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**POLICY DEVELOPMENT**

**2024**

# 2024 Policy Development

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Dear Grassroots Leader,

Thank you for joining us for another year of great conversation as we work to develop our guiding policies and resolutions. Over the last year we have celebrated great accomplishments for the agriculture industry, including passing the first step of a multi-year effort to amend the State Constitution to prohibit the collection of a statewide property tax, codifying recommendations from a 2023 study on utility scale solar, as well as increasing the Greenbelt acreage cap from 1,500 acres to 3,000 acres. None of these efforts would be possible without the help and leadership of our membership across the Volunteer State.

The rear interior cover references prior Policy Development Papers. We encourage you to take a look and read more about the policies discussed at meetings held in previous years. Tennessee agriculture continues to move forward on the local, state, and federal level and this would not be the case without your passionate support.

The grassroots engagement process doesn't end with these meetings, especially during election years. We encourage you to stay informed on upcoming dates and deadlines in order to be an informed and regular voter. For more information on elections, visit [ifarmivote.com](http://ifarmivote.com) or see the rear cover.

If our division can ever be of assistance, please do not hesitate to reach out. We look forward to the year to come!

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*Materials Printed July 31, 2024*

# State Authority to Ban Food Products

## Key Takeaways

- The first cell-cultured meat was sold in the United States in 2023, but conversations have been ongoing for years about the presence of these products in the marketplace.
- In 2019, USDA and FDA constructed a formal agreement outlining the roles and responsibilities for each agency related to the oversight of cell-cultured food products.
- While many states across the U.S. attempted to address this topic in different ways, two states – Alabama and Florida – successfully passed legislation banning the sale of cell-cultured protein in 2024.
- The debate about cell-cultured protein also made its way to the Tennessee General Assembly during the 2024 legislative session. The legislation, SB2870/HB2860, was similar to the bills passed in Florida and Alabama but ultimately did not pass and was sent to summer study by the House Agriculture and Natural Resources Subcommittee.
- Proponents of banning cell-cultured protein highlight the unknowns of the technology and its impact on the market for conventional protein products. Those who oppose a ban argue it stifles consumer choice, interstate commerce, innovation, and establishes novel precedence for the state to ban politically unpopular goods.
- Although Tennessee Farm Bureau policy opposes state-by-state labeling of food products, it does not clearly address the complete ban of a food product within the state.

## Questions

1. Should the Tennessee General Assembly use its authority to ban politically unpopular food products?
2. Should the regulation of food products be a function of the federal or state government?
3. How should TFBF policy address state-level food bans?

## Background

Cell-cultured protein, or meats and food products developed using animal cells, have gained increasing traction and interest in the past few years. The first cell-cultured meat was sold in the United States in 2023, but conversations have been ongoing for years about the presence of these products in the marketplace.

In 2019, the U.S. Department of Agriculture (USDA) and Food and Drug Administration (FDA) constructed a formal agreement outlining the roles and responsibilities for each agency related to the oversight of cell-cultured food products. This agreement lays out 3 phases of oversight for the two agencies. First, USDA oversees any processes involving a living animal; second, FDA oversees the lab setting in which these products are cultured; and finally, USDA oversees the labeling of the end product.

In May of 2024, the USDA, Environmental Protection Agency (EPA), and FDA announced their plan for joint regulatory reform for biotechnology. This plan, titled “The Coordinated Framework for the

Regulation of Biotechnology”, outlines the agencies’ plans to clarify and provide guidance on the regulation of cultured animal cell foods, with specific goals to address the consultation process and how to properly label these products. View this QR code to access the full report.

While many states across the U.S. attempted to address this topic in different ways, two states – Alabama and Florida – successfully passed legislation banning the sale of cell-cultured protein in 2024. Florida’s legislation, which was signed into law by Governor Ron DeSantis on May 1, 2024, defines the term ‘cultivated meat’ as “any meat or food product produced from cultured animal cells” [FS 500.03(k)]. Upon taking effect, it is unlawful for any person to manufacture for sale, sell, hold or offer for sale, or distribute cultivated meat in the state of Florida, and anyone who does so commits a second-degree misdemeanor [FS 500.452(1) and (2)]. Food establishments who distribute, sell, or manufacture cultivated meat are subject to disciplinary action, can lose their license, and products found are subject to an immediate stop-order [FS 500.452(3) through (5)]. The legislation also gives the Florida Department of Agriculture and Consumer Services the authority to adopt rules to implement these laws.

In Alabama, SB23, which was signed into law by Governor Kay Ivey and becomes effective on October 1, 2024, creates a Class C misdemeanor charge for any person who “manufactures, sells, holds or offers for sale, or distributes any cultivated food product in this state of Alabama”. Like Florida’s legislation, establishments who sell or distribute cultivated food products are subject to disciplinary action and can have their permits suspended or revoked. It also gives both the Alabama Department of Agriculture and Industries and Alabama Department of Public Health the authority to adopt rules for implementation.

Additionally, the state of Iowa passed legislation prohibiting schools from purchasing cell-cultured protein for their cafeterias. In the U.S. Senate, Senators Jon Tester (D-MO) and Mike Rounds (R-SD) introduced the School Lunch Integrity Act of 2024, which would prohibit the use of cell-cultured protein under the National School Lunch Program (NSLP) and the School Breakfast Program (SBP). This legislation has been introduced and referred to the Senate Committee on Agriculture, Nutrition, and Forestry but has not seen any movement.

The debate about cell-cultured protein also made its way to the Tennessee General Assembly during the 2024 legislative session. The legislation, SB2870/HB2860, was similar to the bills passed in Florida and Alabama but ultimately did not pass and was sent to summer study

Access the full report:



Proponents of banning cell-cultured protein highlight the unknowns of the technology and its impact of the market for conventional protein products. Those who oppose a ban argue it stifles consumer choice, interstate commerce, innovation, and establishes novel precedence for the state to ban politically unpopular goods.

by the House Agriculture and Natural Resources Subcommittee along with other bills addressing state labeling of emerging technologies in agriculture and food.

Proponents of banning cell-cultured protein highlight the unknowns of the technology and its impact of the market for conventional protein products. Those who oppose a ban argue it stifles consumer choice, interstate commerce, innovation, and establishes novel precedence for the state to ban politically unpopular goods. Although Tennessee Farm Bureau policy opposes state-by-state labeling of food products, it does not clearly address the complete ban of a food product within the state.

## **Policy**

### *Tennessee Farm Bureau Food Safety (Partial)*

Integrity in food labeling is a vital element in maintaining food safety. Food labeling requirements should remain a function of the federal government. We oppose separate state level labeling requirements of foods sold through interstate commerce. We support consumer friendly, science-based labeling of agricultural products providing consumers with useful information concerning the ingredients, nutritional value and country of origin. Labels should not be required to contain information on production practices not affecting nutrition or safety of the product. Agricultural products produced using approved technologies should not be required to designate individual inputs or specific technologies on the product label. We oppose misleading labeling statements such as “bST Free Milk” implying food produced using certain production practices is superior and safer than food using other approved production practices.

Foods manufactured to imitate conventional agricultural products should meet the same safety standards and have separate label requirements that signify the difference of the imitation food. With the increasing availability of lab-grown, cell-derived, and plant-based protein being introduced into the marketplace, we believe proteins designed to imitate conventionally raised meat should not use commonly known and industry recognized “meat” terms and be properly labeled and advertised to signify their differences. We oppose the use of environmental claims about lab-grown, cell-derived, and plant-based proteins in the marketing of the product which is not verified by USDA as a regulatory agency and based on peer-reviewed, sound science. We oppose the false labeling or “greenwashing” of non-meat products as having less impact on the environment. Jurisdiction over lab-grown, cell-derived, and plant-based protein should be assigned to USDA’s Food Safety and Inspection Service (FSIS). We acknowledge FDA’s role in determining the product’s safety, but the day-to-day primary regulation and oversight for the product should reside with USDA FSIS.

### *American Farm Bureau 345 / Labeling*

#### 15. Lab-Produced Protein and Synthetic Food Production

15.1. We support prohibiting the use of commonly known and industry recognized “meat” terms in the labeling and advertising of all lab-grown and plant-based alternatives. We also support the following:

15.1.1. The regulatory body with primary jurisdiction over lab-grown or cell cultured or plant-based protein being designated as USDA’s Food Safety and Inspection Service (FSIS). We acknowledge that FDA may play a role in determining the product’s safety, but the day-to-day primary regulation and oversight for the product should reside with USDA;

15.1.2. If any lab-grown protein product is comingled with traditionally produced meat products, this fact and at what percentage shall be clearly disclosed to the consumer on the product label;

15.1.3. Lab-produced protein products adhering to some level of antibiotic regulations, similar to livestock producers; and

15.1.4. Lab-produced protein products sold commercially must be labeled with a complete list of ingredients used in their manufacturing process.

15.2. We oppose:

15.2.1. The use of any nomenclature used to refer to this product in the marketplace, and on the labeling of this product, other than cell-based food product derived from meat and poultry;

15.2.2. The use of commonly used nomenclature or specific “meat” terms such as beef, chicken, pork, turkey, lamb, mutton, chevon, goat, veal and fish or specific cuts of meat such as roast, steak, ground, breast, chop, filet, etc. on a lab-grown product label;

15.2.3. The use of environmental claims about lab-grown protein in the marketing of the product that is not verified by USDA as a regulatory agency and based on sound science;

15.2.4. The false labeling or “greenwashing” of non-meat products as having less impact on the environment; and

15.2.5. The use of the term “honey” for any product not produced by honeybees.

### *348 / Synthetic Food Production*

1. We acknowledge that processes to synthesize production of food through the use of complex scientific technology (such as by means of lab-grown protein) will likely continue to develop and yield products that are introduced into the marketplace. Given the many unknowns surrounding their reliability as a safe food source, we believe that science has an important role to properly evaluate these products for any potential adverse health consequences to humans and animals. We believe that the USDA should oversee this role.

