

NEW YORK STATE ASSEMBLY

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



2023 ANNUAL REPORT

COMMITTEE ON
Agriculture



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

**2023 ANNUAL REPORT
NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON AGRICULTURE**

December 15, 2023

Honorable Carl 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 2023 Annual Report. I have outlined the Committee's significant legislation as well as the Committee's priorities for the upcoming 2024 Legislative Session.

New York is the leading agricultural state in the Northeast. A 2020 report by Farm Credit East estimated that the total impact on State economic output from agricultural, commercial fishing, forestry production, food processing, and off-farm services was approximately \$47 billion and supported 210,000 jobs. Dairy is still the largest agricultural sector by dollar value of farm sales, accounting for 47%. According to the 2021-2022 New York Agricultural Statistics Annual Bulletin, the state produced over 15.5 billion pounds of milk in 2021. Additionally, the total production and sale of milk have been on the rise, showing increases in both categories from 2018 to 2021.

The 2017 USDA Census of Agriculture shows that over 6.9 million acres, or 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. From those 33,000 farms, 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.

Throughout the 2023 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 ensure that farmers are not excluded from the benefits of the Agriculture District Law.

Animal protection laws are an important component of the Committee's work, and the Committee remains committed to animal welfare. This year, the committee passed legislation to protect horses from slaughter, as well as legislation to expand legal protections for companion animals.

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. Important state programs such as, Nourish NY, grants to farmers markets, and others provide consumers with the opportunity to purchase fresh, nutritious,

and locally grown foods. The State must be ready and willing to help farmers and their local communities 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 some of the best food and beverages 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". The signature is written in black ink and is centered on the page.

Donna A. Lupardo
Chair,
Committee on Agriculture

Members

Donna Lupardo
Chair

MAJORITY

Aileen M. Gunther
Linda B. Rosenthal
Didi Barrett
Al Stirpe
Angelo Santabarbara
Carrie Woerner
Billy Jones
Jaime R. Williams
Marianne Buttenschon
Anna R. Kelles
Amanda Septimo
Stefani Zinerman
Catalina Cruz
Brian A. Cunningham
Steven Raga

MINORITY

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

STAFF

Fletcher Whyland, Assistant Secretary for Program & Policy
Cameron A. Cupp, Principal Analyst
Jared Bove, Counsel
Sally Block, Executive Secretary
Amy Abbati, Committee Clerk

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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. 2023 Committee Accomplishments

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

1. Agrivoltaics Educational Material (Chapter 4 of the Laws of 2023 / A.607 Barrett)

Chapter 629 of the Laws of 2022 directed the Department of Agriculture and Markets, in cooperation with New York State Energy Research and Development Authority (NYSERDA) and institutions of higher education, to develop and produce guidance and educational materials for farmers on the use of agrivoltaics in farming. This law changes the timeframe in which the Department of Agriculture and Markets and NYSERDA have to issue their guidance and materials from one hundred twenty-one days to one year.

2. Textile Industry Workgroup (Chapter 13 of the Laws of 2023 / A.617 Woerner)

Chapter 572 of the Laws of 2022 created economic development programs to support the textile manufacturing industry in New York, including expanding annual farm recognition awards, state procurement process training for small businesses, and the excelsior jobs program to include such New York products and processes, and creating the natural fiber textile development council. This law changes the council into a workgroup that shall seek to identify ways in which to grow the natural fiber textile company in New York state.

3. Youth Agriculture Technology Competition (Chapter 280 of the Laws of 2023 / A.1528-A Woerner)

This Chapter establishes an agriculture STEM challenge competition through Cornell Cooperative Extension and 4-H programs to develop new technical solutions to challenges faced by agriculture.

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

1. New York State Council on Hunger and Food Policy (Chapter 11 of the Laws of 2023 / A.615 Thiele)

Chapter 645 of the Laws of 2022 established the New York State Council on Hunger and Food Policy in order to improve access to nutritional foods. This law makes changes to the Council by increasing the number of their members, changes the criteria for their selection, and makes clear the responsibilities of the New York State Department of Agriculture and Markets relating to the New York state farms and farm products database.

2. Delivery of Liquefied Petroleum Gas in Times of Emergency (Chapter 28 of the Laws of 2023 / A.971 Santabarbara)

Chapter 663 of the Laws of 2022 provided that during a qualifying emergency, 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. This Chapter clarifies that a temporary emergency supplier shall assume liability which may result from the filling of a liquefied petroleum tank, provides a notification requirement, and makes clear that there are no other circumstances in which a supplier may fill a propane tank not owned by them without the consent of the owner of such tank.

3. Premium Reimbursement for Fairs. (Chapter 281 of the Laws of 2023 / A.2935 Woerner)

This Chapter lowers the actual premium threshold required for fairs to receive reimbursement for premiums awarded from \$5,000 to \$2,500

4. Expansion of Cuisine Trails (Chapter 696 of the Laws of 2023 / A.4113 Lupardo)

This Chapter increases the maximum number of cuisine trails that the Department of Agriculture and Markets may designate from 15 to 25.

5. Agrivoltaics Study (Chapter 712 of the Laws of 2023 / A.4911 Kelles)

This Chapter establishes an agrivoltaics research program administered by Cornell University.

6. Tree Nuts as an Agricultural Product (Chapter 395 of the Laws of 2023 / A.5928 Stirpe)

This Chapter clarifies that tree nuts are an agricultural product.

C. Animal Protection Legislation

1. Rental Fees for Showcasing Dogs, Cats, and Rabbits for Adoption (Chapter 35 of the Laws of 2023 / A.981 L., Rosenthal)

Chapter 681 of the Laws of 2022 prohibited the sale of dogs, cats, and rabbits in retail pet stores. This chapter amendment provides technical changes to Chapter 681 of the Laws of 2022, ensures retail pet stores may receive a reasonable rental fee for space to showcase dogs, cats or rabbits for adoption, and sets forth a two-year effective date.

