



# Discussion Topic

May, 2008

A monthly resource for the Community Action Groups of Michigan Farm Bureau

## QUESTIONS

1. What can your county Farm Bureau do to uphold the integrity of GAAMPs?
2. Can GAAMPs be extended beyond traditional farming practices and retain their integrity to protect farms? Why or why not?
3. How can county Farm Bureaus work with local governments to meet applicable local requirements while ensuring farmers' ability to conduct business in several jurisdictions?

## Right-to-Farm: Do we need more GAAMPs?

It was 1981, and urban sprawl was just beginning to toddle. As a new category of folks called Young Urban Professionals (pejoratively called Yuppies) migrated from the cities to their supposed rural utopia, they arrived with lawyers' phone numbers on their Rolodexes, and they weren't afraid to use them.

Reason, however, simultaneously migrated into Michigan's legislature, and the Right-to-Farm law was born, giving farmers protection against "nuisance" lawsuits that would have put many farmers out of business simply for farming, which at the time usually meant there were animals - and their fragrances - being smelled for the first time by people who had "arrived" in the country.

By 1988, the first Generally Accepted Agriculture Management Practices (GAAMPs) were in place as guidelines for farmers who wanted to be sure they could keep their protections under the Right-to-Farm Act. Unless grandfathered into a certain ag practice prior to 1981, the revised law said, farmers must conform with GAAMPs to earn protection.

GAAMPs, by now, permeate the farming profession. In fact, Farm Bureau policy refers to Right-to-Farm and GAAMPs 22 times. GAAMP numbers have grown to seven (manure, nutrients, irrigation, pesticides, animal care, cranberries, and new and expanded livestock siting). But there are more being considered, according to Scott Piggott, manager of Michigan Farm Bureau's Agriculture Ecology department.

"Right, now, potential new GAAMPs are being explored for farm markets, value-added enterprises and others," he said. "But Right-to-Farm laws have been successfully challenged in some states. And in some cases, the laws have been declared unconstitutional. We have to be careful about how we load up Right-to-Farm."

Piggott said practices such as corn mazes and on-farm rodeos have been determined by courts to be covered under Right-to-Farm, which supports the intent of the law - nuisance protection for farm practices that conform with the science found in GAAMPs.

"If Michigan is to keep a strong Right-to-Farm," he said, "we must focus application of Right-to-Farm on its original purpose of nuisance protection."

Some ag practices are clearly agricultural, such as cherry cooling pads, while others are on the fringe. Still, local governments want control over what happens locally, without Lansing's meddling.

However, according to literature from Michigan State University, "Zoning ordinances that restrict agricultural activity ... are unenforceable."

What is enforceable, however, hasn't changed. If a farmer wants protection against nuisance lawsuits, he must follow GAAMPs that apply to his farm. That rule has survived the test of time, but it cannot be abused.