2. It is recommended that:

2.1. The regulation of SFP not lead to additional regulations for producers of agricultural products or commodities that do not partake in these synthetic processes; and

2.2. The processes by which they are created must have an all-encompassing name to which they all may be referred. This name must be a term that takes into account not only synthetic animal products but also synthetic plant products that seek to replicate those produced by agriculture. Therefore, for use throughout our policies, we support defining this term as “synthetic food production” so that it means the portion of any food production process in which:

2.2.1. Food is cultured or grown from cells derived from or synthesizing an edible animal (such as meat, seafood, or poultry), dairy, eggs, the edible part of a plant, or the edible reproductive body of a plant (such as a fruit, nut, vegetable, grain or fungus) through the use of technology in a controlled scientific setting (including a laboratory or factory); or

2.2.2. Food is created at least in part by foods in paragraph 2.2.1. of this definition.

3. We support:

3.1. Mandatory, thorough and routine in-depth scientific studies, testing and monitoring of foods created through synthetic food production to ensure that they are safe;

3.2. Rules and regulations that guide and oversee the process of scientific studies, testing and monitoring of foods created through synthetic food production, including both creation and distribution. The level of complexity and frequency of required participation by government and members of the supply chain should be as stringent as that which has been historically imposed on the food safety of both naturally grown meat, poultry, dairy, egg, seafood and juice;

3.3. Not affording synthetic food production additional regulatory or administrative benefits over other naturally grown meat, poultry, dairy, egg, seafood and juice. We support rules and regulations on synthetic production of food;

3.4. Requiring each party in the supply chain of food created through synthetic food production to maintain documentation of both how that food was made at each step of its production at the point of, and prior to, that party’s possession of the food and which parties were involved in each such step, subject to inspection by any subsequent party in that chain, including the government;

3.5. Food created through synthetic food production adhering to antibiotic regulations, as required in livestock production; and

3.6. The regulatory body with primary jurisdiction over foods created through synthetic food production being designated as USDA’s Food Safety and Inspection Service (FSIS) or in the event that a government reorganization occurs with respect to food safety, the applicable food safety agency within USDA. We acknowledge that FDA may play a role in determining the safety of these products, but the day-to-day primary regulation and oversight for the products should reside with USDA.

4. We oppose federal funding to support research and development of cultured protein products.

# State Veterinarian's Authority to Mandate Vaccines in Livestock

## Key Takeaways

- In 2024, legislation (SB2543/HB2801) was introduced which would have limited the authority of the Tennessee State Veterinarian to mandate vaccinations in instances of disease outbreak. Due to concern from various agricultural commodity and industry groups, the legislation was sent to a summer study in the House and withdrawn in the Senate.
- Current state law provides the authority of supervision to the Commissioner of Agriculture and the State Veterinarian to all animals within or which may be in transit through the state.
- There are currently no limitations or requirements on routine vaccinations in any form of livestock in Tennessee. According to the State Veterinarian's Office, the mandating of vaccinations is an authority which has not been exerted since the implementation of the law.
- There are efforts underway to educate Tennessee livestock producers, industry partners, and emergency management personnel on proper protocol on emergency disease response.

## Questions

1. What are your concerns, if any, with the State Veterinarian having the authority to mandate vaccines in instances of diseases of consequence (i.e. reportable and emerging foreign animal diseases)?
2. Should the State Veterinarian maintain the authority to mandate vaccinations in instances of disease outbreak?

## Background

Tennessee Code Annotated § 44-2-102 grants both the Commissioner of Agriculture and the State Veterinarian with the general supervision of all animals within or which may be in transit through the state. The body of law then lays out numerous ways in which those two individuals are empowered to use this authority, powers which include quarantine, inspection, regulation of imports/exports across state lines, and ordered tests and vaccinations – all for the purpose of protecting the health of animals in Tennessee.

When combined, the beef, dairy, pork, and poultry sectors in Tennessee brought in over \$1.87 billion in cash receipts in 2021, meaning 41% of the production value in agriculture is tied to livestock production. Maintaining animal health is of the utmost importance to preserving and protecting livestock, farmers, markets, and consumers.

In 2024, legislation was introduced which would have removed the Commissioner and State Veterinarian's authority to mandate vaccines in livestock. The issue was passionately debated in the House Agriculture and Natural Resources Committee before ultimately being sent to a summer study. The companion legislation was set to be heard on the Senate Floor, however after the actions of the

House Committee, it was withdrawn from consideration. Members of the agriculture community voiced their concerns for this legislation, citing the potential threat of not having all options available in the event a foreign disease were to find itself within state lines. To view the letter submitted by numerous commodity organizations to the Chairman of the House Agriculture and Natural Resources Committee, scan the QR code. You can also watch the debate and testimony from the State Veterinarian by visiting



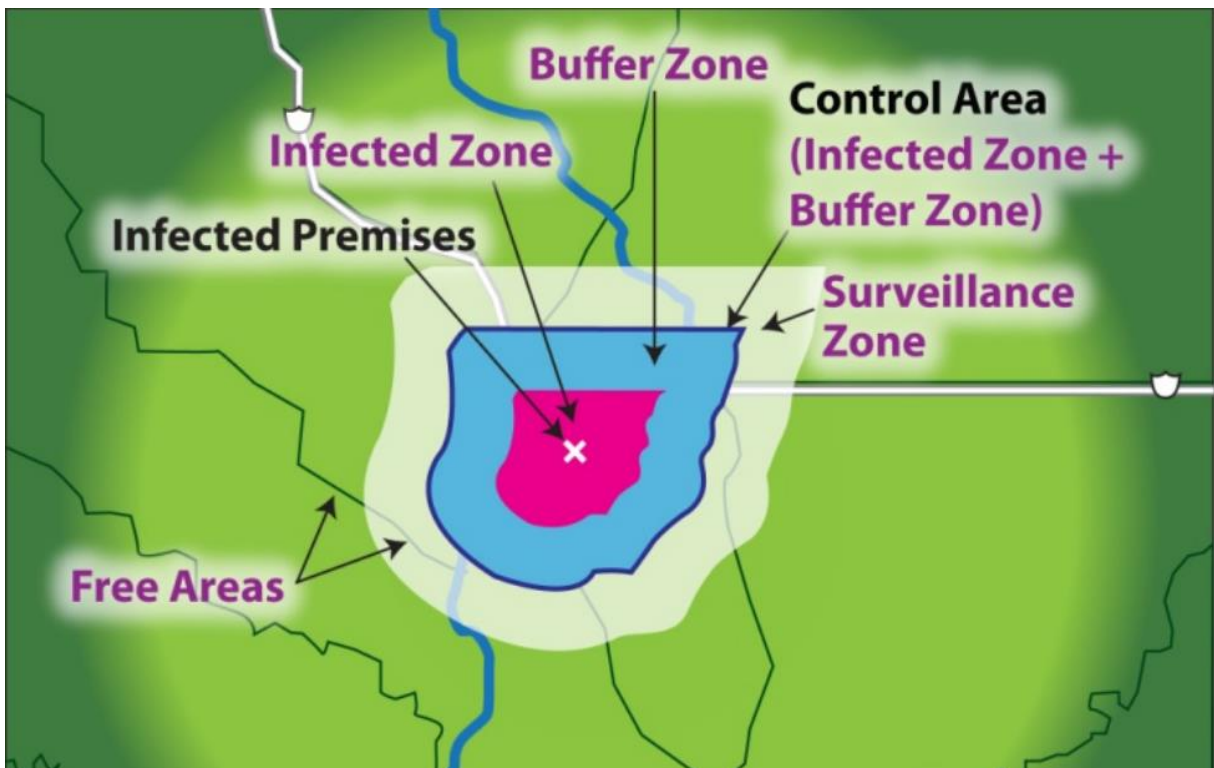
<https://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=HB2801>.

According to the State Veterinarian’s Office, the mandating of vaccinations is an authority which has not been exerted since the implementation of the law.

This law has been upheld as a preventative measure only to be used in the event of emergency disease outbreak.

In the event of an animal disease outbreak, current procedure is as follows:

1. Quarantine of affected herds and animals in the control zone around them. (See image below for an example of infected, buffer, and control zones)
2. Based on disease information and epidemiology (how fast is it moving, is it located to one area), ring vaccination around an infected area might be used to stop spread.
3. Stop Movement Order Protocol – as needed and prescribed by TN Department of Agriculture and USDA officials.



Source: APHIS Foreign Animal Disease Framework Response Strategies

Diseases of concern include Foot and Mouth Disease, African Swine Fever, and others. The diseases are defined by their high mortality rate, lack of available treatment, and the disease’s epidemiology.

The State Veterinarian does not mandate vaccinations for routine health check-ups, such as black leg in cattle. There are currently no limitations or requirements on routine vaccinations in any form of livestock in Tennessee.

On the federal level, the United States Department of Agriculture (USDA) can order vaccinations in the event of an extraordinary emergency being declared. An extraordinary emergency must be declared before USDA can solely act on a federal level. Instead, they partner with State Departments of Agriculture to distribute and administer vaccines with indemnification, meaning most of their authority comes by permission of the state of jurisdiction.

Currently, efforts are underway to educate Tennessee livestock producers, agricultural and commodity partners, and emergency personnel on movement standstill protocol in the event of a foreign animal disease outbreak. Implementation of a unified response between federal, state, and industry partners to stop movement of livestock will be imperative to allow response teams to manage the outbreak and prevent spread of



disease before it has an opportunity to become established in US domestic and wild animal populations. USDA Animal and Plant Health Inspection Service (APHIS) offers several training webinars, videos, and exercises for producers and first responders. For more information, and to view various exercise plans by APHIS, scan the QR code.

The State Veterinarian does not mandate vaccinations for routine health check-ups, such as black leg in cattle. There are currently no limitations or requirements on routine vaccinations in any form of livestock in Tennessee.

## **Policy**

### *Tennessee Farm Bureau Animal Welfare (Partial)*

Livestock producers continually strive to keep their animals healthy through robust biosecurity, vaccination, and treatment programs. We support the advancement of properly researched and industry-tested animal health technologies to enable farmers to improve the care and management of their livestock and combat emerging diseases.

### *American Farm Bureau 302 / Animal Health and Emergency Management Preparedness*

4. We recommend additional research for developing diagnostics and vaccines, (including mRNA, novel and emerging vaccine development) to understand the biology of organisms and determining why

diseases emerge. We and the international community must give priority to other emerging infectious diseases such as African Swine Fever, foot-and-mouth disease (FMD), Exotic Newcastle Disease, West Nile Virus, vesicular stomatitis, bovine spongiform encephalopathy (BSE), classic swine fever, porcine epidemic diarrhea virus, pseudorabies, tuberculosis, salmonella, E. coli, scrapies, avian influenza and contagious equine metritis.

7. We oppose efforts to restrict access to any approved livestock or poultry vaccine technology, including specific and/or prescriptive label requirements for such vaccines or vaccine technologies.

