

NEW YORK STATE ASSEMBLY

2

0

2

2

Committee On
Agriculture

Carl E. Heastie • Speaker
Donna A. Lupardo • Chair



ANNUAL REPORT



THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIR
Committee on Agriculture

COMMITTEES
Economic Development, Job Creation,
Commerce and Industry
Higher Education
Rules
Transportation

DONNA A. LUPARDO
Member of Assembly
123rd District

**2022 ANNUAL REPORT
NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON AGRICULTURE**

December 15, 2022

Honorable Carl E. Heastie
Speaker of the Assembly
State Capitol, Room 349
Albany, NY 12248

Dear Speaker Heastie,

As Chair of the Assembly Standing Committee on Agriculture, I respectfully submit to you the 2022 Annual Report. I have outlined the Committee's significant legislation, as well as the Committee's priorities for the upcoming 2023 Legislative Session.

New York is the leading agricultural state in the Northeast, as documented in a 2020 report by Farm Credit East, which estimated that the total impact on State economic output from agricultural, commercial fishing and forestry production, food processing and off-farm services was approximately \$47 billion and supported 210,000 jobs. The 2017 USDA Census of Agriculture shows that over 6.9 million acres, about 20% of the state's land mass, is used by more than 33,000 farms to produce a diverse array of food products such as dairy, grains, fruits, vegetables and maple syrup. Dairy was still the largest sector by dollar value of farm sales, accounting for 47%. New York has the third-largest number of certified organic farms in the nation, increasing by over 60% from 2012-2017. While New York State is a national leader for many farm products, the typical farm is small, less than 200 acres, and 96% are family-owned earning an average annual net income of \$42,000.

Although New York's agricultural economy is significant it faces many challenges including higher costs for labor, energy, transportation, and other operating costs compared to the states and countries that New York farmers compete with. To help address these costs, this year in the state budget we authorized a new refundable tax credit for farmers to offset the costs of overtime hours between 40 and 60 hours per week, including fringe benefits and other costs. The legislature also extended the farm workforce retention credit through 2025 and doubled it from \$600 to \$1,200 per eligible employee, and we increased the investment tax credit for farmers from the current 4 or 5% to 20%.

Throughout the 2022 Legislative Session, the Committee remained dedicated to promoting policies that would help New York's farms, food businesses, consumers and animals. The Committee advanced legislation that passed both houses of the Legislature to improve and maintain the health of agricultural soils to reduce impacts of climate change; examine how to better connect farmers to urban, suburban, and rural consumers, especially food insecure households and students in school; promote the marketing of local farm products such as wool and hemp fiber; and advance bills to protect race horses and pets.

Animal protection laws are an important component of the Committee's work, and the Committee remains committed to animal welfare. There are close to 50 state agriculture laws related to care and protection of animals, including the crimes of abuse, neglect, and animal fighting; protection for companion animals kept outside or left in cars; restrictions on cosmetic veterinary procedures; animal care standards for pet sellers and pet groomers; and regulation of animal control, dog licensing, and the care and disposition of lost, stray, or injured animals by local governments and shelters. This year the Committee advanced a bill that would establish comprehensive care standards for shelter animals and another bill prohibiting the sale of dogs, cats and rabbits in pet stores.

In addition to approving legislation described in this report, the Legislature provided historic levels of funding, \$73 million for local assistance, for research, marketing and assistance programs that provide support and services directly to farmers. For the first time, we provided funding to assist individuals historically marginalized or underrepresented in farming with capital needs to start or expand their farm operations in addition to once again funding the beginning farmers program. This report includes more detailed information about agriculture spending.

Furthermore, this year the Committee successfully advocated for provisions in the law to ensure access for small farmers and included farmers in the social equity plan for new entrants into this industry. We have a vibrant hemp industry in New York and cannabis offers another economic option for new and existing farmers.

While farming continues to face challenges, there are also opportunities for growth as consumers and businesses recognize the importance of having access to local food. The State must be ready and willing to support these opportunities through policies and programs. One of my primary goals as Chair is to make sure legislators from around the State continue to support our hardworking farmers who supply us with the best food and drink in the world.

