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THE SENATE  
STATE OF NEW YORK



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February 24, 2023

Hon. Kathy Hochul, Governor  
Executive Chamber  
State Capitol  
Albany, N.Y. 12224

Dear Governor Hochul:

Our farmers have been on the receiving end of numerous mandates from New York State government recently, which has created unprecedented operational and financial challenges for these family businesses. We are at a point where further burdens may be the final straw for many of these hardworking farmers.

**Accordingly, I am writing to request that you amend the 2023-24 Executive Budget to add “agricultural facilities” to the list of buildings below that would be exempt from the ban on fossil fuel equipment and building systems in Article VII, TED Part WW.**

The omission is apparent in the following section outlining exempt facilities:

(iii) in a building or part of a building that is used as a manufacturing facility, commercial food establishment, laboratory, laundromat, hospital, other medical facility, critical infrastructure such as backup power for wastewater treatment facilities, or crematorium;

As you know, agriculture is an energy-intensive industry. Due to the rural locations of farms, electrification won't be possible for most because their local utilities infrastructure lacks the capacity to meet such a demand.

Unfortunately, it is clear that there is some confusion over agriculture's exemption status. During the Joint Legislative Budget Hearing on February 15, Agriculture Commissioner Richard Ball responded to my question about farm buildings and fossil fuel bans by stating that these structures would be exempt from the ban under a 'hard to electrify' provision. New York State Energy Research and Development Authority (NYSERDA) President Doreen Harris responded similarly to a question later in the hearing. However, the Executive Budget, as drafted, does not specify such an exemption.


Unless the exemption is clearly specified, it will leave our farmers and agricultural businesses in a financially and legally vulnerable position.

New York State's farmers and agricultural producers are facing more challenges than ever before. If we want to keep this vital sector strong, state government has to do better at protecting farming from harmful state policies and from the unintended consequences that can result from those actions. If we don't, this once-vibrant industry will continue to weaken, along with our economy and the availability of fresh, healthy, New York State-produced food.

Thank you for your consideration of our comments and request.



George M. Borrello  
Ranking Member, Agriculture Committee  
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cc:

Hon. Andrea Stewart-Cousins  
Temporary President and Majority Leader  
New York State Senate

Hon. Michelle Hinchey  
Chair, Senate Agriculture Committee

Commissioner Richard Ball  
NYS Department of Agriculture & Markets

Doreen Harris  
President & CEO, NYSERDA

Shawn MacKinnon  
Secretary to Senate Finance for the Minority