### *307 / Livestock and Poultry Health*

10. We Support:

10.1. Legislation that would continue the ability of veterinarians to prescribe drugs and the accepted extra label usage of drugs needed for proper animal care. Adequate funding should be provided for the Food Animal Residue Avoidance Databank to allow for continued, free, immediate expert consultation to livestock owners and veterinarians in the event of accidental drug or toxin exposure to livestock or poultry. Veterinarian-prescribed and FDA-approved animal medication should be permitted to be stored in production facilities in properly secured enclosures;

10.2. The continued sale of veterinary prescribed and over-the-counter animal health products and oppose further restrictions on their use, including any required on-farm reporting of drugs administered to livestock;

# Establishing Veterinary-Patient Client Relationship through Telemedicine

## Key Takeaways

- States that allow veterinary client patient relationship to be established through telehealth: Arizona, Idaho, New Jersey, Vermont, and Virginia.
- Currently in Tennessee establishing a VCPR requires an in-person examination by a veterinary; however, there has been proposed legislation that would allow for a VCPR to be established through telehealth.
- Current Tennessee law allows telehealth to be utilized once the VCPR is established, in order for the VCPR to be maintained the in-person exam must happen annually.
- Current Tennessee law states a veterinarian-client-patient relationship cannot be established or maintained by telephone.
- Tennessee Farm Bureau Federation has argued in an animal cruelty court case that an in-person examination of an animal should establish the VCPR in order to prevent the wrong actors from performing telehealth to determine probable cause for cruelty.

## Questions

1. Do you utilize telehealth for your veterinarian services?
2. Do you feel in your community you have reasonable access to a veterinary provider?
3. Should the establishment of VCPR require an in-person examination?

## Background

A veterinarian-client-patient relationship (VCPR) is the basis of interactions between a veterinarian, clients, and their patients. This relationship is crucial in allowing the veterinarian to ensure their actions only enhance the life of the patient. Currently in Tennessee establishing a VCPR requires an in-person examination by a veterinary; however, there has been proposed legislation that would allow for a VCPR to be established through telehealth. Current Tennessee law allows telehealth to be utilized once the VCPR is established, in order for the VCPR to be maintained the in-person exam must happen annually. Proponents say establishing the VCPR through telehealth would make it easier in rural areas with limited access to nearby vet clinics. Other stakeholders raise concerns it would limit the veterinarian in their professional ability to make calls over a screen, as animals lack the ability to convey their pain like humans; animals cannot say if it is a dull ache or sharp pain thus a vet must use professional judgment to accurately diagnosis animals requires knowledge of its natural state.

There is no opposition to telehealth being utilized after the initial relationship is established. Telehealth allows clients to have access to veterinary care despite being in a more remote location and allows for consultations with specialists working within certain parameters. However, opponents' main concern with the legislation is with how limiting it can be to a veterinarian during their initial examination. Tennessee Farm Bureau Federation has argued in an animal cruelty court case that an in-person

examination of an animal should establish the VCPR in order to prevent the wrong actors from performing telehealth to determine probable cause for cruelty.

States that allow VCPR to be established through telehealth: Arizona, Idaho, New Jersey, Vermont, and Virginia. According to the American Veterinary Medical Association (AVMA), 43 states and the District of Columbia use language that is essentially the same as the Food and Drug Administration (FDA) with respect to establishing a VCPR, and of those states 22 have added additional language to explicitly require an in-person examination. Only two states have no VCPR provisions: Michigan and New York.

Concerns of establishing VCPR through telehealth include inaccurate diagnoses, concerns of abuse or mistreatment, proper treatment plans, and /or disease outbreaks. Veterinarians use sight, sound, smell, and touch to ensure the patient is diagnosed correctly, the treatment plan is correct and one the owner can follow, and that there is not a potential disease outbreak. Establishing a relationship in person provides a more comprehensive understanding of the patient and their owner including their environmental factors. After the establishment of the VCPR, telehealth is a great tool for those located farther from a veterinarian's office.

## **Policy**

### *Tennessee Farm Bureau Veterinary Services (Partial)*

Large animal veterinarians help livestock producers stay abreast of and have access to the latest technology available in large animal care.

A distinguishing definition of acceptable livestock management practices as opposed to veterinary medical practices is needed to avoid unnecessary conflict between the veterinary community and the farm community. We need and depend on one another. Everyone wins if responsible, proper, safe, cost efficient, Animal care is prioritized.

### *American Farm Bureau 307 / Livestock and Poultry Health*

10. We support:

10.25. Changing the federal definition of a veterinary-client-patient relationship (VCPR) to allow for the use of telemedicine when making an animal health diagnosis and recommending a course of treatments.

Read more about  
AVMA and  
telehealth  
provisions across  
the country:



## *301 / Animal Care*

### 5. We support:

5.2. A farmer's right, in consultation with their veterinarians, to set appropriate protocol for common animal husbandry practices to be administrated by the farmer or trained employee that are appropriate for their farm.



# Reevaluating Property Reappraisal Cycles

## Key Takeaways:

- Currently, property is reappraised on a four to six-year basis, depending upon the local government's determination.
- In 2024, legislation (HB2057/SB1946) was introduced to allow for local governments to more frequently reappraise their property – moving to a one to four-year basis instead of the current four to six-year cycle. The legislation passed the Senate and was ultimately held on the desk on the House Floor after being calendared for consideration.
- Last year, Tennessee Farm Bureau policy was changed to add language relative to property reappraisal.
- Property tax payment changes are required to be revenue neutral, meaning the new certified tax rate will generate the same amount of tax revenues for a city or county as the amount billed in the previous year.
- The Comptroller of the Treasury manages Tennessee property assessment data and serves as a great resource to understanding property tax assessment.

## Questions:

1. As a landowner, are you able to budget for your property taxes appropriately?
2. Has your county government had to raise property tax rates in response to the appraisal ratio being applied to annually appraised property?
3. Is TFBF's position on property reappraisal cycles sufficient? If not, how should it be changed?

## Background

Property owners across the state understand the feeling of receiving their updated property tax assessment in the mail, and the potential sticker shock which could come along with it. As Tennessee continues to grow at an exponential rate, property values have also continued to climb year over year as demand keeps real estate markets hot. This has resulted in Tennessee lawmakers and officials at the Comptroller of the Treasury looking to find creative ways to allow local governments to adjust to growth without breaking the bank. One of those ways came forth in the 2024 legislative session, when a bill (SB1946/HB2057) was filed which would allow for local governments to more frequently reappraise their property. The legislation passed the Senate unanimously, but ultimately was held on the desk on the House Floor after being calendared for consideration, thus no vote was taken.

Because the legislation was not signed into law, lawmakers and stakeholders are spending the off-season evaluating the idea of more frequent reappraisal cycles. Proponents of the originally drafted language claim more frequent reappraisal allows counties to manage

Read  
SB1946/HB2057:



growth's impact on the county while providing property owners with smaller increases instead of potential large jumps over time.

What does more frequent reappraisal look like? Currently, property is classified based on its use and statutory assessment percentages are applied to appraised values. Property appraisals are established during periodic reappraisal programs set by local governments using current real estate values on either a six-year, five-year, or four-year cycle. The above-mentioned legislation, if passed, would have changed the cycles to either a one-year, two-year, three-year, or four-year cycle. Currently, 69 Tennessee counties operate under a five-year cycle, while the other 26 are split between a four and six-year cycle, meaning at least 82 counties would be required to adopt a new appraisal cycle.

The Tennessee Certified Tax Rate process is designed to ensure truth in taxation following a county-wide reappraisal. The process ensures the amount of total taxes collected for a county remain the same after a reappraisal, even if the combined value of all property in the county rose or fell following the reappraisal. In short, once a reappraisal is conducted, the county government works with the state to adjust the property tax rate in order for tax rates to go down when appraisal rates go up.

It's important to note property tax payment changes are required to be revenue neutral, meaning the new certified tax rate will generate the same amount of tax revenues for a city or county as the amount billed in the previous year. The only way a certified tax rate can be exceeded, is in the event a city council or county commission holds a public hearing and adopts a new, higher rate.

During this process, some stakeholders have issued caution to lawmakers that such changes could have unintended consequences for commercial and business properties which are already appraised more regularly than other types of property. However, every two years the county conducts an appraisal ratio, to determine how close the original assessor's value is to the current market value. The formula divides the assessor's appraised value by the current sales price to determine exactly what percent of the actual market value the assessor's original appraised value is.

Why does this matter? Ratios allow local governments to ensure all property owners are taxed equitably between reappraisal cycles. While the assessed value of a property may not be changed mid-cycle, other properties are appraised on an annual basis, such as public utilities and business properties. Because they are assessed more regularly, their value is often higher than those properties assessed less frequently. Once a ratio study is complete and the numbers are adopted, the values on all properties, both residential and commercial are equalized.

Currently, property appraisals are established during periodic reappraisal programs set by local governments using current real estate values on either a six-year, five-year, or four-year cycle.



The Comptroller of the Treasury manages Tennessee property assessment data and serves as a great resource to understanding property tax assessment. Scan the QR code for more information and to visit their website.

Last year, Tennessee Farm Bureau policy was changed to add language relative to property reappraisal. You can find the pertinent policy below.

## **Policy**

### *Tennessee Farm Bureau State and Local Taxes (Partial)*

Property values do not change at the same rate on all properties. Growth areas typically experience more rapid market value increases than non-growth areas. Farmers and established property owners should not unfairly bear a community's growth burden. Reappraisal resets property values to the current market value and equalizes the property tax burden for all taxpayers. Reappraisals should ensure every property owner pays their fair share.

Due to the high growth occurring in some areas, we urge the state to conduct an economic analysis reflecting the cost of more frequent appraisals and the impact of the changing tax burden on property owners. With an equalized assessment, property taxes will fairly and accurately reflect a property's value, the value of all property within the county, and the county's budget.

We favor continuing the present system of locally assessed personal property.



# Capping Local Property Tax Increases

## Key Takeaways:

- In 2024, several pieces of legislation were filed to address a cap on the rate at which local governments can increase their property tax rate. Although no final version of a particular bill passed, it sparked a variety of conversations amongst interested stakeholders. It is expected a similar piece of legislation could arise next General Assembly.
- For 94 of Tennessee's 95 counties, property tax is the greatest source of revenue. Sevier County is the exception, who has a higher sales tax base due to tourism.
- In recent years, cities and counties across Tennessee have raised property taxes by double-digits.
- Several states across the nation have limits on growth in property tax increases. Some placing caps on potential increases, others requiring adoptions to take place by referendum election.

## Questions:

1. Should the General Assembly place a cap on local government's ability to raise property tax rates? If so, is there a specific rate?
2. If local governments are capped on how they can increase property taxes, they may soon need additional sources of revenue. Should Tennessee increase funding for local governments?
3. How would capping property tax rates impact you?
4. How would capping property tax rates impact your county's ability to function?