2. Pet Dealer Licensing Fund (Chapter 131 of the Laws of 2023 / A.3777 Paulin)

This Chapter clarifies that all funds collected pursuant to Article 26-c of the Agriculture and Markets Law shall be allocated to the animal shelter regulation fund.

3. Disabled Equidae Auctions (Chapter 724 of the Laws of 2023 / A.3552-A Pretlow)

This Chapter provides that the definition of a horse in Section 358 of Ag and Markets law shall include the entire family Equidae, clarifies that it a misdemeanor to sell disabled Equidae, and raises the fine for said sale from \$5 to \$1,000.

4. Prohibition of Horse Slaughter for the Purpose of Human Consumption (Chapter 726 of the Laws of 2023 / A.5109-A Glick)

This Chapter prohibits the slaughtering of horses for animal or human consumption. This chapter also prohibits the ownership of a horse for the purpose of sending it to slaughter for human consumption along with the possession or transportation of horseflesh for the purpose of human and animal consumption.

D. Agriculture Budget 2023- 2024

In the SFY 2023-2024 Department of Agriculture and Markets budget, the Legislature provided \$56.5 million for local assistance, an \$8.6 million increase over the executive, and \$182.4 million for State operations. Funding for capital projects totaled \$46.6 million.

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. (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	\$1,900,000
Cornell R&D		NYS Wine & Grape Foundation	\$1,225,000
Berry Research	\$263,000	NYS Christmas Tree Farmers	\$126,000
Honeybee Research	\$152,000	NYS Apple Growers Assoc.	\$790,000
Maple Research	\$151,000	NYS Maple Producers	\$227,000
Onion Research	\$71,000	Apple R&D	\$505,000
Vegetable Research	\$126,000	Turfgrass Industry	\$175,000
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	\$1,508,000
Golden Nematode	\$63,000	Hop Growers of New York	\$50,000
Cornell Education and Outreach		Ag Child Care (Migrant)	\$10,410,000
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	Programs for Underserved Farmers	
Dairy Profit Teams	\$374,000	NYC Urban Ag	\$250,000
Urban Agricultural Education	\$250,000	Black Farmers United of NYS	\$200,000
Equitable Farm Futures Initiative	\$500,000	Urban Farms Community Garden	\$2,350,000
Total	\$56,508,000	Economically/Socially Disadvantaged Farmers	\$1,000,000
		Beginning Farmers	\$1,000,000

III. 2024 Outlook

In 2024, 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 and changing climate conditions and capitalize on marketplace opportunities.

**APPENDIX A
SUMMARY OF ACTIONS ON ALL BILLS
REFERRED TO THE COMMITTEE ON AGRICULTURE
DURING THE 2023 LEGISLATIVE SESSION**

Final Action	Assembly Bills	Senate Bills	Total Bills
<u>BILLS REPORTED FAVORABLE TO:</u>			
Codes	5	0	5
Judiciary	0	0	0
Ways & Means	9	0	9
Rules	6	0	6
Floor	1	0	1
Total	21	0	21
<u>COMMITTEE ACTION</u>			
Bills Held for Consideration	3	0	3
Bills Defeated in Committee	0	0	0
Bills Having Enacting Clauses Stricken	3	0	3
<u>BILLS REMAINING IN COMMITTEE</u>	102	14	116
<u>BILLS HAVING COMMITTEE REFERENCE CHANGED</u>	0	0	
TOTAL NUMBER OF COMMITTEE MEETINGS HELD		5	

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

Assembly Bill #	Sponsor	Description
A.607	Barrett	Chapter 4 of the Laws of 2023 changes the time-frame in which the department of Agriculture and Markets and NYSERDA have to issue their guidance and materials on agrivoltaics.
A.617	Woerner	Chapter 13 of the Laws of 2023 changes the Textile Development Council into a workgroup.
A.615	Thiele	Chapter 11 of the Laws of 2023 makes changes to the Council on Hunger and Food Policy.
A.971	Santabarbara	Chapter 28 of the Laws of 2023 makes certain clarifications on the delivery and filling of petroleum tanks in the time of an emergency.
A.981	L., Rosenthal	Chapter 35 of the Laws of 2023 ensures retail pet stores may receive a reasonable rental fee for space to showcase dogs, cats or rabbits for adoption, and sets forth a two-year effective date.
A.3777	Paulin	Chapter 131 of the Laws of 2023 fixes a technical error regarding the pet dealer licensing fund.
A.1528-A	Woerner	Chapter 280 of the Laws of 2023 establishes an agriculture STEM competition.
A.2935	Woerner	Chapter 181 of the Laws of 2023 lowers the actual premium threshold required for fairs to receive reimbursement for premiums awarded.
A.5928	Stirpe	Chapter 395 of the Laws of 2023 clarifies that tree nuts are an agricultural product.
A.4113	Lupardo	Chapter 696 of the Laws of 2023 increases the maximum number of cuisine trails.
A.4911	Kelles	Chapter 712 of the Laws of 2023 establishes an agrivoltaics research program.
A.3552-A	Pretlow	Chapter 724 of the Laws of 2023 extends the definition of a horse in Section 358 of Ag and Markets law to include the entire family Equidae, clarifies that it a misdemeanor to sell disabled Equidae, and raises the fine for said sale to \$1,000 from \$5.
A.5109-A	Glick	Chapter 726 of the laws of 2023 prohibits the slaughtering of horses for animal or human consumption.