareness and understanding of Right to Farm among all audiences, but  
29 particularly local officials and CADBs through webinars, workshops, continuing education  
30 efforts and other means; and

31 **WHEREAS**, the agricultural community continues to view Right to Farm as critically  
32 important, with Right to Farm consistently ranked among the top issues in the New Jersey  
33 Farm Bureau's annual ranking of its top-10 policy issues, as well as ranking in the top-three  
34 each year among the resolutions at this Convention; and

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

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

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

49 **WHEREAS**, the SADC and Department staff have worked with representatives of New  
50 Jersey's aquaculture industry to recommend legislative changes that would extend Right to Farm  
51 protections to aquaculture operations; and

52 **WHEREAS**, in December 2022, the SADC approved draft rules updating the

53 Commercial Vegetable Production AMP, Commercial Tree Fruit Production AMP, On-Farm  
54 Compost Operations and Fencing AMP for Wildlife Control to address outdated references to  
55 publications, fact sheets, and regulatory citations, automatically incorporate future versions of  
56 referenced documents, and address other required updates; and

57 **WHEREAS**, in December 2022, the SADC approved draft updates to the Agricultural  
58 Mediation Program rules to ensure the program can be used for all case types included in the  
59 2018 Farm Bill, including farmer-neighbor disputes, lease issues, family farm transition issues,  
60 and others as determined by state Secretaries of Agriculture, and to include a continuing  
61 education requirement for the program’s mediators; and

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

65 **NOW, THEREFORE, BE IT RESOLVED**, that we, the delegates to the 108<sup>th</sup> State  
66 Agricultural Convention, assembled in Atlantic City, New Jersey, on February 8-9, 2023,  
67 strongly support New Jersey’s Right to Farm Act, and that we urge the SADC to continue  
68 developing, prioritizing and adopting AMPs that establish standards for Right-to-Farm  
69 protection for certain agricultural practices, in conjunction with the New Jersey Agricultural  
70 Experiment Station and Rutgers University and with direct farmer input, and that we call upon  
71 the Governor and Legislature to appropriate a minimum of \$300,000 in the FY2024 state  
72 budget for the SADC and counties to adequately administer the Act.

73 **BE IT FURTHER RESOLVED**, that we urge the SADC to promptly adopt an AMP to  
74 bring under Right to Farm protection those farms covered by the recently passed legislative  
75 provisions (A2768/S1245) regarding farm employee housing concurrent with horse  
76 operations, and we urge CADBs that have been advised by the SADC that they may entertain  
77 and decide issues related to these recent RTF Act amendments prior to the SADC’s adoption  
78 of the applicable AMP to do so if necessary, and urge SADC to look into providing Right to  
79 Farm protection for other types of agriculture in addition to equine operations.

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

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

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

95           **BE IT FURTHER RESOLVED**, that we support the SADC's recent draft rules  
96 updating the Commercial Vegetable Production AMP, Commercial Tree Fruit Production  
97 AMP, On-Farm Compost Operations AMP, and Fencing Installation AMP for Wildlife Control  
98 to address outdated references to publications, factsheets, and regulatory citations;  
99 automatically incorporate future versions of referenced documents; and address other  
100 required updates.

101           **BE IT FURTHER RESOLVED**, that we support the SADC's recent draft updates to  
102 the Agricultural Mediation Program rules to ensure the program can be used for all case  
103 types included in the 2018 Farm Bill, including farmer-neighbor disputes, lease issues, family  
104 farm transition issues, and other issues as determined by state Secretaries of Agriculture,  
105 and to include a continuing education requirement for the program's mediators; and

106           **BE IT FURTHER RESOLVED**, that we support the State Board's work to form a

107 subcommittee to examine evolving issues in Right to Farm, to include areas in the program  
108 that have been controversial in recent years, and we strongly urge that subcommittee to  
109 reach out to both county boards of agriculture and the CADBs for a broader perspective.