## Background

Tennessee has become a hub for growth. Business development has led to residential expansion, and as a result families are moving into the Volunteer State at record speed. This leaves local governments looking for ways to balance the growth to their revenue base with providing necessary services to the thousands of residents as well. Over the last year, counties across the state have voted to raise their property taxes. Rutherford County raised 16%, Greene County raised theirs 30%, and Davidson County saw a 34% increase. Cities are no different. Red Bank, just outside of Chattanooga, raised their property taxes by 52%.

With this in mind, the Tennessee General Assembly considered a few different proposals to "cap" a local government's ability to raise property taxes in a year. One piece of legislation (SB171/HB565) would have capped property tax increases in the state at 2% plus inflation each year, and 6% plus inflation over a three-year span. The cap would apply to counties, municipalities, metropolitan governments, and special school districts which can levy property taxes. Other conversation around potential legislation considered "locking in" the

Over the last year, counties across the state have voted to raise their property taxes. Rutherford County raised 16%, Greene County raised theirs 30%, and Davidson County saw a 34% increase.

assessment from the year the property was purchased until the time the property again changes hands. Although no final version of a particular bill passed, it sparked a variety of conversations amongst interested stakeholders. It is expected a similar piece of legislation could arise next General Assembly.

Opponents of the idea to cap local property tax increases claim a cap could cripple their ability to cope with growth, especially in areas surrounding Nashville. However, economist and proponent of the consideration, Dr. Art Laffer claims large, one-time county property tax increases cause property values to fall, mainly damaging urban areas and having a long term impact on personal income. Several states across the nation have limits on growth in property tax increases, some placing caps on potential increases and others requiring adoptions to take place by referendum election.



Currently, counties have few options to raise revenue without state or voter approval. 94 of Tennessee's 95 counties consider their main source of revenue is from local property tax, apart from Sevier County who has a larger sales tax base.

The Tennessee Comptroller of the Treasury's website contains Tennessee county property tax rates dating back to 1997, to find more about your county property taxes, scan the QR code.

## Policy

### *Tennessee Farm Bureau State and Local Taxes (Partial)*

In the future, when the state finds itself in need of new revenue, Farm Bureau believes a state property tax should not be an option. Therefore, we support a constitutional amendment preventing the state from collecting a state property tax. The burden of filling the gap in a budget deficit should not be put upon farmers and property owners of the state. Furthermore, local governments are primarily funded through property taxes and need the capacity of that tax structure. If the revenues of both local and state governments are considered in a reform proposal, property taxes should be replaced.

Since we cannot foresee all of the various combinations of taxes to reform our tax structure, the Tennessee Farm Bureau Federation's Board of Directors should analyze the economic impact to Tennessee farmers of any proposal. The Board should adopt the position with the best long-term economic interest of Tennessee farmers.

Property values do not change at the same rate on all properties. Growth areas typically experience more rapid market value increases than non-growth areas. Farmers and established property owners should not unfairly bear a community's growth burden. Reappraisal resets property values to the current market value and equalizes the property tax burden for all taxpayers. Reappraisals should ensure every property owner pays their fair share.

Due to the high growth occurring in some areas, we urge the state to conduct an economic analysis reflecting the cost of more frequent appraisals and the impact of the changing tax burden on property

owners. With an equalized assessment, property taxes will fairly and accurately reflect a property's value, the value of all property within the county, and the county's budget.

We favor continuing of the present system of locally assessed personal property.

An economic impact analysis is needed before the General Assembly implements a proposal similar to California's Proposition 13 of 1978, annually capping all property appraisal and/or tax rate increases.

We urge that state-mandated pay levels and pay increases of local government officials and judges be more reflective for local economies and situations.

While we generally favor authority and responsibility for local governments, the authority to tax must be granted with caution. Impact fees and adequate facilities taxes levied by local governments help relieve the cost of urbanization on local property taxpayers. Local governments should have the authority to levy impact fees and adequate facilities taxes based on their needs and growth. When local governments increase property taxes, impact fees and adequate facilities tax rates should increase proportionally. As Tennessee's population grows, Farm Bureau should continue supporting policies which aid local government's ability to handle the fiscal impact without negatively impacting agriculture.



# Updating the Tennessee Wetlands Law

## Key Takeaways

- Anyone who has spent much time involved in Farm Bureau knows we have long advocated for clarity surrounding the federal definition of waters of the United States (WOTUS), but we have infrequently discussed waters of the state of Tennessee.
- State lawmakers brought legislation in both 2023 and 2024 seeking to limit the state’s authority over wetlands.
- The Tennessee Department of Environment and Conservation (TDEC) was charged by the Chairman of the Senate Energy, Agriculture, and Natural Resources Committee to establish a working group of stakeholders to help draft legislation, of which TFBF is a member.
- In the Sackett vs. EPA US Supreme Court decision, which limited the federal government’s authority over WOTUS, the court was explicit that states have the ability to regulate waters determined to be non-WOTUS. Ultimately, Tennessee lawmakers are seeking to update the state law which defines wetlands and then how much regulation the state can have over those wetlands.

## Questions

1. At what point should the state’s authority over water take precedent over the individual landowner’s property rights?
2. Should Farm Bureau’s effort in this policy discussion be to protect the current agricultural exemptions, or to expand the individual property owner’s rights? Or both?
3. What further information do you need on this topic to better update Farm Bureau policy?

## Background

Members of the Tennessee General Assembly have decided it is time to make significant updates to the laws surrounding when and how the state can regulate the waters of the state; specifically, how much authority and regulations should the state have over the wetlands of Tennessee. This is no easy task as they must consider scientific nuances, property rights, environmental concerns, federal law, and court precedent. Anyone who has spent much time involved in Farm Bureau knows we have long advocated for clarity surrounding the federal definition of water of the United States (WOTUS), but we have infrequently discussed waters of the state of Tennessee. For up-to-date information on the current standings of federal WOTUS, scan the QR code.



From a legal perspective, waters of Tennessee is defined in TCA 69-3-102 which says, in part, *“the waters of Tennessee are the property of the state and are held in public trust for the use of the people of the state”*. However, as landowners, you have the right to use riparian water. Riparian water is the water connected to property by going through the property, adjacent rivers and streams, connected wetlands, or groundwater underneath the property. Common law riparian rights are recognized in Tennessee for surface and groundwater sources. This practice precedes Tennessee statehood and the basis for riparian rights can be traced to English water rights doctrine. Water is an attribute to property. Property with riparian access to water has a value associated with this riparian

right and is considered by landowners to be a property right. Since the Tennessee legislature put water under public trust, meaning the state owns the water and can regulate it, lawmakers are seeking to update when and how the state should regulate. Lawmakers are attempting to define the competing interests of the State of Tennessee owning the water, while recognizing individuals own the land. Furthermore, at what point should the state be able to tell the landowner when regulation can be applied to the land which has water on it?

State lawmakers brought legislation in both 2023 and 2024 seeking to limit the state’s authority over wetlands. Legislation which passed in 2023, Public Chapter 170, took small steps, limiting the amount of compensatory mitigation in instances in which the wetland was very small. Sponsors indicated their intent to bring comprehensive legislation in 2024 to rewrite the entire wetlands law for Tennessee. This was attempted in the amended version of SB631/HB1054, which Tennessee Farm Bureau Federation (TFBF) supported. From a legislative process this bill moved through the House Agriculture and Natural Resources Committee being amended along the way but was sent to a summer study by the Senate Energy, Agriculture and Natural Resources Committee. The Tennessee Department of Environment and Conservation (TDEC) was charged by the chairman of the Senate committee to establish a working group of stakeholders to help draft legislation, which TFBF is serving on.

The current Tennessee Law which regulates waters of the state is mostly found in the Water Quality Control Act of 1977 (WQCA), found in Title 69, Chapter 3, Part 1; where TCA 69-3-103 defines “wetlands” as:

- (A) An area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions; and
- (B) A type of waters that are not wet weather conveyances, and generally include swamps, marshes, bogs, and similar areas.

This is a similar definition used by the federal government, with some limited variation, to be consistent with Tennessee law. According to a recent analysis from TDEC-

“Some features would meet the definition of a wetland, yet not be considered jurisdictional waters by either the state of Tennessee or the federal government. For example, wetlands are not regulated by state or federal agencies if the feature is located completely within single property ownership and is not connected to jurisdictional waters by either a surface water or groundwater connection.

Wetlands and other aquatic features are identified and delineated by private sector consultants and submitted to TDEC for concurrence for permitting purposes. TDEC staff usually concur or request additional information about these determinations within 30 days of a complete submittal.

Read the full analysis from TDEC:



## Wetland Regulation

When a feature is identified as a jurisdictional wetland under state law, that does not mean the feature must be preserved. It means that an Aquatic Resource Alteration Permit (ARAP) from TDEC is required to physically alter it. There are two kinds of ARAPs: general and individual permits.”

(continued)

“The extent of compensatory mitigation required for an Individual ARAP is outlined in the permit. Mitigation is not provided by TDEC, but instead by the permittee or by third-party private sector mitigation bankers or in-lieu fee programs. The cost and availability of third-party mitigation is market-driven.”

To read the full report from TDEC, scan the QR code.

There are federal and state exemptions to agricultural activities to certain wetland regulations. Specifically, in the Tennessee WQCA in 69-3-120(g):

“Nothing whatsoever in this part shall be so construed as applying to any agricultural or forestry activity or the activities necessary to the conduct and operations thereof or to any lands devoted to the production of any agricultural or forestry products, unless there is a point source discharge from a discernible, confined, and discrete water conveyance.”

In the *Sackett vs. EPA* US Supreme Court decision, which limited the federal government’s authority over WOTUS, the court was explicit that states have the ability to regulate waters determined to be non-WOTUS. Ultimately, Tennessee lawmakers are seeking to update the state law which defines wetlands and then how much regulation the state can have over those wetlands. Even though there are currently significant exemptions for regulations on agricultural production in Tennessee, TFBF supports the effort to update the state statute in order to better define private property rights versus state authority over water.

## **Policy**

### *Tennessee Farm Bureau Property Rights (Partial)*

Any erosion of private property rights weakens all other rights guaranteed to individuals by the Constitution. (continued)

All local, state and federal regulations encroaching on the rights of private property owners should be reviewed and altered. (continued)

In addition, any action by government that diminishes an owner’s right to use their property is a taking of that owner’s property. Therefore, government should provide due process and compensate to the exact degree that an owner’s right to use their property has been diminished by government action.

