



October 6, 2009

Dear Members of the Joint Committee on Municipalities and Regional Government:

The Massachusetts Farm Bureau Federations supports SB 2083 - *An act relative to regulations promulgated by the Board of Health of the Town of Boxford.*

The Massachusetts Farm Bureau Federation represents more 6,500 farmers and farm families in the Commonwealth. As part of the service we provide our members, we frequently become involved in, or offer advice on, issues and concerns they may have with the activities of local and state government. This often involves activities of Boards of Health, who operate with more freedom to regulate than other municipal boards. Unlike most municipal bylaws, Board of Health (BOH) regulations do not require review and approval from the Attorney General's office.

During approximately the last 15 years, we have heard from numerous Farm Bureau members concerning various activities of the Boxford Board of Health (BOH). In fact, the Massachusetts Farm Bureau Federation has received more complaints regarding the Boxford BOH than nearly any other municipal agency in the Commonwealth. While the topics of concern have varied from pesticides to land use, and most recently stable regulations, there have been several common theme to complaints we have heard – that the Boxford BOH fails to listen to and address legitimate concerns of the agricultural community, and operates in a manner that is less than objective. A recent letter to the Chair of the BOH from the Commissioner of Agricultural Recourses suggests that the recently passed stable regulations conflict with Commonwealth Right to Farm provisions, and “go farther than necessary for their achievement of their putative health and safety objectives”.

For its part, the Boxford BOH has always claimed that it is exercising its authority and acting in the best interest of its citizens. While this is a laudable position, evidence would suggest that the manner in which the Boxford BOH has approached this responsibility, and the culture within which it operates, is problematic. Particular members of the BOH are frequently criticized in the letters to the editor section of the local newspaper, and frequently reply back with acerbic responses. An online video of a recent BOH meeting on stable regulations shows an extremely contentious relationship/exchange between two particular members of the BOH and two separate farmers. At one point, the two BOH members stop a farmer from testifying when she offers her opinion that they are not objective on farm issues. The two members then leave the meeting while discussion continues between the farmer and the remaining BOH member, who is new to the Board. The video can be viewed at

<http://video.google.com/videoplay?docid=-5006458102675821766#>

The very fact that a bill such as this has been filed is strong evidence that there is something amiss with the Boxford BOH.

We recognize that it is difficult for the legislature to determine who is right and who is wrong in such situations. In fact, such situations are seldom so black and white. The beauty of this bill is that it does not choose sides between the BOH and agriculture. Under passage of this bill, the elected BOH would not lose any authority to attend to its responsibilities. This bill would simply require that BOH regulations would go to town meeting for discussion and vote by the same townspeople who elected the BOH, and who would be impacted by regulations. This is simply an additional step to passage of a regulation that would ensure a sound, democratic process that meets the will of the people of Boxford.

The Massachusetts Farm Bureau Federation strongly urges the Committee to vote favorably on this bill.

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