I would like to thank the members of the Agriculture Committee, the rest of my Assembly colleagues, and all the agriculture groups in the state for supporting our requests for funding in the budget and advancing legislation that is essential to the agricultural community. On behalf of New York State Assembly's Committee on Agriculture, I thank you for your leadership and continued encouragement and support in addressing these important issues.

Sincerely,

A handwritten signature in cursive script that reads "Donna A. Lupardo".

Donna A. Lupardo
Chair,
Committee on Agriculture

Members

Donna Lupardo
Chair

MAJORITY

Aileen M. Gunther
Linda B. Rosenthal
José J. Rivera
Didi Barrett
Al Stirpe
Angelo Santabarbara
Carrie Woerner
Billy Jones
Harvey Epstein
Erik M. Dilan
Jaime R. Williams
Marianne Buttenschon
Brian Barnwell
Anna R. Kelles
Amanda Septimo
Stefani Zinerman

MINORITY

Chris Tague, Ranking
Kenneth D. Blankenbush
Stephen Hawley
Michael J. Fitzpatrick
Brian D. Miller
Christopher S. Friend

STAFF

Fletcher Whyland, Assistant Secretary for Program & Policy
Robert Stern, Principal Analyst
Sally Block, Executive Secretary
Amy Abbati, Committee Clerk

TABLE OF CONTENTS

	PAGE
I. Committee Jurisdiction.....	3
II. 2022 Committee Accomplishments.....	4
A. Support for New York’s Farms and Food Businesses.....	4
B. Department of Agriculture and Markets Regulatory Legislation.....	5
C. Animal Protection Legislation.....	6
D. Agriculture Budget 2022-2023.....	7
	8
III. 2023 Outlook.....	9
 APPENDICES	
APPENDIX A: SUMMARY OF ACTIONS ON ALL BILLS REFERRED TO THE COMMITTEE ON AGRICULTURE DURING THE 2022 LEGISLATIVE SESSION.....	10
APPENDIX B: CHAPTER LIST FOR THE COMMITTEE ON AGRICULTURE FOR 2022.....	11

I. Committee Jurisdiction

The Assembly Standing Committee on Agriculture is responsible for legislation that relates to the Agriculture and Markets Law, oversight of the New York State Department of Agriculture and Markets and helping to craft the Department's budget. The Committee collaborates closely with institutions of higher education and other organizations to foster agriculture research and development through programs such as the New York State Veterinary Diagnostic Center at Cornell and the New York Farm Viability Institute. The Committee also works with farmers and their representatives to develop policies and programs to promote the State's agricultural products, support the growth of agricultural, food and beverage businesses, ensure a safe food supply including healthy livestock, preserve our State's farmland resources and protect the welfare of our companion animals.

As part of its legislative and oversight functions, the Committee on Agriculture investigates issues related to Agricultural District enhancements, food inspections and safety, farmland protection, farm product sales and marketing, agribusiness licensing and regulation, the humane treatment of companion animals, kosher laws, consumer protection and animal diseases.

Agricultural-related legislation is often considered by other Assembly Committees, such as the Committees on Ways and Means, Codes, Economic Development, Environmental Conservation, Labor, Consumer Affairs, and Energy, and the Committee provides input and counsel to those committees to make sure that agricultural interests are considered.

II. 2022 Committee Accomplishments

A. Support for New York's Farms and Food Businesses

New York State offers many programs and policies that assist farmers and related food businesses, including New York Agricultural Districts, marketing programs, training and research. Our experience during the COVID-19 pandemic highlights the need to strengthen New York's farm and food processing sectors to reduce our dependence on food supplies from outside the State. As New York's consumer demand for local agricultural products increases, it is important that the State continues to provide the tools and support for our farmers to maximize their productivity. The Committee on Agriculture places great importance on assisting farmers and food producers to better participate, grow and compete in rapidly changing, competitive marketplaces.