### *Wetlands*

We oppose legislation prohibiting proper drainage and maintenance of agricultural land and defining productive agricultural lands or woodlands as wetlands, or protected wetlands. Tennessee Farm Bureau should vigorously identify problems caused by broad wetlands definitions and by wetland regulating agencies (TWRA, Tennessee Department of Environment and Conservation – including the Board of Water Quality, Oil and Gas, U.S. Fish and Wildlife Service, EPA, and the Corps of Engineers).

A single agency, such as the Natural Resources Conservation Service, should make determinations and issue all permits for wetlands alterations affected by both federal and state rules. Economic impact statements should accompany environmental impact statements, so a clear picture of benefits and costs is presented. We oppose any increase in permit fees and believe all fees should be refundable if the permit is not granted. Farm Bureau should pursue litigation when high fees or other limitations on private property rights become so great as to constitute a “taking” of private property by government.

### *Soil Conservation (Partial)*

Landowners should be encouraged to maintain drainage in a manner that does not infringe on neighboring landowners. Landowners with property delineated “Prior Converted Wetlands” and “Farmed Wetlands” are encouraged to maintain production agriculture on the property and not abandon acreage by allowing it to revert to wetland status where it may affect adjoining property. Property allowed to revert to wetland status could fall under regulatory control of federal and state agencies and could no longer be farmed. Private property rights must be protected. The perception is that wetlands are “public” resources, however, they are most often on private property.

### *Water (Partial)*

Water is one of Tennessee’s most valuable natural resources. In the future, many decisions will be made to protect this resource.

We support the English doctrine of riparian water rights to surface and groundwater. (continued)

The regulatory reach of “waters of the state” is greater than “waters of the United States” (WOTUS). Truly navigable waters should be protected in order to ensure water quality. However, the definition of “waters” in Tennessee law needs to provide a regulatory exception for surface waters which are not “navigable waters” as defined in the federal Clean Water Act. This would provide consistency between state and federal law and assure that Tennessee will not lose its primacy or delegation under the Clean Water Act. It also would eliminate much of the guesswork and permitting that property owners currently must go through. Jurisdictional waters by the Federal government should be constrained to navigable waterways. Expansion of regulatory authority by the state or federal agencies without approval by the appropriate lawmakers should be strictly prohibited and swiftly enforced by the judicial branch. (continued)

We support the agriculture and forestry exemption in Tennessee’s Water Quality Act.

# Sustainable Aviation Fuel

## Key Takeaways

- Under the Inflation Reduction Act, the sustainable aviation fuel (SAF) tax credit is only eligible when the biomass/feedstuff was raised in a way that had at least a 50% reduction in greenhouse gas emissions.
- Argonne GREET (Greenhouse gases, Regulated Emissions, and Energy use in Technologies) model requires corn and soybeans to meet climate smart practices such as no-till, use of cover crops, and enhanced efficiency fertilizer.
- There will be a more than one-million-bushel loss of corn each year if this market is not available for American-grown corn.
- The Environmental Protection Agency's data show that approximately 5 million gallons of SAF were consumed in 2021, 15.84 million gallons in 2022, and 24.5 million gallons in 2023.

## Questions

1. Do farmers in your county grow commodities which would meet the SAF tax credit standards?
2. Would farmers in your county be willing to alter production practices to meet SAF standards?
3. How should Farm Bureau policy be updated to reflect this issue?

## Background

Sustainable aviation fuel (SAF) is made from renewable biomass and waste that would give the same performance of traditional petroleum-based fuels, but with a reduction in carbon emissions and a door for producers to be able to cater to a new market. While there is market opportunity within SAF there are challenges that come with it. Under the current standing there is no guarantee that the biomass products will be from American sources. However, there are concerns that American grown corn will not meet the requirements to have a low enough carbon emission to be considered sustainable. To qualify for sustainable aviation fuel, farmers must have a minimum reduction of 50% in lifecycle greenhouse gas emissions, based upon the Inflation Reduction Act. This is how farmers will be able to qualify for the SAF tax credit.

The Argonne GREET model sets the requirements for corn and soybeans grown under climate smart practices to meet the tax credit requirements. This model is used by both the Department of Energy (DOE) and the United States Treasury to determine the impact and reward of these tax credits. These requirements offer incentives to farmers to reduce their carbon output; however, farmers and ranchers should not be penalized for not being able to be fully climate smart in their production. This model was created in 1995 as a tool to evaluate the lifecycle analysis of technologies or products, meaning it predicts the environmental impact of industries. While this model has hope, there are still obstacles in the way of this being practical for producers.

While there is market opportunity within SAF there are challenges that come with it. Under the current standing there is no guarantee that the biomass products will be from American sources.

According to American Farm Bureau, efforts are underway to update these GREET model standards. Scan the QR code for more information about GREET models.

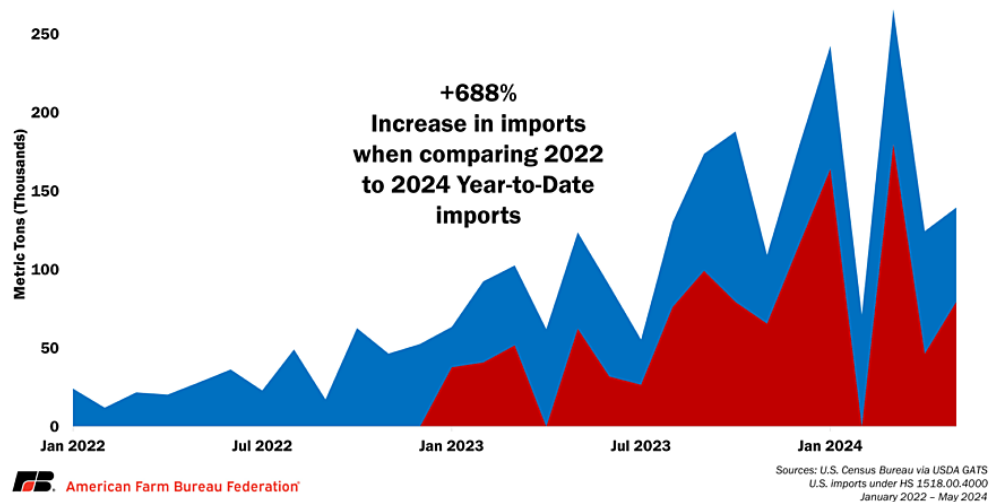


The DOE states GREET can calculate:

- Total energy consumption (non-renewable and renewable)
- Fossil fuel energy use (petroleum, natural gas, coal)
- Greenhouse gas emissions
- Air pollutant emissions
- Water consumption

Producers will be limited by their location, climate, and soil types. Not every practice applies to every operation resulting in winners and losers. This also opens the door for other countries to enter the market, thus cutting out American producers. The current tax credit, 40B for 2024, came at a time which is inconsistent with grower’s planting schedule, thus they are not eligible for this year’s credit. However, there is hope there will be continued conversation regarding the flexibility which reflects the added eligibility for row crops. With upcoming 45Z credits, there is a chance for real impact to be seen in using American-grown commodities in the production of SAF.

### Used Cooking Oil Imports **China** | **Rest of World**



Source: American Farm Bureau Market Intel Report

Currently, used cooking oil out of China is being imported at an exponential rate. Because it is considered a pure waste product, the used cooking oil can score favorably in climate models. What this means for the economy is used cooking oil that already had a place in the country of origin’s market is now being imported to the United States for a tax credit and government payments. Another instance of American-grown commodities falling behind imports is Brazilian sugar ethanol, as it is the only current affordable option. The only SAF refining plant producing jet fuel from ethanol in the United States is based on sugar ethanol from Brazil.

Limiting American-grown products from qualifying based on their carbon footprint has led to outsourcing from other countries, thus negatively impacting American farmer’s profits. If American-

grown products do not qualify for SAF standards, this further exasperates the issue of declining demand for corn as an increase of electric vehicles leads to decreases in the demand for ethanol. SAF could open unprecedented demand for American-grown commodities. In 2005, the Renewable Fuel Standard created a growth in ethanol demand and increased the need for corn. In 2021, the Biden Administration announced the goal of increasing SAF production to three billion gallons by 2030. Without expanding markets like SAF production, experts say corn producers are projected to lose demand. According to the Environmental Protection Agency's Multipollutant Emissions Standards, by 2032 56% of light-duty vehicles sold be plug-in-electric and 13% hybrid-electric vehicles. National Corn Growers Association Lead Economist Krista Swanson said the rule will create an annual loss of more than one-billion bushels of corn by 2041.

## **Policy**

### *Tennessee Farm Bureau*

#### *Renewable Fuels*

Farm Bureau should aggressively support any legislation that provides favorable economic conditions to expand the ethanol and biodiesel industry and increase the Renewable Fuels Standard. As production of ethanol and biodiesel expands in the coming years, Farm Bureau should make every effort to support the availability of these products at the retail level.

### *American Farm Bureau*

#### *402 / Energy*

7. We urge Congress and the administration to enact policies that will:

7.10. Support further development of nuclear, solar, geothermal, bio-based, hydroelectric, oil shale, tar sands, wind and other sources of energy and recommend that special emphasis be given to converting to expanded use of coal, including gasification, liquefaction, and ethanol production;

2. Biofuels

2.1.4. Legislation requiring the production of clear gasoline that would accommodate year-round blending with ethanol in all fuels;

#### *455 / Agricultural Reports*

2. We support:

2.8. Regularly collecting and reporting of NASS data on the production and use of ethanol co-products used for livestock feed and the replacement percentage of corn exports with dried distiller's grains.



# Utilizing Alternative Fertilizers

## Key Takeaways

- Biosolids are nutrient-rich organic materials resulting from the treatment of domestic sewage in a wastewater treatment facility (i.e., treated sewage sludge).
- A co-product of food manufacturing can be used as an alternative fertilizer made from waste streams from food processing plants.
- These alternative fertilizers offer a unique opportunity for farmers to have access to quality fertilizer for a low cost.
- The value of manure as a fertilizer depends on where it is found, how expensive it is to transport and apply, and its crop nutrient composition.
- According to data from USDA's Agricultural Resource Management Survey (ARMS), 78 percent of applied manure comes from crop and livestock integrated farms. Only 14 percent of applied manure is bought from other farmers, and 8 percent is obtained for free.

