RESOLUTION # 3

RIGHT TO FARM PROGRAM

**WHEREAS**, the Right to Farm Act provides eligible, responsible farmers with protection from restrictive local government ordinances, as well as from public and private nuisance actions, provided those farmers operate in accordance with agricultural management practices (AMPs) that have been adopted by the State Agriculture Development Committee (SADC) or whose site-specific agricultural management practices have been approved by county agriculture development boards (CADBs) consistent with the Act and SADC regulations; and

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

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

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

**WHEREAS**, the 2018 Farm Bill was signed into law on December 20, 2018, (and recently was extended for one year while Congress works to craft the next Farm Bill), enabling the United States Department of Agriculture (USDA) Agricultural Mediation Program to allow its grant funding for state agricultural mediation programs to be used on farmer-neighbor/Right to Farm, lease, and farm transition issues, as well as any issues that a state’s Secretary of Agriculture considers appropriate for better serving the agricultural community; and

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

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

**WHEREAS**, the New Jersey State Board of Agriculture convened a Right to Farm subcommittee to discuss ways in which the administration of the Right to Farm Law in New Jersey can be strengthened, streamlined, and modernized to deal with the evolving landscape Garden State farmers find themselves facing; and

**WHEREAS**, the composition of SADC and State Board of Agriculture subcommittees should include a member from New Jersey Farm Bureau, Rutgers NJAES and at least one industry/farmer leader with knowledge/expertise about the subcommittee task, as this will increase the industry's input for a broader perspective and the efficiency of the work of the subcommittee; and

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

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

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

**WHEREAS**, as a result of the collaboration between the SADC, Department staff and representatives of New Jersey’s aquaculture industry, the Legislature passed and the Governor signed into law legislation extending Right to Farm protections to shellfish aquaculture activities and operations; and

**WHEREAS**, in April 20233, the SADC approved proposed rules updating the Commercial Vegetable Production AMP, Commercial Tree Fruit Production AMP, On-Farm Compost Operations and Fencing AMP for Wildlife Control to address outdated references to publications, fact sheets, and regulatory citations, automatically incorporate future versions of referenced documents, and address other required updates; and

**WHEREAS,** in July 2023, the SADC approved proposed rules updating the Agricultural Mediation Program to ensure the program can be used for all case types included in the 2018 Farm Bill, including farmer-neighbor disputes, lease issues, family farm transition issues, and others as determined by state Secretaries of Agriculture, and to include a continuing education requirement for the program’s mediators; and

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

**NOW, THEREFORE, BE IT RESOLVED**, that we, the delegates to the 109th State Agricultural Convention, assembled in Atlantic City, New Jersey, on February 7-8, 2024, strongly support New Jersey’s Right to Farm Act, and that we urge the SADC to continue developing, prioritizing and adopting AMPs that establish standards for Right-to-Farm protection for certain agricultural practices, in conjunction with the New Jersey Agricultural Experiment Station and Rutgers University and with direct farmer input, and that we call upon the Governor and Legislature to appropriate a minimum of $300,000 in the FY2025state budget for the SADC and counties to adequately administer the Act.

**BE IT FURTHER RESOLVED**, that we urge the SADC to promptly adopt a AMPs to fully implement recent expansions of Right to Farm Act protections for both the establishment of employee housing on equine operations, and for aquaculture activities and operations, and we urge CADBs that have been advised by the SADC that they may entertain and decide issues related to these recent RTF Act amendments prior to the SADC’s adoption of the applicable AMP to do so if necessary,

**BE IT FURTHER RESOLVED,** that the delegates support expanded Right to Farm protection for farm labor housing and urge SADC to look into providing Right to Farm protection for farm labor housing in other types of agriculture, in addition to equine operations, through the legislative process.

**BE IT FURTHER RESOLVED**, that we call upon the SADC to take the necessary steps to ensure that owners of deed-restricted farms enjoy the same flexibility in adapting their agricultural operations to achieve economic viability as do owners of non-deed-restricted farms in compliance with both the Right to Farm Act, specifically in the areas of marketing and agritourism, and consistent with the terms of the farmland preservation deed of easement, including but not limited to: innovative agricultural farming, movie-location opportunities, and agrivoltaics (when not negatively impacting production).

**BE IT FURTHER RESOLVED**, that we urge the State Board to continue reviewing surveys, meeting with the SADC staff, and exploring the opportunity for an RTF ombudsman in NJDA.

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

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

**BE IT FURTHER RESOLVED**, that we support the SADC’s recent proposed rule amendments updating the Commercial Vegetable Production AMP, Commercial Tree Fruit Production AMP, On-Farm Compost Operations AMP, and Fencing Installation AMP for Wildlife Control to address outdated references to publications, factsheets, and regulatory citations; automatically incorporate future versions of referenced documents; and address other required updates.

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

**BE IT FURTHER RESOLVED**, that we support the State Board’s work to form a subcommittee to examine evolving issues in Right to Farm, to include areas in the program

that have been controversial in recent years, and we strongly urge that subcommittee to reach out to both county boards of agriculture and the CADBs for a broader perspective.