1. Nourish New York (Chapter 101 of the Laws of 2022/A. 8705 Cruz)

This law modifies the definition of surplus agricultural products to include those produced and harvested in New York including processed products as defined in the bill. This law removes requirements for posting information about the program on the Department of Agriculture and Market's website, repeals the requirement for the Commissioner of Agriculture and Markets to report on the adequacy of support for emergency food providers, and instead requires the Commissioner of Health to annually assess and report on the impact of economic indicators on demand for emergency food, and the need for cold storage by food providers.

2. Climate Resilient Farming (Chapter 102 of the Laws of 2022/A.8766 Lupardo)

This law authorizes the Commissioner of the Department of Agriculture and Markets and the Director of the State Soil and Water Conservation Committee to issue rules and regulations for the climate resilient farming initiative.

3. Encouraging Industrial Hemp Development (Chapter 605 of the Laws of 2022 /A.9282 Lupardo)

This law requires the Commissioner to work the New York State hemp workgroup and representatives of industries that currently use, or may potentially use, industrial hemp in their products, to develop and promote the use of hemp by businesses for purposes such as packaging, construction, and other uses.

4. Agrivoltaics Information (Chapter 629 of the Laws of 2022/A.9336-A Barrett)

This law directs the Department of Agriculture and Markets, in cooperation with the New York State Energy Research and Development Authority to develop guidance and educational materials on the use of agrivoltaics in farming.

B. Department of Agriculture and Markets Administrative, Regulatory and Reporting Legislation

1. Access to Local Foods (Chapter 124 of the Laws of 2022/A.8765 Lupardo)

This law repeals the creation of a task force and requires the Commissioner of the Department of Agriculture and Markets to convene an advisory group composed of representatives from agriculture, food access organizations, food retailers and economic development agencies to identify strategies and opportunities to expand access for underserved urban and rural communities to healthy, locally produced food and report on the findings and recommendations of the advisory group.

2. Directory of Farms (Chapter 120 of the Laws of 2022/A8.778 Septimo)

This law repeals the requirement for a database of farms and farm products and instead requires a website directory of farms, including the listing of farm products when known.

3. New York State Council on Food Policy (Chapter 645 of the laws of 2022/A.3954-B Thiele)

This law establishes the New York State council on food policy to develop comprehensive, coordinated state food policies.

4. Petroleum Gas Delivery in Times of Emergency (Chapter 663 of the Laws of 2022/A.1451-A Santabarbara)

This law provides, during a qualifying emergency, that a customer running low on propane who reasonably believes their supply is insufficient to meet their heating needs may purchase propane from any temporary emergency supplier if the customer makes a good faith effort to purchase the propane from their regular supplier, and the regular supplier cannot or will not make a delivery and does not send a temporary supplier to make the delivery within 24 hours.

5. Adding Putnam County to the Lower Mid-Hudson Region (Chapter 659 of the Laws of 2022/A.9716-A Galef)

This law adds the County of Putnam to the Lower Mid-Hudson Region in relation to alternate generated power source at gasoline outlets.

C. Animal Protection Legislation

1. Race Horse Slaughter Liability (Chapter 105 of the Laws of 2022/A.8777 Pretlow)

This law clarifies that an owner of a race horse raced or bred after January 1, 2022, would not be liable for the slaughter, or facilitation of the slaughter, of a race horse if the owner could document transfer of ownership to a party with no financial or familial relationship to the owner.

2. Puppy Mill Pipeline (Chapter 681 of the Laws of 202 /A.4283 Rosenthal, L.)

This law prohibits the sale of dogs, cats, and rabbits in retail pet stores.

3. Regulation of Animal Shelters (Chapter 683 of the Laws of 2022/A.6246-C Paulin)

This law will provide licensing procedures and comprehensive standards of care for municipal shelters, not for profit humane societies, SPCAs and animal shelters and not for profit animal rescues. Specifically, this law requires that all related facilities register to be licensed with the Department of Agriculture and Markets.

4. Allowing Dogs to be Returned to their Licensed Owner (Chapter 680 of the Laws of 2022/A.9296-A McDonald)

This law provides that a dog control officer, peace officer or police officer may return a dog directly to the dog's owner if the officer has no probable cause to believe the dog is dangerous.

