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## Necessary Role of Extension in Development of Agricultural Regulations

### Abstract

Extension professionals are often sought out to provide technical information for and consult on agricultural issues. However, it is not widely known that Extension professionals can fulfill an important niche in assisting with developing regulations. Indeed, there is no other organization better suited for this role. In the State of New Jersey, Extension faculty are appointed to regulatory boards and committees as neutral parties who can provide nonbiased, science-based information. Extension faculty in the state have become trusted resources related to providing information for legislated programs, such as right-to-farm regulations, and agricultural conflict resolution.

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### Introduction

For over a decade, Extension faculty and the work they produce have been valuable resources with regard to agricultural policy making. Extension activities become scholarship when specialists document the public benefits of Extension programs to clientele, when these activities are communicated to and validated by peers, and when they are communicated beyond the university (McGrath, 2006). Extension personnel can contribute to the regulatory process by providing expertise and content for proposed, adopted, and restructured agriculture-related regulations. Because Extension personnel have direct contact with clientele in the field, they are able to communicate with and understand the needs of stakeholder groups and, therefore, should be involved in the regulatory process. An evidence-based approach involving input from target groups and practitioners appears to be an inevitable strategy for continued success of the land-grant mission (Fouladkhah, 2017). Regulations on topics such as right-to-farm (RTF) protections have been influenced by Extension faculty in New Jersey. Therein lies precedence for Extension personnel to strive to influence regulatory development in their states.

New Jersey is the most densely populated state in the United States. This circumstance provides farmers with

marketing benefits but also comes with downsides. Farmer–neighbor conflicts are common in New Jersey as some practices may be viewed as nuisances. Dust, pesticide application, and farm noise are all examples of public complaints regarding agriculture. The current RTF Act in New Jersey was passed in 1983 to protect accepted agricultural management practices (AMPs) from nuisance complaints and to allow for farming without undue hindrances (New Jersey Department of Agriculture, State Agricultural Development Committee, 2017). Regulators have turned to Extension faculty at Rutgers New Jersey Agricultural Experiment Station (NJAES) to develop documents to detail accepted agricultural practices specific to New Jersey. To date, 12 AMPs have been adopted by the State Agricultural Development Committee (SADC) and are the result of technical information provided through our expertise and that of other Rutgers Extension faculty. RTF protections have allowed agriculture to coexist in a state with vast population pressures due to information from Extension faculty. Extension personnel in other states would be a valuable asset to regulators and must be involved in the rule-making process to benefit the citizens they serve.

## Background

Both of us have been working as Extension personnel with Rutgers NJAES for over two decades. Our administrators have recognized our knowledge and experience and appointed us to important roles on regulatory boards. In 2007, Dr. Schilling was appointed to the New Jersey SADC as a voting member to develop, oversee, and approve regulations pertaining to many agricultural issues. He provides information from university research on topics related to a multitude of agricultural issues. Most recently, impervious cover, soil disturbance, and agritourism activities have been hot topics for the SADC. Dr. Schilling has been able to provide research and consultation through his own work and other professional university resources.

Agent Infante-Casella has provided technical expertise to the County Agricultural Development Board (CADB) since 1996. She is an ex officio member of the CADB and assists with agricultural land use and RTF issues. Additionally, in 2011, she was appointed to the on-farm direct marketing AMP subcommittee of the SADC to draft rules for RTF protections for farmers conducting direct marketing sales.

## Extension and RTF Protections

The RTF Act provides protections for farmers practicing generally accepted methods. Through Extension education programs and participation on the SADC and CADB, we and other Extension personnel educate farmers, agricultural service providers, government officials, and university students about the RTF Act in general, the Act's formal conflict resolution process, and additional strategies for resolving agriculture-related disputes.

In New Jersey, the first legal institution tasked with addressing a conflict between a farm and the public, or even a municipality, is the CADB. The CADB has jurisdiction for reviewing agriculture-related disputes and issues. Complainants must first file with the CADB before filing in any other court. CADBs are comprised of farmers, public members, county council members, and agricultural agents. Agricultural agents are appointed to CADBs by county government officials to serve as ex officio, nonvoting members. In New Jersey, Rutgers faculty provide nonbiased, science-based technical information related to farm production practices, marketing methods, and environmental issues. They advise boards on generally accepted agricultural practices when nuisance complaints arise to help the CADB directors rule on those complaints.

