

-Fact Sheet-

Technical Service Provider Draft Rule

Activities Subject to the Draft Rule

The Technical Service Provider (TSP) rule effects those engaged in preparing Nutrient Management Plans (NMPs) or offer consulting services to a farm that they do not own, lease, or manage in order to satisfy the requirements of the Required Agricultural Practices, and Medium Farm Operations (MFO) Rule and Permits, or Large Farm Operation (LFO) Rules and Permits.

Significant Conditions of the TSP Rule

TSPs must be certified by the Secretary in order to perform the duties of developing and monitoring Nutrient Management Plans for farms regulated by the Vermont Agency of Agriculture, Food and Markets under the Required Agricultural Practices.

Basis of the TSP Draft Rule

Pursuant to V.S.A. Title 6, Chapter 215, § 4810, the Secretary of Agriculture is charged with adopting, implementing and enforcing agricultural land use practices to satisfy the requirements of 33 U.S.C. § 1329 through identifying and implementing best management practices to control nonpoint sources of agricultural waste to waters of the State. The Required Agricultural Practices rule adopted in 2016 and revised in 2018 outlines the various practices and requirements farms must adhere to, and outlines technical assistance resources available to farmers looking to come into compliance with the requirements of the rule. Technical Service Providers are mentioned in Section 13 of the RAPs.

The TSP Section creates a definition for a TSP, as well as certification requirements and criteria, regulatory requirements concerning the process of NMP preparation and submittal to the Agency, and enforcement capabilities on TSPs when these requirements are not met. The creation of the TSP Section was with immense input and comment from the TSP community. This rule provides the detailed criteria for certification to become a TSP and outlines the responsibilities of TSPs.

Significant Effects of the Draft Rule

Within the RAPs, the TSP Section creates a definition for a TSP, as well as certification requirements and criteria, regulatory requirements concerning the process of NMP preparation and submittal to the Agency, and enforcement capabilities on TSPs when these requirements are not met. The creation of the TSP Section was with immense input and comment from the TSP

community. The Draft Rule will establish and define the methods for certifying TSPs in a separate rule from the Required Agricultural Practices.

Procedures for Reaching a Decision on the Draft Rule

VAAFAM is now soliciting comment on the Draft Rule for the Technical Service Provider rule. Following the close of the official comment period, VAAFAM will review and consider all comments received. Revisions to the Proposed Rule will be based on these comments in order to better meet the needs of the regulated community, neighbors, and citizens of Vermont, while ensuring the Proposed Rule meets legislative intent.

Comment Period

The official public comment period begins July 17, 2024, and ends September 9, 2024.

Procedures for Public Participation

Comments may be submitted in writing, given over the phone, or may be given in person at VAAFAM in Montpelier or at the public hearing listed below.

Submit all electronic comments to: AGR.WQPublicComment@Vermont.gov

Send all written comment to:

Vermont Agency of Agriculture, Food and Markets
Water Quality Division – BMP Rule
116 State Street
Montpelier, VT 05620

Public Hearing Date	Location	Town	Time
August 29, 2024	116 State Street	Montpelier, VT	1:00-3:00PM

The Public Hearing will be held online as a hybrid in-person and virtual meeting with a call-in option. For any individual seeking to attend in person, please submit an [RSVP here](#) to ensure sufficient seating options for in-person attendees.

The virtual meeting link and phone call information will be posted prior to the hearing on our website: agriculture.vermont.gov/TSPRule, and on our events calendar webpage: agriculture.vermont.gov/calendar.

The purpose of the public hearing is to allow all comment on the proposed rule to be heard. Persons wishing to be heard may voice their comment at an appropriate time during the hearing. A recording or written transcript of the hearing will be available to the public.

Contacts at the Vermont Agency of Agriculture, Food & Markets

Nate Sands

802-224-6850

nathaniel.sands@vermont.gov

Brittany Cole

802-522-7413

brittany.cole@vermont.gov

For a copy of the Draft Rule, directions to the public hearings, or more information on Technical Service Providers you can visit the VAAFV website at:

<https://agriculture.vermont.gov/TSPRule>.