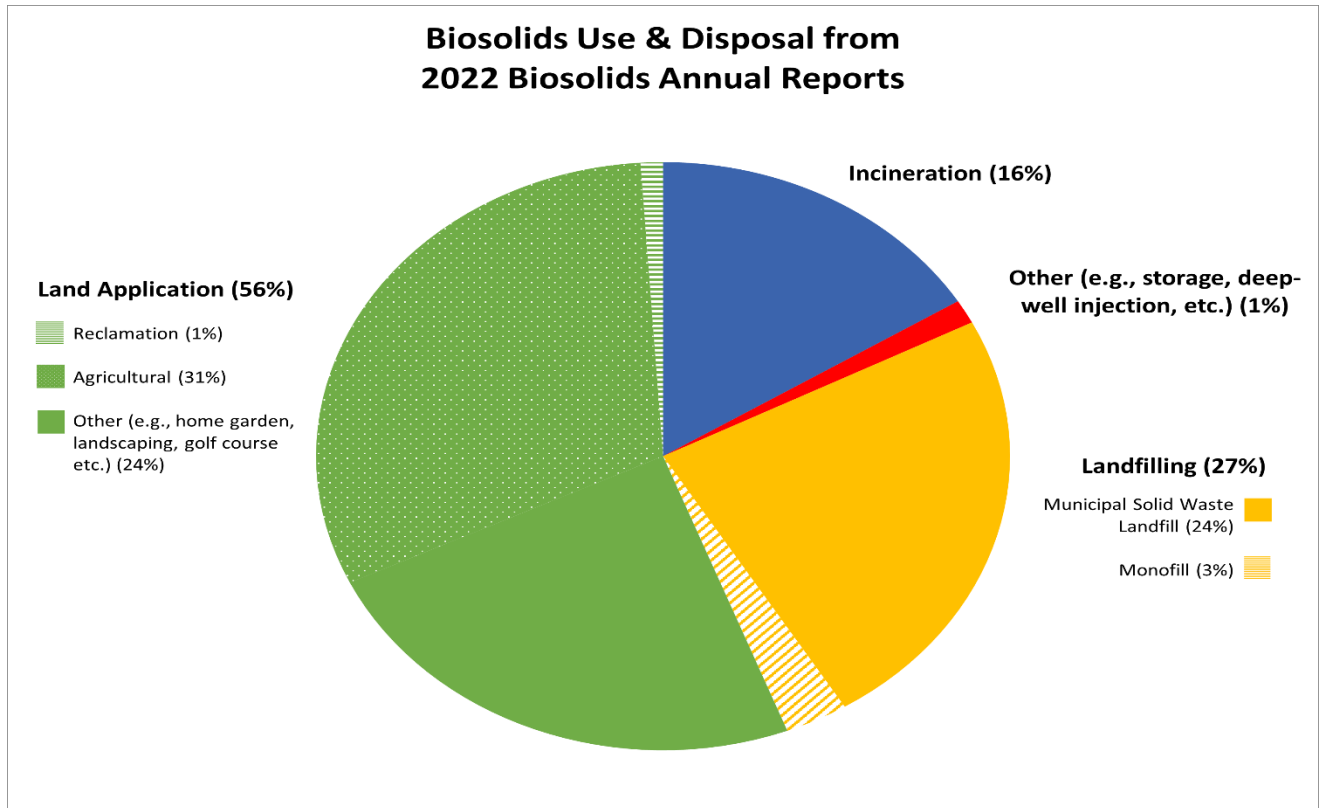
## Questions

1. Do you or farmers in your county use alternative fertilizers?
2. Have there been issues in your community around alternative fertilizers based on smell or safety?
3. Do you need additional information about alternative fertilizers?
4. How much regulation should there be on alternative fertilizers?

## Background

Farmers know firsthand the importance of healthy soil. They also know just how expensive the fertilizer bill has gotten. According to American Farm Bureau, the fertilizer sticker price farmers in some areas are reporting is up more than 300% and delivery times are anyone's best guess. With farmers getting creative in how they can add to their soil health at the most affordable rate, they have produced creative solutions: biosolids, animal processing byproducts, and other nontraditional sources. These allow farmers access to fertilizers that are easier to access at a cheaper rate than traditional fertilizers. Issues surrounding the construction of lagoons, application of alternative fertilizers, and best management practices have raised questions and concerns from local and state officials.

## Biosolids Use & Disposal from 2022 Biosolids Annual Reports



Another

*Source: U.S. Environmental Protection Agency*

opportunity for alternative fertilizers lies in human waste. According to Chattanooga’s Wastewater Biosolids Management System, biosolids from waste treatment facilities are being distributed across 190 Tennessee and Alabama farms. Following the sky-high fertilizer prices farmers have seen, it is hard to turn down an opportunity to cut costs while still carrying out the same goal. Unfortunately, consumers could be left wondering about the safety of biosolids being used as fertilizer as part of our food systems. However, biosolids are some of the most regulated fertilizers by the Environmental Protection Agency (EPA) where they go through treatment to be able to be used in agricultural production. Scan the QR code for more information. There are also concerns around how alternative fertilizers will be regulated. Short staffing and budget shortages across the local, state, and federal levels lead to questions of how well these materials are regulated. Biosolids are regulated by the EPA and Tennessee Department of Environment & Conservation and while they contain nutrients that add to the soil, if improperly management can contain pathogens, and heavy metals that can impact the





Source: Journal of Agricultural and Food Chemistry

Legislation was proposed to allow a singular county to be able to regulate biosolid waste within their county. Which could lead to other counties wanting to do the same thus causing a patchwork of regulations varying across county lines. Farm Bureau opposed this legislation as our policy and state law say local governments do not have the authority to regulate agricultural practices. Other issues have come as local governments continue pushing back against companies that serve as the in-between of biowaste and the farmer. As the smell prompted county citizens to oppose construction of a lagoon, application, and management practices of alternative fertilizers. Tennessee farm Bureau expects continued discussion surrounding how much government regulation should be for alternative fertilizers.

## **Policy**

### *Tennessee Farm Bureau Litter and Waste (Partial)*

We support studies to find better methods for handling solid waste. Biodegradable containers, including cornstarch-based plastics, sorting and recycling centers, incineration, composting, and source reduction may help reduce the need for future landfills.

Applying biosolids from wastewater management facilities to fields is a viable alternative to commercial fertilizer. However, chemical contaminants such as perchlorate and per- and polyfluoroalkyl substances (PFAS) put farms at risk. Wastewater management facilities should test for these chemicals on-site

before giving farmers access to biosolids and other substances. Landowners should not be liable if these chemicals are detected on their farm.

### *Land Use Planning*

We oppose federal, state or local legislation imposing land use regulations to qualify for federal grants and loans or to participate in other government programs. No government agency should have the right to control land use without specific legislative authority. Local governments should not use zoning or local government functions as a tool to regulate agricultural practices.

### *American Farm Bureau*

#### *506 / Waste Disposal and Recycling*

1. We support:

1.7 Government agencies responsible for approving land application systems allowing private agriculture to utilize municipal wastewater and sludge;

1.9 Contracts governing the use of farmland for disposal of such wastes that:

1.9.6. Provide farmers with an analysis of nutrients, heavy metals, and trace elements of biosolids applied to fields;

1.10. Government agencies must utilize proven current scientific information when developing policies concerning the application of sludge. The responsibility of this being required to rest with the waste handling authorities;

1.11. Each state having the right to require that all municipal biosolid applications be tracked using Global Positioning System (GPS) technology and be reported electronically;

1.12. Pathogen certification for sludge imported from out of state being supplemented with periodic instate lab tests, with results transmitted simultaneously to the applicator, the farmer, and the government;

# EPA's Endangered Species Act Workplan Overview

## Key Takeaways

- Along with many other responsibilities, the EPA's Pesticide Program must maintain obligations established by the Endangered Species Act (ESA) to consult federal wildlife agencies and adopt protections from pesticides for listed species.
- EPA has received over 20 lawsuits in recent years challenging its failure to meet these ESA obligations for hundreds of pesticides.
- In response, EPA developed its Endangered Species Act Workplan in 2022 to outline how the agency plans to not only meet its court-enforced deadlines for certain pesticides, but to also prevent future litigation by adjusting the registration and review process for all pesticides going forward.
- EPA began by releasing their proposed Vulnerable Species Pilot Project (VSPP) in 2023, where they developed a list of 27 "pilot" species and developed guidelines related to pesticide use to reduce these species' pesticide exposure.
- After receiving significant opposition from various groups, including TFBF and AFBF, EPA has paused this proposal and committed to revising the approaches proposed in the VSPP.
- EPA continued to dive deeper into strategies for specific types of pesticides. First, they released their herbicide-specific strategy, outlining requirements specifically for growers addressing weed pressures.
- EPA plans to publish the final Herbicide Strategy in summer of 2024, a preliminary insecticide strategy is expected soon, and a fungicide strategy will follow.

## Questions

1. Were you previously aware of EPA's ESA Workplan?
2. What other information do you need as a pesticide applicator to prepare for these proposals?
3. What conservation practices do you utilize on your operation?
4. What conservation practices have you been considering implementing on your operation?
5. Do you currently have access to appropriate broadband speeds to access online pesticide labels?

## Background

Pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the Environmental Protection Agency (EPA) is responsible for overseeing registration, re-registration, label changes, and new use approvals for all pesticides approved in the United States. Along with many other responsibilities, the EPA's Pesticide Program must maintain obligations established by the Endangered Species Act (ESA) to consult federal wildlife agencies and adopt protections from pesticides for listed species. EPA has received over 20 lawsuits in



recent years challenging its failure to meet these ESA obligations for hundreds of pesticides. The litigation has resulted in deadlines set forth by the court for EPA to complete ESA reviews for multiple pesticides over the next few years. In response, EPA developed its Endangered Species Act Workplan in 2022 to outline how the agency plans to not only meet its court-enforced deadlines for certain pesticides, but also prevent future litigation by adjusting the registration and review process for all pesticides going forward. For more information about the EPA’s ESA Workplan, scan the QR code.

