

New York State Assembly

Carl E. Heastie

Speaker



Committee on
Agriculture

William Magee

Chairperson

2016

ANNUAL REPORT



THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIRMAN
Joint Legislative Commission on
Dairy Industry Development

WILLIAM MAGEE
Member of Assembly
121st Assembly District

CHAIRMAN
Committee on Agriculture

COMMITTEES
Aging
Banks
Higher Education
Local Governments

December 15, 2016

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

Dear Speaker Heastie,

As Chairperson of the Assembly Standing Committee on Agriculture, I respectfully submit to you the 2016 Annual Report. I have outlined the Committee's significant legislation, as well as the Committee's priorities for the upcoming 2017 Session.

The agricultural industry is of the utmost importance to New York State. A 2015 report by Farm Credit East estimates that the total impact on State economic output from agricultural, commercial fishing and forestry production, food processing, and off-farm services was approximately \$48 billion and generated 197,745 jobs. Dairy processing alone generated an estimated \$23 billion in output and created over 49,000 jobs. The 2012 USDA Census of Agriculture shows that nearly 23 percent of New York's land area, over 7.1 million acres, is used by more than 35,000 farms to produce a diverse array of food products such as dairy, grains, fruits, vegetables, and maple syrup.

New York is the leading producer in the United States of Greek yogurt, cottage cheese, sour cream, and cabbage, and a top 10 producer in the production of apples, grapes, maple syrup, cheese, onions, sweet corn, and tomatoes, amongst other fruits and vegetables. Although New York has high production of several farm products, the typical farm is family-owned and managed, and is less than half the size of the national average. Additionally, New York has the third-largest number of certified organic farms in the nation.

Throughout the 2016 Legislative Session, the Committee remained dedicated to promoting policies that would help New York's farms, approving legislation that passed both houses of the Legislature to provide financial support to new and beginning farmers, and establish programs providing technical assistance and training. Animal protection legislation is an important component of the Committee's work and several bills that would strengthen animal welfare were reported this year.

This year's State budget was very supportive of the agriculture industry. The Legislature restored and added over \$11 million in funding for new and existing programs. The Committee ensured that the Governor's budget proposal to move administration of agriculture marketing orders, which are farmer funded programs to promote the sale of commodities such as milk and apples, from the Department of Agriculture and Markets to the Empire State Development Corporation included protections such as continuing a strong, decision-making role for the Department as well as audits by the State Comptroller.

While farming continues to face challenges, there are also many opportunities for growth that the State must be ready and willing to support. As always, I appreciate the support of members of the Assembly in restoring funding and advancing legislation to support 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 black ink that reads "Bill Magee". The signature is written in a cursive, flowing style.

William Magee
Chairperson,
Committee on Agriculture

**2016 ANNUAL REPORT
NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON AGRICULTURE**

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Chairman

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STAFF

Giovanni Warren, Assistant Secretary for Program & Policy
Robert Stern, Principal Analyst
Kristin Kopach, Associate Counsel
Kyle Wallach, Committee Assistant
Nicole VanAuken, Executive Secretary

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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 the Department's budget. The Committee on Agriculture collaborates closely with institutions of higher education, such as Cornell University, to promote agriculture research and development through programs such as the Quality Milk Program and Integrated Pest Management. The Committee on Agriculture works to ensure the viability of New York's farms, promote the State's agricultural products, support agricultural economic development, and protect our State's farmland resources.

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

The Standing Committee on Agriculture also provides support and counsel for agricultural-related legislation referred to other Assembly Committees, such as the Committees on Government Operations, Labor, Economic Development, Environmental Conservation, and Energy.

II. 2016 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. As the market and demand for agricultural products increases, it is important that the State supports farmers by improving their opportunities for economic 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. Kitchen Incubator Fee Waiver (Chapter 367 of the Laws of 2016/A.7650, Crespo)

This law authorizes the waiver of the \$400 licensing fee by the Department of Agriculture and Markets for food processing establishments operating in kitchen incubator facilities for the first two years provided that they are a first time licensee.

2. Farm, Apple and Cuisine Trails (Chapter 314 of the Laws of 2016/A.7988-B, Magee)

This law increases the number of farm, apple and cuisine trails that could be approved by the Department of Agriculture and Markets from 10 to 15 for each category. It would also expand the definition of those products that can be sold, used or promoted on cuisine trails to include, in addition to wine, other alcoholic and/or non-alcoholic beverages and authorize approval of any other descriptive language to describe the trails, as long as such description helps to promote the marketing of such trail's agricultural products.