D. Agriculture Budget 2022- 2023

In the SFY 2022-2023 Department of Agriculture and Markets budget, the Legislature included an estimated \$73 million for local assistance, an increase of over \$17 million, and \$176 million for State operations. Funding for capital projects totaled \$67.6 million and included \$3.2 million for migrant farmworker childcare infrastructure, \$4 million for GrowNYC Bronx Food Hub, \$5 million for Cornell University climate adaptive research farms infrastructure and demonstration projects, \$5 million for meat processing creation and expansion, \$8 million for animal shelters, and \$5 million for county fairs.

The Legislature demonstrated its interest in promoting and protecting agriculture by adding funding for programs related to marketing, research, education and support for farmers. The final budget fully restored or increased funding for programs such as Cornell's Diagnostic Veterinary Lab, Farmworker Child Care, Farm Viability Institute, Cornell College of Agriculture and Life Sciences research, producer associations marketing efforts, urban agricultural education, and farmland protection technical assistance. New funding was provided for several programs including Socially and Economically Disadvantaged Farmers, Beginning Farmers, Urban Farms and Community Gardens, Black Farmers United, Pace Law School legal assistance and others. In addition, funding for Farm-to-School, Hemp Development and Taste NY was shifted to the Agriculture Budget from other State agencies' budgets. (Chart on pg. 8)

Agriculture and Markets (Local Assistance)			
Enacted Budget 2022-2023			
Cornell Diagnostic Lab		Farm Viability Institute	
"Core" Diagnostic Lab	\$8,751,000	Farm Viability Institute	\$1,850,000
Cornell R&D		NYS Wine & Grape Foundation	\$1,075,000
Berry Research	\$263,000	NYS Christmas Tree Farmers	\$126,000
Honeybee Research	\$152,000	NYS Apple Growers Assoc.	\$762,000
Maple Research	\$151,000	NYS Maple Producers	\$227,000
Onion Research	\$71,000	Apple R&D	\$505,000
Vegetable Research	\$126,000	Turfgrass Industry	\$150,000
Cornell Hard Cider Research	\$202,000	Northern NY Ag Development	\$300,000
Cornell Concord Grape Research	\$252,000	Harvest New York	\$600,000
Hops Breeding Research	\$300,000	Electronic Benefits Transfer	\$139,000
Malting Barley	\$353,000	Farm-To-School	\$758,000
Golden Nematode	\$63,000	Hop Growers of New York	\$50,000
Cornell Education and Outreach		Ag Child Care (Migrant)	\$10,300,000
Ag- in- the- Classroom	\$500,000	Local Fairs	\$500,000
Future Farmers of America	\$1,000,000	Tractor Rollover Protection	\$250,000
Agricultural Educators	\$500,000	Empire Sheep Producers	\$50,000
Farm Family Assistance	\$1,000,000	Farmland Protection	
Pro-Dairy Program	\$1,463,000	Farmland for a New Generation	\$500,000
Farm Labor Specialist	\$401,000	Total	\$52,987,000
Dairy Profit Teams	\$374,000		
Urban Agricultural Education	\$250,000		
Equitable Farm Futures Initiative	\$500,000		

III. 2023 Outlook

In 2022, the Standing Committee on Agriculture continued to work to: provide state financial support and reduce administrative burdens for farmers and other businesses; foster research to help farmers boost productivity; assist food businesses; protect agricultural land; and protect pets and their owners. In the coming year, the Committee expects to continue to address issues of concern to farmers and related business owners, consumers, and animal advocates. The Committee will work to help assure that our farmers can succeed under difficult economic conditions and capitalize on marketplace opportunities.