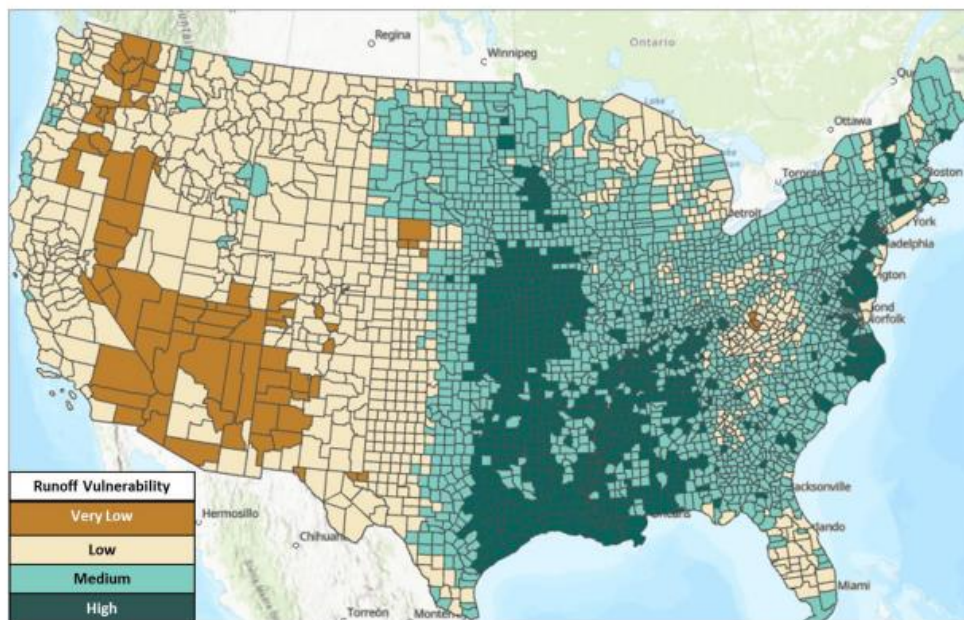
EPA began by releasing their proposed Vulnerable Species Pilot Project (VSPP) in 2023, where they developed a list of 27 “pilot” species and created guidelines related to pesticide use to reduce these species’ pesticide exposure. Two of the 27 species have Tennessee habitats – the Rayed Bean (*Villosa fabalis*) and the Winged Mapleleaf (*Quadrula fragosa*).

These are species of mussels whose habitat is found in the Duck River in six counties in southern middle Tennessee, which is a thriving production agriculture region of the state. The VSPP developed pesticide use limitation areas (PULAs), areas where the 27 species inhabit or are believed to inhabit, and proposed stricter restrictions on pesticide use in these PULAs, including requiring farmers to:

- Implement a certain number of mitigation practices from a pre-determined “pick list”, including reduced application rates, buffer strips, no-till and conservation tillage, cover crops, droplet size requirements, etc.
- Consult with regional Fish and Wildlife Service officials no less than three (3) months before applying pesticides; and,
- Access the Bulletins Live! Two website – an online portal to access geographically-specific requirements for pesticide use as well as further instructions for specific pesticides – to receive the proper information to comply with requirements within the PULAs.

After receiving significant opposition from various groups, including TFBF and AFBF, EPA has paused this proposal and committed to revising the approaches proposed in the VSPP.

EPA continued to dive deeper into strategies for specific types of pesticides. First, they released their herbicide-specific strategy, outlining requirements specifically for growers addressing weed pressures.



**Figure 1. Revised analysis of pesticide runoff vulnerability at the county level.**

Source: EPA Update on Herbicide Strategy April 2024

The proposal assigns specific runoff and erosion mitigation practices with “efficacy points” and is proposing applicators meet a pre-determined number of points before applying particular herbicides. These practices range in their point value and include conservation techniques such as cover crops, no-till, reduced application rates, vegetative filler strips, contour terracing, and others. Growers could need at least six points to comply with general label restrictions, and growers located within PULAs could need to obtain as many as nine or more efficacy points to apply certain herbicides.

While some of the accepted conservation practices are commonly used among growers – such as no-till and cover crops – others put weed control at risk. For example, EPA includes reduced application rates in their list of accepted mitigation measures. In the proposal, this measure is worth anywhere from 1 to 9 points, depending on the reduction rate percent. Inadequate application rates which are lower than the science-based rates developed for registered herbicides reduce the efficacy of neutralizing pests and hasten resistance buildup.

TFBF, AFBF, and many other agricultural organizations provided comments to EPA, sharing concern with the impracticality and overreaching nature of EPA’s approach to protecting listed species and its impacts on production agriculture. In response, EPA published an update on the status of the Herbicide Strategy, describing improvements they plan to make to increase flexibility and improve ease of implementation while still protecting listed species. EPA plans to publish the final Herbicide Strategy in summer of 2024, a preliminary insecticide strategy is expected soon, and a fungicide strategy will follow.

## **Policy**

### *Tennessee Farm Bureau Crop Protection (Partial)*

We oppose curtailment of the proper use of crop protection products unless further research and scientific data detect injury to health and well-being would result.

More prompt certification of crop protection products for commercial usage should be pursued to the maximum degree possible without endangering public health. Prompt certification reduces farm production costs and promotes conservation tillage practices.

TFBF, AFBF, and many other agricultural organizations provided comments to EPA, sharing concern with the impracticality and overreaching nature of EPA’s approach to protecting listed species and its impacts on production agriculture.

EPA plans to publish the final Herbicide Strategy in summer of 2024, a preliminary insecticide strategy is expected soon, and a fungicide strategy will follow.

We urge Congress to provide greater oversight of EPA's review of crop protection products. EPA must be held accountable to make timely, science-based decisions and now bow under pressure from activist groups. We oppose any legal action based on excessively broad interpretations of environmental laws which restrict or limit the safe and proper use of agricultural crop protection products.

Farm Bureau should work with the EPA and OSHA to identify problems in the use of crop protection products. Benefits from the use of these products should be weighed against environmental risks.

Farm Bureau must insist realistic tolerances are established by the EPA and OSHA throughout the agriculture industry.

### *Environmental Protection (Partial)*

Farmers have a deep and abiding interest in protection of the environment based upon philosophical beliefs and also practical self-interest.

Environmental regulations, whether by air, water, noise, or visual standards, should recognize the essential nature of efficient and safe use of organic matter, pesticides, and fertilizers as a basic and natural part of agricultural production.

We support continued oversight of the EPA and its authority and funding. We appreciate a common-sense approach of the EPA leadership and their efforts to protect not only the environment but the rights of the regulated community.

### *Endangered Species Act (Partial)*

We recognize the intent of the Endangered Species Act, but we do not believe protecting these species should always receive priority.

Congress must assess whether the highest priority for the public's interest is the protection of certain endangered species or the continued efficient production of food, fiber or the protection of human life.

The Endangered Species Act should not be used to implement policies restricting proper chemical use on farms. Endangered and threatened species protection can be more effectively achieved through incentives to private landowners and public land users rather than land use restrictions and penalties. We oppose label restrictions on essential agricultural pesticides for the protection of listed and threatened species when the restrictions jeopardize agricultural production.

### *American Farm Bureau*

### *336 / Agricultural Chemicals*

#### 7. Regulation

7.1. We believe implementation and defense of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) should be based on credible scientific information in order to benefit farmers, the environment and the public and should be the sole federal regulatory authority over pesticides.

7.2. There must be clear guidelines for how EPA determines if data is credible, verifiable, timely, and science-based.

7.3. We recommend that state and local law not be able to prevent the use of pesticide and herbicide products that have EPA approval.

7.3.1. We should continue to work with EPA on the use of pesticides in counties where endangered species are located to ensure we are not adding an undue burden on farmers.

7.20. We oppose:

7.20.12. (We oppose): The EPA making product or label decisions based solely on a “likely to adversely affect” determination during EPA’s biological evaluation. Only after a jeopardy or adverse modification determination following formal consultation with FWS should product availability be limited or label restrictions or mitigations be required.

7.20.13. (We oppose): The EPA’s Vulnerable Species Pilot Project as originally proposed.

### *565 / Endangered and Threatened Species*

5. We oppose:

5.1. Listing additional endangered and threatened species or the designation of additional critical habitat until the ESA is amended.

5.2. Using the ESA as a means to implement polices that restrict proper chemical use on our farms and ranches.

5.3. Using the ESA as a means to implement climate change policies.



# TN Soil and Water Conservation District Board Election Qualifications

## Key Takeaways

- Each Soil and Water Conservation District (SWCD) has a 5-member board of local leaders, called supervisors, whose role is to work within their district to reduce soil erosion and improve water quality and partnering with farmer landowners to create conservation plans on their operations.
- For the purposes of voting for and nominating a SWCD board supervisor, a landowner is defined as “any person who holds legal or equitable title to any lands within a district” [TCA §43-14-202(6)].
- This definition is very broad, with no minimum acreage requirement to be able to vote and sign a nominating petition.
- In the state of Alabama, anyone eligible to elect SWCD board supervisors must own farm, forest, or grazing lands.

## Questions

1. Do you actively participate in SWCD board supervisor elections in your district?
2. Should a minimum acreage requirement exist for persons voting for or nominating a SWCD board supervisor? If so, what minimum?
3. Should the definition of “landowner” as it relates to election and nomination of SWCD board supervisors change? If so, how?

## Background

Soil and Water Conservation Districts (SWCDs) were authorized in Tennessee in 1939 when the Soil Conservation District Act was signed into law. At that time, the federal government had established the Soil Conservation Service, currently known as the Natural Resources Conservation Service, to better address soil erosion and runoff concerns. Over the next twenty years, every county in Tennessee had organized a SWCD. Each SWCD has a 5-member board of local leaders, called supervisors, whose role is to work within their district to reduce soil erosion and improve water quality and partnering with farmer landowners to create conservation plans on their operations.

Election and appointment for the 95 SWCD boards is governed by state statute in Title 43, Chapter 14 of Tennessee Code. Supervisors can serve 3 terms running from April 1<sup>st</sup> to March 31<sup>st</sup>, and elections are staggered on a 3-year cycle. A person is eligible to serve as a SWCD board supervisor if they meet the following criteria:

- The person must obtain 25 district landowner signatures on a nominating petition and submit it by the given deadline; and,
- The person’s primary residence must be within the district where they are elected or appointed [TCA §43-14-214(b)(1) and 214(d)(1)].

For the purposes of voting for and nominating a SWCD board supervisor, a landowner is defined as “any person who holds legal or equitable title to any lands within a district” [TCA §43-14-202(6)]. This definition is very broad, with no minimum acreage requirement to be able to vote and sign a nominating petition. The only requirement is that the voter’s name must be on the deed or title to the land. TFBF does not have policy related to who is eligible to elect SWCD board supervisors.

In the state of Alabama, landowners are defined as “any person, firm or corporation who shall hold legal or equitable title to any farm, forest, or grazing lands lying within a district” [Code of Alabama §9-8-20(9)]. This means that anyone eligible to elect SWCD board supervisors in the state of Alabama must own farm, forest, or grazing lands.

## **Policy**

### *Tennessee Farm Bureau*

#### *Soil Conservation (Partial)*

Membership of the Tennessee Soil and Water Conservation Commission should represent production agriculture. More representatives of non-agricultural organizations would increase the possibility of diverting future soil conservation funding from agricultural conservation needs to other projects.