One misconception is that farmers must comply with stipulations of the RTF or details of an AMP. This is not the case. To be protected from nuisance complaints about generally accepted agricultural practices, the farmer must

be in compliance with SADC-approved rules or have a site-specific AMP (SSAMP) approved by the CADB. Consequently, another role Extension personnel fill is providing technical expertise related to consideration of SSAMPs. If a particular AMP does not exist, a farmer can be preemptive by drafting a document outlining his or her agricultural practices to have an SSAMP approved by the CADB. For example, in a past case, a farmer intended to bring municipal leaves onto his property to spread between orchard rows of peach trees. Research suggested that this practice would be beneficial for soil fertility, soil structure, and peach tree yields. Because no AMP existed at the time, the farmer, with assistance from Extension personnel, drafted a plan that detailed every step of the process. The plan was presented to the CADB and approved. The farmer then had protection from nuisance complaints, as long as the farmer's activities adhered to the approved SSAMP. For a farmer to be eligible for protections of an SSAMP, the farm must meet commercial agriculture eligibility requirements and the plan must include generally accepted AMPs.

The 12 categories of state-approved AMPs providing RTF protections for farmers in New Jersey are apiary; poultry manure; food processing by product land application; commercial vegetable production; commercial tree fruit production; natural resource conservation; on-farm compost operations on commercial farms; fencing installation for wildlife control; equine activities on commercial farms; aquaculture; construction, installation, operation, or maintenance of solar-energy-generation facilities/structures and equipment on commercial farms; and on-farm direct marketing facilities, activities, and events. As noted, many AMPs are the direct result of technical information, research, and reports provided by Extension personnel at Rutgers NJAES. A description of the major roles the two of us played related to the AMP for on-farm direct marketing can be used to demonstrate aspects of Extension's assistance in the development of regulations.

On-farm direct marketing is a popular option for farmers in New Jersey. With a vast population in close proximity and the consumer trend toward buying local products, direct sales to the public can increase farm profits. However, bringing the public to a farm can increase traffic and noise and extend business hours on the farm. On-farm direct marketing has caused a significant amount of farmer-neighbor conflict in past years. Municipal permits, aesthetic construction mandates, signage restrictions, and other overburdening rules made direct marketing activities difficult for some farmers. Therefore, RTF protections were not enough, and a detailed AMP for on-farm direct marketing was a priority. As mentioned previously, Agent Infante-Casella was a coauthor of the on-farm direct marketing facilities, activities, and events AMP, having served on the relevant subcommittee for 3 years to draft the protections for farms that conduct direct marketing. The RTF Act defines a farm market as a facility used for the wholesale or retail marketing of the agricultural output of a commercial farm and products that contribute to farm income. As farm markets evolved and new forms of retail marketing were presented, more details needed to be addressed. Agent Infante-Casella was able to provide multiple examples of generally accepted direct marketing methods used on farms. With her professional relationships with farms throughout the state, she assisted SADC staff in gaining access to multiple farm markets to collect data to substantiate information in the AMP. Requirements and necessary aspects of bringing the public on the farm needed to be met by farmers to gain RTF protections and were addressed in the AMP document. As noted previously, Dr. Schilling is a voting member of the SADC and has been present to approve many of the AMPs for farm protections. In the case of the on-farm direct marketing facilities, activities, and events AMP, Dr. Schilling participated in the final step of approving the AMP through his role on the SADC. The rule became effective as of April 2014 (New Jersey Department of Agriculture, State Agricultural Development Committee, 2014).

## Conclusions

County agricultural agents and Extension specialists gain respect and trust from farmers, the public, and legal entities when they provide objective, accurate, and unequivocal information. When people have interaction with proven Extension personnel, they realize the extent to which those personnel have networking capacity, real-world experience, and dedication to their careers and the clientele they serve. These are qualities that contribute to the valuing of Extension faculty as resources for regulatory boards and the communities they serve related to agricultural issues. Other states need to recognize the value of Extension personnel as technical resource providers and use Extension in the development of regulations affecting the agriculture industry. Those working in Extension must take action to ensure that result.

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