3. Industrial Hemp (Chapter 256 of the Laws of 2016/A.9310-A, Lupardo)

The law authorizes the sale, distribution, transport and processing of industrial hemp, in addition to growing and cultivating, as part of the State's pilot research program. The Department of Agriculture and Markets (DAM), in cooperation with the Departments of Criminal Justice Services (DCJS) and Health (DOH), will update regulations to authorize these new activities that were recently authorized under federal law. DAM will issue a report by January 2018, on the success of the pilots and any barriers or opportunities for growth of the industry in New York.

4. Agricultural Awards (A.9756, Magee)

This bill would create annual awards recognizing New York farmers, food businesses and institutions such as schools that produce, process, market and promote New York farm products. The Advisory Council on Agriculture in the Department of Agriculture and Markets (DAM) would make nominations to the Commissioner for the awards in recognition of exceptional performance and support for New York agriculture by New York state farms, businesses and institutions in the following categories: farm products, agri-tourism, processed foods or beverages; retail food stores; restaurants and other food service; and, education, health care and other institutional food service. In addition, the Commissioner of DAM and the Department of Economic Development (DED) would coordinate similar award programs for New York agriculture within DED.

B. Support for Beginning Farmers

Agriculture is an important sector of New York's economy, but is also a source of pride for many New Yorkers who value quality, locally grown products. Unfortunately, this industry cannot continue to grow if people find it difficult to access farmland and break into the industry.

The Committee on Agriculture has made the support of beginning farmers a priority by approving legislation to make farmland more accessible and providing loans and grants to help beginner farmers get started.

1. Access to Viable Agricultural Land for New and Beginning Farmers (Veto #248/A.9536, Magee)

This bill would emphasize assistance for new and beginning farmers in existing state law. It would require the State's Advisory Council on Agriculture to provide advice to state agencies regarding tax, financial assistance, and other policies and programs that could address the needs of beginning farmers and the issues they face related to the transfer of ownership of farms. It would also encourage the identification of properties owned by the State that are available for purchase or lease and viable for farming. This information would then be made available on the Department of Agriculture and Market's website.

2. Farm Investment Fund Program (Veto# 232/A.2417-C, Santabarbara)

This bill would have the Department of Agriculture and Markets and Empire State Development create the Farm Investment Fund to provide grants to farmers for the purposes of updating and improving their farm and farm practices. Grants could be used for infrastructure, equipment, marketing of farm products, or improving agricultural environmental management. The competitive process for awarding grants of up to \$50,000 would consider specific criteria such as plans for growth and sales development, agricultural degrees, and work experience. Preference could be given to veterans, those transferring a farm to the next generation, and those seeking to expand their farm. Such a program would allow farmers to expand their participation in New York's growing agricultural market.

C. Animal Safety and Control

New York State residents care deeply for the health and safety of their pets and other animals. The Committee prioritized legislation to strengthen animal welfare and protect and assist pet owners and the public.

1. Prohibit Devocalization on Dogs and Cats (A.1679, Zebrowski)

Devocalization is an invasive surgical procedure that can cause irreparable damage to an animal's respiratory system. This bill would prohibit devocalization surgery on dogs and cats unless it is performed by a licensed veterinarian when medically necessary to treat a physical illness, disease, injury, or congenital abnormality that is causing the animal physical pain or harm. In the event that such surgery was deemed medically necessary, the person performing a devocalization would be required to include in the animal's treatment record information relating to the procedure and would also be required to annually submit the number of devocalizations performed to the Commissioner of Education.

In the event that this surgery was performed in an unauthorized capacity, any person that performs or knowingly causes the surgery to be performed would be guilty of a misdemeanor punishable by up to a year of imprisonment and a fine of up to \$5,000. The court would also be authorized to require a course on the humane

treatment of animals, cease ownership of a dog or cat, and/or require the surrender of the animal. Further, the veterinarian who performs the procedure would be subject to the revocation of his or her license.

2. Care of Animals by Pet Dealers (A.9445-A, Paulin)

This bill would clarify the requirements for care of animals by pet dealers. For example, the dealers would have to provide regular diurnal (light and dark) light cycles, provide sufficient space for a pregnant or nursing dog to care for its litter; and, if they breed dogs or cats on their residential premises, provide an annual veterinary exam to adult animals that are not spayed.

