

**BRIDGING THE GAP: FARM TRANSITION
CHALLENGES FACING ELDER FARMERS
AND THE NEED FOR A NATIONWIDE
FARM-ON PROGRAM**

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The United States currently faces an expanding agricultural age gap. The last fifteen years have seen both significant increases in the number of farmers over age sixty-five and significant decreases in the number of farmers under age twenty-five. This generational gap poses a dilemma for elder farmers considering retirement and ownership succession, many of whom lack formal retirement plans and depend on income derived from the sale of land and equipment. Failure to plan for the transfer of assets can also have serious tax and health implications. Several states and some non-profit organizations have implemented Land-Link or Farm-On programs which match older farmers seeking to find successors and younger farmers interested in acquiring land of their own. These programs, however, are not available nationwide, have varying eligibility requirements, and often suffer from inconsistent funding and lack of diversity in their applicant pools. Further, most state programs are currently web-based and are therefore inaccessible to the significant proportion of elder farmers who do not use the Internet. Creating a national Farm-On program would remedy the deficiencies of the regional system by providing farmers access to a diverse pool of applicants, standardizing eligibility requirements, and increasing participation through local Farm Service Agency offices.

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I. Introduction

In 1998, a United States Department of Agriculture (USDA) report entitled, *A Time to Act: A Report of the USDA National Commission on Small Farms*, proclaimed that at no point in the history of U.S. agriculture had the nation faced “such a wide generational gap in farm participants.”¹ Almost ten years later, the 2007 U.S. Census of Agriculture offered evidence this gap was growing wider still, revealing the average age of U.S. farmers to be more than fifty-seven.² Additionally, the 2007 census found that the number of agricultural operators sixty-five years or older grew by 22% from 2002, while the number of operators under forty-five decreased by 14%.³ Furthermore, as reported by Mishra et al. in 2005, one-fourth of all farmers, and about half of all agricultural landlords, are age sixty-five or older, compared to only 3% of the overall labor force.⁴ As of 2011, there are six U.S. farmers over the age of sixty-five for every one farmer under the age of thirty-five.⁵

Clearly, American farmers are aging disproportionately when compared to other U.S. labor forces. Additionally, there is evidence these older Americans are not being adequately replenished by a younger workforce.⁶ This absence of young farmers not only creates

1. U.S. DEP’T OF AGRIC., *A TIME TO ACT: A REPORT OF THE USDA NATIONAL COMMISSION ON SMALL FARMS* 89 (1998) [hereinafter *A TIME TO ACT*], available at http://www.csrees.usda.gov/nea/ag_systems/pdfs/time_to_act_1998.pdf.

2. NAT’L AGRIC. STATISTICS SERV., U.S. DEP’T OF AGRIC., *2007 CENSUS OF AGRICULTURE FACT SHEET 1* [hereinafter *FACT SHEET*], available at http://www.agcensus.usda.gov/Publications/2007/Online_Highlights/Fact_Sheets/Demographics/farmer_age.pdf; NAT’L AGRIC. STATISTICS SERV., U.S. DEP’T OF AGRIC., *2007 CENSUS OF AGRICULTURE*, 7 tbl.1 (2009) [hereinafter *2007 CENSUS OF AGRICULTURE*], available at http://www.agcensus.usda.gov/Publications/2007/Full_Report/usv1.pdf.

3. *2007 CENSUS OF AGRICULTURE FACT SHEET*, *supra* note 2, at 1.

4. Ashok K. Mishra et al., *How Do U.S. Farmers Plan for Retirement*, 3 *AMBER WAVES* 13, 13–18 (2005), available at <http://webarchives.cdlib.org/sw1tx36512/http://www.ers.usda.gov/Amberwaves/April05/Features/FarmRetirement.htm>.

5. LINDSEY LUSHER SHUTE, NAT’L YOUNG FARMERS’ COAL., *BUILDING A FUTURE WITH FARMERS: CHALLENGES FACED BY YOUNG AMERICAN FARMERS AND A NATIONAL STRATEGY TO HELP THEM SUCCEED* 9 (2011) [hereinafter *NYFC REPORT*], available at <http://www.youngfarmers.org/newsroom/building-a-future-with-farmers-october-2011/>.

