



May 6, 2024

Chairman Aaron Michlewitz
House Committee on Ways and Means
Massachusetts State House, Room 243
Boston, MA 02133

Dear Chairman Michlewitz,

The Massachusetts Food System Collaborative requests that the Joint Committee on Agriculture's omnibus bill, *An Act strengthening the Commonwealth's farms and food systems*, H.4387, be moved out of the Committee on House Ways and Means and passed into law. Each section of this omnibus bill plays a role in supporting a sustainable, equitable, and resilient local food system in Massachusetts.

Sections 1, 4, 5, 6-10, 11, 13, 14-16, 20 and 23 of H.4387 before the Committee are priorities for the Massachusetts Food System Collaborative¹. The Commonwealth learned how fragile our access to food can be over the last few years when supply chains have been disrupted and growing seasons have alternated between drought and floods, resulting in crop loss, deep freezes that have damaged many perennial crops, and warmer than average summers and winters that are changing our region's suitability for some of the crops most associated with Massachusetts.

For the roughly 7,000 farms remaining in Massachusetts, economic sustainability is tenuous, at best. Massachusetts farmers earn 96 cents for every dollar they spend on producing food due to the costs of land, of energy, and of other inputs, which are often higher here than anywhere else in the country. Farmers cannot just adjust their prices to account for higher input costs; Massachusetts does not produce enough in the state to feed ourselves, so our farmers have to compete with the lower prices in the supermarkets that are set by the global supply chain.

Additionally, while BIPOC residents make up 29% of the population in Massachusetts, BIPOC farmers represent less than 3% of farmers in the state, resulting in lower food security and reduced local economic activity. Agricultural-related policies and laws have historically not considered equity; many of those policies and laws created systemic barriers that are still having damaging impacts generations later.

To help address these and other challenges, thoughtful policy is needed to address structural challenges facing the state's food system. The Joint Committee on Agriculture's omnibus bill, *An Act strengthening the Commonwealth's farms and food systems*, H.4387, creates this structural change in some very fundamental ways. The attached document further explains the impact each of these measures would have if passed into law.

¹ The Massachusetts Food System Collaborative was established to promote, monitor, and facilitate implementation of the [Massachusetts Local Food Action Plan](#), accepted by the state in 2015. The Collaborative supports collective action towards a sustainable, equitable, resilient local food system through our communities of practice and advocacy campaigns.

Please consider the Collaborative as a resource as you review this bill.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'KR' or similar initials, written in a cursive style.

Kristina Racek Pechulis, Executive Director



Massachusetts Food System Collaborative (MAFSC) priorities Joint Committee on Agriculture Omnibus [H.4387](#)

House Bill 4387 is currently under review with House Ways and Means. As a member of HWM, the Collaborative asks that you review the bill and support it moving forward in the legislative process. We have outlined our priorities below section by section:

Section 1 Including the food system in MEMA's emergency preparedness work

- Source: Section 1 of [H.88](#) / [S.42](#)
- As we learned during the COVID pandemic, being prepared to feed residents of the Commonwealth during emergencies is critical. The ability to feed our residents means not only having plans to distribute food, but also considering how to best utilize the state's food production capacity. The language in Section 1 will help ensure food security in the Commonwealth in future crises, leveraging the assets of our local food producers.

Section 4 Food System Coordinator for Mass Food Policy Council

- Source: Section 2 of [H.88](#) / [S.42](#)
- Many state agencies play roles in supporting and regulating the food system, but because of limited communication between them, some of these efforts are duplicative, inefficient, or even contradictory. The establishment of the Governor's Food Security Task Force during the pandemic, and the Massachusetts Food Policy Council more than 10 years ago, demonstrates a recognition of the need for coordination, and their successes point to the value of such work. Section 4 would establish, subject to appropriation, a state food system coordinator position to serve in an advisory capacity to all agencies to coordinate and inventory food programs, and develop and track metrics related to food system goals.

Section 5 Circuit Rider Position within MDAR

- Source: Section 3 of [H.88](#) / [S.42](#)
- Establishing a circuit rider position within MDAR would provide added capacity for the state to educate and help local producers navigate increasingly complex state programs and regulations. Critically, our farmers' role in addressing climate change is significant and multifaceted, and extensive education and guidance navigating and supporting the state's efforts is needed. This staff resource has been identified as a critical gap since conversations about establishing a state food policy council began some 15 years ago, and was a recommendation in the 2015 Massachusetts Local Food Action Plan.