D. Protecting and Engaging Consumers

This year the Committee on Agriculture approved measures that would enhance the well-being of New York State residents by keeping them informed and improving the marketplace of New York State.

1. Fish Labeling (Chapter 300 of the Laws of 2016/A.1231-B, Jaffee)

This law prohibits the misbranding of escolar or oilfish as tuna, albacore tuna or white tuna. One of the most common species of fish consistently found to be misidentified were those advertised as "white tuna" or "albacore tuna". The species most commonly substituted for white or albacore tuna is escolar, a species of snake mackerel. Although escolar is a species of fish that is commercially available in its own right, it has a significantly lower market value than tuna.

2. Food Safety Advisory Board (A.3315, Cook)

This bill would establish a thirteen member advisory board within the Department of Agriculture and Markets that would advise the Commissioner of Agriculture on issues related to the administration and enforcement of food safety, especially the adequacy of inspection and enforcement activities. The board would review existing and proposed laws and regulations and report to the Legislature and the Commissioner on the need for changes within the food safety and inspection programs.

E. Other Legislation

1. Agricultural District Law Update (Chapter 35 of the Laws of 2016/A.8082, Magee)

This law streamlines the year-long process for counties to create and review agricultural districts. Agricultural Districts are voluntarily created at the county level by farmer initiative. Farms within a district receive lower property assessments, as well as protections from local laws, nuisance lawsuits, and development projects that could threaten the agricultural character of the area.

Though many counties have already created such districts, they have to undergo a periodic comprehensive review and this law will eliminate or update redundant requirements for notice, hearings and reporting, as well as eliminate requirements that are no longer in practice or found to never have been used. For example, instead of the current requirement for both the county planning board and county agricultural and farmland protection board to conduct a hearing and report to the county legislature during creation of a District, the agricultural and

farmland protection board would coordinate the process with input from the planning board. Notice to farmers and affected municipalities would be improved by requiring notice of a district review on the county website and in first class mailings to municipal officials. The schedule for review would be fixed at eight years instead of the current options of eight, twelve and twenty years since no county has ever used the longer periods.

The Department of Agriculture and Markets will be authorized to regularly update information and assistance available to counties undergoing District review and provide assistance to the Department of Taxation and Finance in training local assessors and other officials who determine agricultural assessments and tax levies. The law will also clarify agricultural definitions for farm woodland and impermanent structures used for grapes or hops to ensure that local assessors are aware of what qualifies for tax exemptions or reduced assessments.

**2. Law Revisions
(A.9940-A, Magee)**

This bill would modify the Agriculture and Markets Law (AML) to repeal certain outdated and unnecessary laws, such as outdated labeling requirements for charcoal that are now covered by federal regulations. It would amend Agricultural Districts' law to allow farmers to receive a reduced agricultural assessment on new parcels of property they purchase after one year rather than waiting for two years of production. Existing references to the food stamp program in Agricultural law would be replaced with the current name, the Supplemental Nutrition Assistance Program.

**3. New York City Slaughterhouse Restrictions Extender
(Chapter 207 of the Laws of 2016/A.10170, Weprin)**

This law will extend for an additional 4 years the current law restricting the opening of new live animal and bird markets within 1500 feet of a residential building in NYC.

F. Hearings/Roundtables

On September 27, 2016, the Committee held a budget oversight hearing on the 2016-17 State Budget for programs administered by the New York State Department of Agriculture and Markets. The hearing examined the overall impact, implementation and effectiveness of agriculture, food, and animal protection programs. The panel received testimony from representatives of the Farm Viability Institute, American Farmland Trust, school nutrition programs, animal shelters and Cornell University. They testified about how state funding was used and the need for increased funds and new initiatives in the 2017-18 budget.

G. Agriculture Budget 2016-2017

The 2016-17 Enacted State Budget increased support for agriculture in New York State. The Legislature included an estimated \$51 million for local assistance (including \$31 million in State funded assistance listed below), \$108 million for State operations, and \$10.5 million for capital projects at the New York State Fair and local 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 restored funding for programs such as the NYS Apple Growers and the Cornell Veterinary Diagnostic Lab, added additional funds for Future Farmers of America, and created a new program Veterans to Farms. Local Fairs will receive \$5 million in new capital funding.

An Add represents additional or new funding for a program compared to the previous year and a Restoration denotes the Legislature restoring funding to the previous year's level.