6. *Id.*; see Fred Gale, *The Graying Farm Sector: Legacy of Off-Farm Migration*, 17 *RURAL AM.* 28, 28–30 (2002); see also Tom Vilsack, U.S. Sec’y of Agric., Address at the John Deere Des Moines Works (Oct. 25, 2011), in *Agriculture Secretary Vilsack on Priorities for the 2012 Farm Bill*, available at <http://www.thebaynet.com/>

questions involving who will produce food for future generations—and on what land—but also creates personal questions for older farmers and producers looking to retire or pass their farming operations on to successive generations.

As *A Time to Act* suggests, the aging of the United States' farming population has not gone unnoticed by the USDA.⁷ In fact, encouraging and incentivizing beginning farmers and ranchers has been a recent priority of the Secretary of Agriculture, Tom Vilsack. For example, in his October 24, 2011 speech made at the John Deere Des Moines Works, the Secretary discussed USDA priorities for the 2012 Farm Bill and noted:

America has an aging farming community. In the past five years, we've seen a 20 percent decrease in the number of farmers under the age of 25; and based on the last census; the average American farmer is 57 years of age. Nearly 30 percent of American farmers are over the age of 65, which is almost double the number of folks in the workforce over sixty-five. Now, some of these folks want to slow down or retire; but they have no one to take over the farming operation. That challenges us to find new ways, through tax policy, through regulations, through our credit programs, or other programs, to help transition farms to the next generation.

Many of the federal programs Secretary Vilsack referenced in his remarks can be found in the Beginning Farmer and Rancher Opportunity Act of 2011 (BFROA).⁹ BFROA (H.R. 3236) was introduced in the House of Representatives on October 14, 2011, by Representatives Tim Walz (D-MN) and Jeff Fortenberry (R-NE), and this bipartisan bill is intended for inclusion in the 2012 Farm Bill.¹⁰ An overview of the Bill reveals a bundle of proposed agricultural programs intended to incentivize and support beginning farmers in obtaining capital and financing to start farming.¹¹ Most of these proposals loosen program eligibility requirements for beginning farmers interested in obtaining

news/index.cfm/fa/viewstory/story_ID/24744 (noting the aging of the U.S. farming community).

7. See *A TIME TO ACT*, *supra* note 1.

8. Vilsack, *supra* note 6.

9. Beginning Farmer and Rancher Opportunity Act of 2011, H.R. 3236, 112th Cong. § 1 (2011).

10. Nat'l Sustainable Agric. Coal., *Beginning Farmer Bill Introduced in Congress to Include in Farm Bill*, (Oct. 25, 2011), <http://sustainableagriculture.net/blog/new-farmer-bill-introduced/>.

11. H.R. 3236 §§ 201–25.

credit to invest in farm equipment and farmland.¹² Despite the BFROA's emphasis on the aging of American farmers, however, few if any of the federal programs found in BFROA address the social and economic obstacles deterring elder farmers from retiring and passing their operations on to the next generation—despite observations from agricultural economists that farm retirement and farm succession are “inter-linked”¹³ and “not separable.”¹⁴ As is set forth in Part III.A of this Note, the important role retiring farmers play in the success of generational farm transitions has been largely ignored by federal programs aimed at supporting beginning farmers. With over one-third of all farm assets controlled by farmers age sixty-five or older,¹⁵ fostering a new generation of U.S. farmers cannot include forgetting the old.