Section 6 - 10 changes to the Agricultural Preservation Restriction Program and land acquisition authority

- **Section 6**
 - Source: Section 4 of [H.88](#) / [S.42](#)
 - Massachusetts' Agricultural Preservation Restriction (APR) program has permanently protected more than 75,000 acres of land, ensuring that this land will stay in agricultural production in perpetuity. Section 6 will provide for more equitable compensation for farmers who choose to sell agricultural easements to enroll in the program, by allowing for improvements on the parcel to be valued at fair market value. Doing so will encourage more farmers to participate in the program, allowing the state to protect more farmland. Specifically, Section 6 changes the definition of APR to allow for valuation of easements, structure, plumbing in fair market value.
- **Section 7**
 - Allows APRs held by the Commonwealth to grant a special permit for a period of at least 1 year for nonagricultural uses, from a maximum of 5 years.
- **Section 8**
 - Allows MDAR to approve a special permit for a trial period of 1 year to evaluate a proposal for non agricultural activities. If MDAR fails to notify the permit holder of their decision to renew, revoke or amend the special permit, it automatically renews for 5 years.
- **Section 9**
 - Creates an special permit for landowner aggrieved by a decision of MDAR.
- **Section 10**
 - Source: Section 5 of [H.88](#) / [S.42](#)
 - When farms become available for purchase, the seller often wants to move quickly in disposing of their property. Those transactions can lead to the loss of productive farmland, as developers are often in the strongest position to move quickly to purchase the property. Section 10 would give MDAR the authority to acquire and hold land for the purpose of protecting it for agricultural and horticultural use, an authority currently granted to other land-related agencies but not to MDAR.

Section 11 - Next Generation Farmers Fund

- Source: Section 6 of [H.88](#) / [S.42](#)
- Massachusetts farmers have the highest average age in the US, and training the next generation of farmers to be responsible stewards of the land and environment, while at the same time ensuring they have the skills they need to operate economically sustainable operations, is critical for long term food system resilience and food security. Section 11 will establish a Next Generation Farmers Fund, to be administered jointly by the Secretaries of EEA and LWD. This grant will provide grants to educational institutions to provide workforce development training to first time farmers, prioritizing programs that serve a high percentage of minority or low-income students or people with disabilities, as well as programs that teach climate-smart management practices. The Next Generation Farmers Fund has a \$3 million annual proposed cost, with monies sourced from the MA Alternative and Clean Energy Investment Trust Fund.

Section 13 - Agricultural taxation for full farms

- Source: Section 7 of [H.88](#) / [S.42](#)
- Many farms are diversifying into producing value-added products from their crops to meet consumer demand and generate additional revenue. Still more are selling crops and value-added products directly to consumers at on-farm farm stands. Section 7 clarifies the language of Chapter 61A to allow land devoted to such enterprises to be taxed at agricultural rates, reducing costs and helping sustain farms.

Section 14 - 16 - Food Waste Donation

- Source: [H.1594](#) / [S.920](#)
- Thousands of tons of edible food are sent to landfills each year because of donors' concerns about liability, and because diverting it to those who need it can be costly. Sections 14-16 will provide civil liability protection for individuals and food establishments who donate food directly to consumers, and a tax credit to Massachusetts farmers in the amount of the fair market value of the donated food, with a \$5,000 annual cap per business.

Section 20 - Healthy Incentive Program enabling legislation

- Source: [H.150](#) / [S.85](#)
- This section would enact HIP in statute and would establish a trust fund for the program without any appropriation to the fund.

Section 23 - Agricultural Equity Commission

- Source: [H87](#) / [S.41](#)
- According to the 2022 USDA Census of Agriculture, BIPOC farmers are represented on only 3% of the Commonwealth's farms, farms that steward just 0.5% of the land in farming and sell 2.5% of the market value of agricultural goods in Massachusetts, despite people of color making up 30% of the state's population. These bills will establish a commission charged with developing recommendations for MDAR to equitably serve socially disadvantaged farmers to address these disparities.
- The omnibus bill adds women and people identifying as nonbinary, and allows the Caucus of Women Legislators to appoint 1 member of the equity commission.