Agriculture and Markets (Local Assistance)	Governor's Budget	Legislative Changes		Enacted Budget
		Adds	Restorations	
Cornell Diagnostic Lab				
"Core" Diagnostic Lab	\$4,425,000		\$1,000,000	\$5,425,000
NYS Cattle Health Assurance Program	\$ 360,000			\$ 360,000
Quality Milk Production Services Program	\$1,174,000			\$1,174,000
Cornell University Johnes Disease Program	\$ 480,000			\$ 480,000
Cornell University Rabies Program	\$ 50,000		\$ 560,000	\$ 610,000
Cornell University Avian Disease Program	\$ 252,000			\$ 252,000
Other Cornell Programs				
Cornell University Agriculture in the Classroom	\$ 80,000			\$ 80,000
Cornell University Future Farmers of America	\$ 192,000	\$100,000	\$ 200,000	\$ 492,000
Association of Agricultural Educators	\$ 66,000			\$ 66,000
Cornell University Farm Family Assistance	\$ 384,000		\$ 416,000	\$ 800,000
Geneva Exp. St. for Seed Inspection Program	\$ 128,000			\$ 128,000
Hop Evaluation and Field Testing Program	\$ 40,000		\$ 160,000	\$ 200,000
Cornell University Golden Nematode Program	\$ 62,000			\$ 62,000

Agriculture and Markets (Local Assistance)	Governor's Budget	Legislative Changes		Enacted Budget
		Adds	Restorations	
Integrated Pest Management				Moved to Environmental Protection Fund (EPF) and increased to \$1 million
Cornell University Pro-Dairy Program	\$ 598,000		\$ 490,000	\$1,088,000
Cornell University Onion Research			\$ 50,000	\$ 50,000
Cornell University Vegetable Research			\$ 100,000	\$ 100,000
Cornell University Honeybee Research			\$ 50,000	\$ 50,000
Cornell University Maple Research			\$ 125,000	\$ 125,000
Cornell University Berry Research			\$ 260,000	\$ 260,000
Cornell Veterans to Farms		\$ 115,000		\$ 115,000
Other Programs				
Ag Child Care (Migrant)	\$8,275,000		\$1,000,000	\$9,275,000
Local Fairs	\$ 340,000		\$ 160,000	\$ 500,000
New York Wine and Grape Foundation	\$ 713,000		\$ 307,000	\$1,020,000
New York Farm Viability Institute	\$ 400,000		\$1,500,000	\$1,900,000
Dairy Profit Teams	\$ 150,000			\$ 150,000
Dairy Profit Teams/NY FVI			\$ 220,000	\$ 220,000
New York State Apple Growers Association	\$ 206,000		\$ 544,000	\$ 750,000
Apple Research and Development			\$ 500,000	\$ 500,000
Wood Products Development Council			\$ 100,000	\$ 100,000
Maple Producers Association			\$ 215,000	\$ 215,000
NY Corn and Soybean Growers			\$ 75,000	\$ 75,000
Tractor Rollover Protection Program			\$ 250,000	\$ 250,000
Northern NY Agricultural Development			\$ 600,000	\$ 600,000
Eastern Equine Encephalitis			\$ 175,000	\$ 175,000
Turfgrass Environmental Stewardship			\$ 150,000	\$ 150,000
North Country Low-cost Rabies Vaccine			\$ 25,000	\$ 25,000
NY Christmas Tree Farmers			\$ 125,000	\$ 125,000
New York State Berry Growers			\$ 60,000	\$ 60,000
Grown on LI			\$ 100,000	\$ 100,000

Agriculture and Markets (Local Assistance)	Governor's Budget	Legislative Changes		Enacted Budget
		Adds	Restorations	
Genesee County Ag Academy			\$ 100,000	\$ 100,000
Island Harvest Food Bank			\$ 20,000	\$ 20,000
Taste NY	\$1,100,000			\$1,100,000
Farm-To-School	\$ 250,000			\$ 250,000
Adirondack North Country Association (ANCA) Farm-to-School		\$ 300,000		\$ 300,000
LI Deer Fencing			\$ 200,000	\$ 200,000
Senior Farmers Market Nutrition Program			\$ 500,000	\$ 500,000
Electronic Benefits Transfer	\$ 138,000			\$ 138,000
North Country Ag Academy		\$ 200,000		\$ 200,000
Total	\$19,863,000	\$715,000	\$10,337,000	\$30,915,000

III. 2017 Outlook

In 2016, the Standing Committee on Agriculture continued to expand opportunities for farmers, improve community access to local and healthy food, enhance consumer safety, protect agricultural land, and protect pets and other animals. The Committee on Agriculture expects in the coming year to continue its past successes in approving policies and programs that support beginning and long-term farmers, protect agricultural lands and the continuation of farming on those lands, and encourage the purchase of local foods by individuals and businesses in urban, suburban and rural communities.