# Soil and Water Conservation District Supervisor Vehicle Use

## Key Takeaways

- To provide technical assistance and implement programs on farms, the federal government provides vehicles for Soil and Water Conservation District (SWCD) employees to use to visit farms in their district.
- However, a federal policy recently changed, still allowing non-federal employees to use these vehicles but no longer covering liability in the event of accidents or repairs.
- In response, SB2896/HB2767 was introduced during the 2024 legislative session for the purpose of the state of Tennessee to assume liability for these non-federal employees, allowing the SWCD employees the ability to use these vehicles. This legislation did not pass.

## Questions

1. How should TFBF policy address SWCD employees' ability to obtain state liability protection when driving federal vehicles?

## Background

Soil and Water Conservation Districts (SWCDs) serve as a partnership between local, state, and federal governments to improve soil erosion and water quality through conservation practices on farms. This partnership gives local SWCDs discretion over implementation of conservation practices funded by the United States Department of Agriculture Natural Resources Conservation Service. Each county in the state of Tennessee has a SWCD Board of Directors consisting of five people.

To provide technical assistance and implement programs on farms, the federal government provides vehicles for SWCD employees to use to visit farms in their district. For many years, these non-federal employees were allowed to use vehicles and the federal government would cover liabilities if these employees were involved in an accident while using the vehicle. However, a federal policy recently changed, still allowing non-federal employees to use these vehicles but no longer covering liability in the event of accidents or repairs.

As a result of this change, there is now only one qualified employee in most SWCDs (i.e. the district conservationist) who can drive these vehicles and be covered for liabilities. Because of this, on-farm inspections and technical assistance are delayed, projects take longer, and projects are ultimately not getting approved. If these projects do not get finished and the funds for them are not spent in a timely manner, the money is lost.

In response, SB2896/HB2767 was introduced during the 2024 legislative session for the purpose of the state of Tennessee to assume liability for these non-federal employees, allowing the SWCD employees the ability to use these vehicles. This bill passed the Senate with a unanimous vote but was ultimately not funded in the budget, meaning the bill did not pass.

## **Policy**

### *Tennessee Farm Bureau*

#### *Conservation Compliance (Partial)*

Regulatory decisions by NRCS and FSA personnel should be appealable to local boards or committees.

#### *Soil Conservation (Partial)*

World population growth places tremendous pressure on our soil and water resources. Soil resources are abused by accelerated soil erosion and stream sedimentation. Local Soil and Water Conservation Districts' long range plans will slow soil erosion to acceptable soil loss levels. Lower soil erosion rates will enhance water quality.

### *American Farm Bureau*

#### *Role of USDA*

14. We recommend amending USDA policies and procedures that allow for employees to be justly compensated for travel whether they are driving their personal or government issued vehicle.

# Hemp in Tennessee: Where are We?

## Key Takeaways:

- Today you can purchase many hemp-derived products which use other cannabinoids rather than delta-9 THC for the purpose of the psychoactive effects.
- The Tennessee General Assembly passed Public Chapter 423 of 2023. This law requires TDA to take into account all forms of hemp-derived cannabinoids (HDCs) in the hemp plant. TDA was instructed by this law to right a series of rules. When TDA published their draft rules there was public push-back from the hemp industry saying the rules were too onerous.
- TFBF submitted comments, based on current policy, in support of TDA’s proposed rules which grants the ability of farmers to grow legal industrial hemp below 0.3% delta-9 THC and considers the other HDCs. TFBF staff are seeking further guidance from members about how to proceed if there are continued policy discussions surrounding the hemp plant.

## Questions:

1. Have hemp derived products been used to create a “legal” variation or marijuana in your community?
2. TFBF policy does not contain any specific policy directly to hemp, should it?
3. Does AFBF policy adequately address hemp regulations? If not, how should it?

## Background

The 2018 Farm Bill legalized hemp production and products across the United States. Hemp is by definition the cannabis plant but has less than 0.3% of the psychoactive compound delta-9 tetrahydrocannabinol (THC). THC is the psychoactive ingredient in marijuana which makes some cannabis varieties an illegal recreational drug by both state and federal law. Promoters of the plant believe hemp would provide a great opportunity for farmers to diversify into a new crop. In 2019, Tennessee Farm Bureau wrote a Policy Development paper providing insight to the conversations and history at that time, you can find this paper by scanning the QR code.



Since then, the Tennessee Department of Agriculture (TDA) is required to establish a permit process for the growing of hemp. According to TDA, below are the number of licenses the state has granted to individuals who wanted to grow hemp.

Year	# of Permitted Hemp Growers in TN	# of Permitted Hemp Acres in TN
2019	3957	51,000 acres
2020	1918	15,721 acres
2021	1031	5,698 acres
2022	377	3,607 acres
2023	320	1,122 acres

Fast forward to 2024 and many things have changed in the landscape of hemp and hemp regulation as both the state and federal government decide how to regulate the product. By federal definition, industrial hemp is high in fiber and low in active THC. Further guidance is provided by the United States Department of Agriculture in 7 *CFR 990*, which is the federal regulation for the production of hemp in the United States.

There are many variations of hemp-derived cannabinoids (HDCs) which can lead to the same psychoactive effects of delta-9 THC; predominantly delta-8 THC, delta-10 THC and THC acid (THCa). Many states set the legal limit based on only delta-9 THC above 0.3%, which does not include the other forms of HDCs. Today, you can purchase many hemp-derived products which use the other HDCs rather than delta-9 THC for the purpose of the psychoactive effects.

Tennessee was in a similar posture, however, the Tennessee General Assembly passed Public Chapter 423 of 2023. This law requires TDA to take into account all forms of hemp-derived cannabinoids (HDCs) in the hemp plant. TDA was instructed by the 113th General Assembly to write the Proposed Rules by Public Chapter 423. When TDA published their draft rules (proposed rule numbers 0080-04-09, 0080-04-13, 0080-06-28, 0080-10-01, 0080-10-02, 0080-10-03), there was public push-back from the hemp industry saying the rules were too onerous.

Considering current Tennessee Farm Bureau Federation (TFBF) policy, TFBF submitted comments in support of TDA's proposed rule which grants the ability of farmers to grow legal industrial hemp is below 0.3% delta-9 THC and considers the other HDCs. TFBF supports the rights of farmers to grow legal products which consumers demand. However, the policy clearly opposes the recreational use of marijuana and hemp derived products containing multiple variations of THC provides the same psychoactive effects. Thus, leading to the availability of legalized "marijuana" in the marketplace.

The rules from TDA will be completed in summer/fall of 2024, and TFBF will continue to monitor the situation. TFBF staff are seeking further guidance from members about how to proceed if there are continued policy discussions surrounding the hemp plant.

## **Policy**

### *Tennessee Farm Bureau Improving Family Farm Income (Partial)*

Direct, niche and other marketing opportunities should be pursued so producers can receive a greater share of the retail price of their production

Tennessee is in a similar posture, however, the Tennessee General Assembly passed Public Chapter 423 of 2023. This law requires TDA to take into account all forms of THC in the hemp plant. TDA was instructed by the 113th General Assembly to write the Proposed Rules by Public Chapter 423. When TDA published their draft rules, there was public push-back from the hemp industry saying the rules were too onerous.

## *Alcohol and Drug Abuse (Partial)*

*We oppose the legalization of recreational marijuana.*

## *Health and Medical (Partial)*

We oppose the recreational use of marijuana and believe there must be safeguards to avoid allowing medical cannabis to be an avenue for recreational use.

## *American Farm Bureau 204 / Industrial Hemp*

### 1. We support:

- 1.1. The production, processing, commercialization and utilization of hemp and that it be regulated by USDA rather than the Drug Enforcement Administration (DEA);
- 1.2. Regulation of the hemp industry that is in line with other agricultural commodities and standards;
- 1.3. The creation of industry standards by the hemp industry to ensure product quality;
- 1.4. Legislation to amend the Controlled Substances Act to exclude hemp;
- 1.5. Retesting if a plot/crop comes back above the allowable THC "hot";
- 1.6. The proper government entities regulating the safety, quality and standardization of hemp products that are sold to consumers;
- 1.7. Research and development for labeling fungicides, herbicides and insecticides to be used for hemp;
- 1.8 Federal and state funding for all required regulatory oversight;
- 1.9. Affording hemp extracts, concentrates and byproducts derived from legal hemp the same legal status and protections as the hemp they originated from;
- 1.10. The development and approval of alternative uses and/or disposal methods for a "hot crop" other than DEA disposal rules, including but not limited to fiber, textiles, animal bedding, fuel and other non-consumable uses;
- 1.11. Adjustments that would allow for hemp with up to 1% THC to be legal;
- 1.12. A permanent USDA-Risk Management Agency crop insurance policy specific for hemp;
- 1.13. Nationwide THC sampling protocols;
- 1.14. Research on the safe use of hemp as a feed ingredient for poultry and livestock;
- 1.15. Testing of plant, if necessary, including flower, leaf and stem from parts of the entire plant and in equal proportion (not only from the top third of the plant and only the flower);

- 1.16. Testing hemp within 45 days before harvest;
- 1.17. Any accredited lab being able to test hemp for CBD or THC content;
- 1.18. The exemption of hemp grown explicitly for non-human consumption (i.e., grain, fiber, seed, oil, ethanol) from DEA-approved laboratory testing for legal limits of CBD/THC;
- 1.19. A hemp crop tested and passed within legal limits being treated like any other product grown on the farm and that it should be allowed to be sold as such (at farm stores, farm stands, and farmers markets with COA as documentation of proof);
- 1.20. A certification system to help farmers ensure the quality of their seed or planting stock;
- 1.21. The national standardization of rules for hemp production;
- 1.22. Uniform standards that allow the transport and sale of CBD, hemp products and seed via interstate commerce. Growers, handlers, processors and those associated with bringing hemp to the marketplace should be held to the same transportation standards as other agricultural commodities;
- 1.23. Regulation and taxation of any hemp-derived products that concentrate or synthesize intoxicating compounds;
- 1.24. Testing, control and enforcement for all psychoactive substances and products made from cannabinoids in hemp except for the testing, control and enforcement of the 0.3% THC allowable in hemp shall take place after the hemp has left the farm where it is produced and has entered processing channels; and
- 1.25. Legislation that delineates industrial hemp grain and fiber from cannabinoid floral hemp by definition and regulation, including removing background checks and mandatory THC testing for industrial hemp grown for grain, fiber or industrial seed production.

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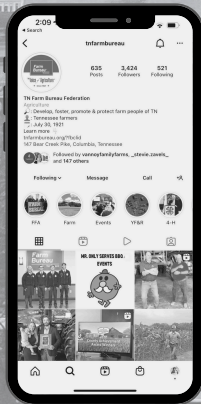
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