**APPENDIX A
SUMMARY OF ACTIONS ON ALL BILLS
REFERRED TO THE COMMITTEE ON AGRICULTURE
DURING THE 2021 LEGISLATIVE SESSION**

Final Action	Assembly Bills	Senate Bills	Total Bills
<u>BILLS REPORTED FAVORABLE TO:</u>			
Codes	4	0	4
Judiciary	0	0	0
Ways & Means	0	0	0
Rules	2	0	2
Floor	9	0	9
Total	15	0	15
<u>COMMITTEE ACTION</u>			
Bills Held for Consideration	4	0	4
Bills Defeated in Committee	0	0	0
Bills Having Enacting Clauses Stricken	2	0	2
<u>BILLS REMAINING IN COMMITTEE</u>	116	9	125
<u>BILLS HAVING COMMITTEE REFERENCE CHANGED</u>	0	0	0
TOTAL NUMBER OF COMMITTEE MEETINGS HELD		4	

**APPENDIX B
NEW YORK STATE ASSEMBLY
COMMITTEE ON AGRICULTURE CHAPTERS**

Assembly Bill #	Sponsor	Description
A.1451-A	Santabarbara	The law provides, during a qualifying emergency, that a customer running low on propane who reasonably believes their supply is insufficient to meet their heating needs may purchase propane from any temporary emergency. Chapter 663 of the Laws of 2022
A.4283	Rosenthal, L.	This law prohibits the sale of dogs, cats, and rabbits in retail pet stores. Chapter 681 of the Laws of 2022
A.3954-B	Thiele	This law establishes the New York State council on food policy to develop comprehensive, coordinated state food policies. Chapter 645 of the Laws of 2022.
A.6246-C	Paulin	This legislation will provide comprehensive standards of care for municipal shelters, not for profit humane societies, SPCAs and animal shelters and not for profit animal rescues. Chapters 683 of the Laws of 2022
A.8705	Cruz	This law amends Chapter 631 of the Laws of 2021 establishing the Nourish New York program. Chapter 101 of the Laws of 2022
A.8765	Lupardo	The law amends Chapter 731 of the Laws of 2021, to repeal the creation of a Task Force through appointments of members and require the Commissioner of the Department of Agriculture and Markets to convene an advisory group to identify strategies and opportunities to expand access for underserved urban and rural communities to healthy, locally produced food and report on the findings and recommendations of the advisory group. Chapter 124 of the Laws of 2022
A.8776	Lupardo	This law amends Chapter 735 of the Laws of 2021, to authorize the Commissioner of the Department of Agriculture and Markets and the Director of the State Soil and Water Conservation Committee to issue rules and regulations for the climate resilient farming initiative. The purpose of this law is to add the County of Putnam to the Lower Mid-Hudson Region in relation to alternate generated power source at gasoline outlets. Chapter 102 of the Laws of 2022
A.8777	Pretlow	This law amends Chapter 645 of the Laws of 2021 to clarify that an owner of a racehorse raced or bred after January 1, 2022, would not be liable for the slaughter, or facilitation of the slaughter, of a racehorse if the owner could document transfer of ownership to a party with no financial or familial relationship to the owner. Chapter 105 of the Laws of 2022
A.8778	Septimo	This law amends Chapter 751 of the Laws of 2021, to repeal the requirement for a database of farms and farm products and instead require a website directory of farms, including the listing of farm products when known. Chapter 120 of the Laws of 2022
A.9282	Lupardo	The law amends section 519 of the Agriculture and Markets Law to update the hemp economic development section of law to clarify that the Commissioner shall work with the urban development corporation, the New York State hemp workgroup created in Cannabis Law, and representatives of industries that currently use, or may potentially use, industrial hemp in their products, to develop and promote the use of hemp by businesses for purposes such as packaging, construction, and other uses. Chapter 605 of the Laws of 2022

A.9296-A	McDonald	Amends the agriculture and markets law to add a new subdivision that allows a dog that is not dangerous to be returned to the owner provided on the license instead of being mandated to return it to a local animal shelter. Chapter 680 of the Laws of 2022
A.9336-A	Barrett	This law directs the Department of Agriculture and Markets, in cooperation with the New York State Energy Research and Development Authority to develop guidance and educational materials on the use of agrivoltaics in farming. Chapter 629 of the Laws of 2022
A.9716-A	Galef	The purpose of this law is to add the County of Putnam to the Lower Mid-Hudson Region in relation to alternate generated power source at gasoline outlets. Chapter 659 of the Laws of 2022