

RAP Final Proposed Rule Announcement

Agency of Agriculture Files Final Proposed Water Quality Rule for All Farms in Vermont

Final Step in Public Rulemaking Process Ongoing Since October, 2015

On September 14, 2016, the Vermont Agency of Agriculture, Food and Markets filed the Required Agricultural Practices (RAP) Final Proposed Rule with the Legislative Committee on Administrative Rules (LCAR) and the Vermont Secretary of State's office. This filing represents the final step in the public rulemaking process the Agency has been engaged in since October of 2015.

“Throughout this process, we have been deeply committed to transparency and collaboration with our stakeholders,” said Chuck Ross, Secretary of Agriculture. “I cannot stress enough my appreciation for the farming community and their positive engagement in this process to date; their willingness to come to the table and discuss the specifics of the rule over the many different drafts has helped us as an Agency develop a rule which strikes the balance between meeting stringent water quality standards and the realities of farming in Vermont.”

The Required Agricultural Practices Rules and supporting documents have been developed over the past year in conformance with the requirements of Act 64, signed into law in June of 2015. The Agency has held 89 meetings with the public and the regulated community since October of 2015 to discuss the rule in detail; 83 of those meetings were held by the Agency in advance of the formal process and were not required by law. These meetings were held as the Agency provided two drafts of a proposed rule prior to the formal rulemaking process and a third draft (the proposed rule) filed with the Secretary of State in May of 2016.

Over 2,100 individuals have attended meetings regarding the rule over the course of the pre-rulemaking and formal rulemaking process. The Agency has attempted to engage with the public and the regulated community regarding the requirements of this rule and has sought to be responsive to comments provided over the past year. Substantial changes were made to the first two drafts of the rule prior to the formal rulemaking process. The final proposed rule filed with LCAR yesterday has also been changed to reflect comments received during the formal comment period—over 300 changes were made as a result of comments received.

Over five hundred written comments and testimony were received by the Agency during the formal comment period and six public hearings which ran from May 13, 2016 to July 7, 2016. Areas of the rule that received the greatest amount of comment were those that specified what types of farms would be required to self-certify and what entities would be subject to the rule in general (Section 3; 361 comments), buffer requirements (Section 6; 466 comments), and the requirements for livestock exclusion from surface waters (Section 7; 376

comments). The Agency directs reviewers of the rule to the Responsiveness Summary for more detail regarding these comments and the Agency's responses to them.

“The Agency has spent countless hours reviewing and considering all of the comments received about the rule in an effort to balance the needs of a highly diverse and thriving agricultural community, the requirements of Act 64, and the demands of the public at large for improvements to the State's water quality,” said Jim Leland, Director of the Ag Resource Management Division. “The Agency firmly believes that the resulting rule strikes that balance.”

To view the RAP Final Proposed Rule and all supporting filing documents, please visit the Agency's RAP webpage at:

<http://agriculture.vermont.gov/water-quality/regulations/rap>