In addition, the Committee on Agriculture is committed to supporting the growth of the food industry as a whole by expanding opportunities for farmers to process their products and sell to wholesale and retail food and beverage markets, including food stores, wineries, breweries, distilleries and restaurants, as well as institutional buyers such as government agencies, schools, and universities.

The Committee on Agriculture approved several measures to protect the health and safety of consumers, animals, and pet owners in 2016 and expects these issues to continue to be a significant part of the Committee's mission in the coming year.

**APPENDIX A
SUMMARY OF ACTIONS ON ALL BILLS
REFERRED TO THE COMMITTEE ON AGRICULTURE
DURING THE 2016 LEGISLATIVE SESSION**

Final Action	Assembly Bills	Senate Bills	Total Bills
<u>Bills Reported With or Without Amendment</u>			
To Floor; Not Returning to Committee (Favorable)	3		3
To Ways & Means	8		8
To Codes	10		10
To Rules	0		0
To Judiciary	0		0
Total	21		21
<u>Bills Having Committee Reference Changed</u>	0	0	0
<u>Senate Bills Substituted or Recalled</u>			
Substituted		1	1
Recalled		2	2
Total		3	3
<u>Bills Defeated in Committee</u>	0	0	0
<u>Bills Held for Consideration with a Roll-Call Vote</u>	21	0	21
<u>Bills Never Reported, Held in Committee</u>	128	28	156
<u>Bills Having Enacting Clauses Stricken</u>	5	0	5
<u>Motions to Discharge Lost</u>	0	0	0
TOTAL BILLS IN COMMITTEE	175	31	206
TOTAL NUMBER OF COMMITTEE MEETINGS HELD	5		

APPENDIX B
NEW YORK STATE ASSEMBLY
COMMITTEE ON AGRICULTURE CHAPTERS

Assembly Bill #	Sponsor	Description
A.1231-B	Jaffee	This law prohibits the misbranding of escolar or oilfish as tuna, albacore tuna or white tuna. Chapter 300 of the Laws of 2016
A.7650	Crespo	This law waives the license fee for food processing establishments operating in kitchen incubator facilities for the first two years, provided that they are a first time licensee. Chapter 367 of the Laws of 2016
A.7988-B	Magee	This law expands the number of farm, apple and cuisine trails. Chapter 314 of the Laws of 2016
A.8082	Magee	This law streamlines and updates the year-long process for counties to create and review agricultural districts. Chapter 35 of the Laws of 2016
A.9310-A	Lupardo	This law authorizes the sale, distribution, transportation and processing of industrial hemp as part of State pilot programs. Chapter 256 of the Laws of 2016
A.10170	Weprin	This law extends for four years the restrictions on the location of new establishments where animals or fowls are slaughtered in New York City. Chapter 207 of the Laws of 2016

APPENDIX C
NEW YORK STATE ASSEMBLY
COMMITTEE ON AGRICULTURE
BILLS PASSED BY THE ASSEMBLY

Assembly Bill #	Sponsor	Description
A.1679	Zebrowski	This bill would restrict the performance of surgical devocalization on dogs and cats.
A.2417-C	Santabarbara	This bill would create a Farm Investment Fund. Veto #232
A.3315	Cook	This bill would create an advisory board on food safety and inspection programs within the Department of Agriculture and Markets.
A.9445-A	Paulin	This bill would clarify requirements for care of animals by pet dealers.
A.9756	Magee	This bill would create annual awards recognizing New York farmers, food businesses and institutions such as schools that produce, process, market and promote New York farm products.
A.9536	Magee	This bill would help beginning farmers find resources regarding purchase of farmland, as well as guide them in what farmland may potentially be available. Veto #248
A.9940-A	Magee	This bill would modify the Agriculture and Markets Law (AML) to repeal certain outdated and unnecessary provisions, to amend certain provisions to clarify and enhance the agricultural assessment provisions, and update references to the supplemental nutrition assistance program.