



Michigan Department of Agriculture and Rural Development

Agriculturally speaking... Fact v. Fiction and what really changed with the GAAMPs?

by Jamie Clover Adams, Director, MI Department of Agriculture & Rural Development Recent changes to the voluntary set of guidelines used to support the state's Right to Farm Act have created a maelstrom of misunderstanding and misinformation about what the law does and does not do, including what protections it may or may not afford Michigan's farming community. That misunderstanding continues to be amplified by social media reports which vastly misrepresent the facts and the potential impacts, especially as it relates to small and urban farmers.

Since the beginning, the Right to Farm Act has been specific to commercial agriculture, both small and large. Raising chickens or other food for your own family's consumption has never been within the scope of the Right to Farm Act and that has not changed.

The Right to Farm Act is still in place and remains unchanged – it was not repealed as some have alleged in their reporting. So, what has changed?

The Right to Farm Act is a state law created in 1981 to address urban encroachment into rural areas because the folks moving into the country didn't like the smells, sounds, dirt, etc. that come with agriculture and farming practices. The Act provides an affirmative defense to nuisance lawsuits if farmers are in conformance with the relevant Generally Accepted Agricultural Management Practice (GAAMP) standards. It's important to remember that the Right to Farm Act has never provided blanket permission to locate farm animals in every corner of Michigan. The Livestock Site Selection GAAMP places conditions on the location of farm animals to reduce the risk of nuisance complaints. The difference over the past few years is that individuals are bringing farm animals into existing, primarily residential areas increasing the potential for conflict and nuisance complaints.

The Michigan Commission of Agriculture and Rural Development made revisions to the Livestock Site Selection GAAMP adding Category 4 sites, which are locations that are primarily residential, don't allow agricultural uses by right and are, therefore, not suitable for farm animals for purposes of the Right to Farm Act. Under the Livestock Site Selection GAAMP, primarily residential areas are sites with more than 13 non-farm homes within an eighth of a mile of the livestock facility or one non-farm home within 250 feet of the livestock facility. However, local communities can decide to allow farm animals under these circumstances.

This decision was not made in haste. The Commission took hours of public testimony, held a number of meetings and has been looking into this issue for several years. In recent years, there has been increased interest in having a small number of livestock in non-rural areas. While more than 40 communities in Michigan have ordinances allowing for the keeping of livestock in non-rural residential areas, many do not, resulting in increased conflict between municipalities and livestock owners in these areas.

MDARD continues to support the expansion of urban agriculture and livestock production across the state, but has consistently said the expansion of agriculture into urban and suburban settings must be done in a way that makes sense for community residents, as well as the overall care of farm animals and livestock.

I encourage folks to contact their municipalities to encourage agriculture in their communities. MDARD is currently working with the City of Detroit as they draft a livestock ordinance that could be used as a model for other municipalities. Our staff are out every day helping livestock producers site their facilities in conformance to GAAMPs to reduce nuisance risks. Staff work hard to help resolve conflicts between neighbors over nuisance issues to help them avoid going to court.

Again, the GAAMPs are voluntary – not regulatory. MDARD has no enforcement authority. Nuisance protection under the Right to Farm Act is, continues to be, and always has been something that's determined by a judge – not the Commission of Agriculture and Rural Development or MDARD.

For more information on this topic, visit www.michigan.gov/righttofarm