To bridge this generational gap, this Note, drawing on the success of many state-run programs, explains the need for a nationwide Farm-On program aimed at transitioning farms to the next generation.¹⁶ Such a nationwide, unified program, administered by the USDA Farm Service Agency and intended to produce custom farm succession agreements between retirees and successors, would not only allow younger farmers viable opportunities to obtain farmland and capital to begin farming, but also mitigate problems and stresses facing older, retiring farmers when it comes to farm succession. In addition, such farm succession agreements will reduce beginning farmers' need to obtain large loans from the federal government while diminishing elder farmers' uncertainty surrounding the future of their farming operations.¹⁷

Part II of this Note describes the current age gap U.S. agriculture is experiencing and the factors delaying retirement for many older farmers, as well as some of the negative consequences associated with

12. *See id.*

13. ASHOK K. MISHRA ET AL., SUCCESSION IN FAMILY FARM BUSINESS: EMPIRICAL EVIDENCE FROM THE U.S. FARM SECTOR, Selected Paper for Presentation at the AAEA Meeting in Denver, Colo. 17 (2004).

14. Ayal Kimhi & Roman Lopez, *A Note on Farmers' Retirement and Succession Considerations: Evidence from a Household Survey*, 50 J. AGRIC. ECON. 154, 160 (1999).

15. *See* Mishra, *supra* note 4 (“Older age-group farm operators and landowners control over one-third of all farm assets . . .”).

16. DAN LOOKER, FARMERS FOR THE FUTURE 55–56 (1996) (discussing the overall benefits the Iowa Farm-On program offers both beginning and retiring farmers).

17. *Id.* at 56 (noting Farm-On's potential to make entry into farming less costly for beginning farmers).

a farmer's decision to delay retirement. Part III analyzes how state-run farm transition programs such as Iowa's Farm-On program, a service aimed at facilitating effective farm transitions, have benefited both beginning and retiring farmers. Additionally, this section highlights some of the deficiencies of a state-based farm transitioning system. Finally, Part IV recommends the adoption and implementation of a nationwide Farm-On program and illustrates the advantages such a program would have for both retiring and beginning farmers.

II. Background

A. An Aging Farming Population

The 2007 Census of Agriculture, taken every five years by the USDA National Agricultural Statistics Service (NASS), revealed an aging farming population across many states and demographics.¹⁸ The disproportionate aging of American farmers, however, is not a recent phenomenon.¹⁹ In fact, the average age of a principal farm operator has increased approximately one whole year in each census cycle dating back to 1978, increasing from 50.3 to 57.1 years of age in 2007.²⁰ Although the current majority of farm operators are between forty-five and sixty-four years of age, those sixty-five or older are the fastest growing group of farm operators.²¹

Despite this general trend, the most notable increase in the average age of farm operators occurred following the farm crisis of the 1980s.²² This "farm crisis," a term generally used to describe a period of depressed commodity prices in the 1980s following an increase in

18. 2007 CENSUS OF AGRICULTURE, *supra* note 2, at 619–27 tbl.46; FACT SHEET, *supra* note 2, at 1.

19. See LOOKER, *supra* note 16, at 9–11 (discussing the great "farm crisis exodus" of the 1980's and noting the dramatic nineteen percent increase of Iowa farmers over the age of seventy following the 1992 Census of Agriculture).

20. FACT SHEET, *supra* note 2, at 1.

21. *Id.*

22. See *The Aging of Agriculture: Empowering Young Farmers to Grow for the Future: Hearing Before the Subcomm. on Empowerment and Subcomm. on Rural Enterprises, Business Opportunities, and Special Small Business Problems of the H. Comm. on Small Business*, 106th Cong. 3–4 (1999) [hereinafter *Hearing*] (opening statement of Rep. Pitts, Chairman, S. Comm. on Empowerment); LOOKER, *supra* note 16, at 9–11 (noting the overall aging trends of the 1987 and 1992 Census of Agriculture).

the dollar and collapsed export markets,²³ had a dramatic effect on both entry and exit rates of beginning and retiring farmers.²⁴ During the 1980s, older farmers began to delay retirement and younger farmers were less likely to enter farming.²⁵ Most farmers delayed retirement either because they did not want to sell their land in a depressed market or because they were forced back into farming after younger farmers who had purchased their land were unable to make payments.²⁶ During this time, younger farmers, observing the financial struggles of their older counterparts, were discouraged from farming or driven out of farming altogether because they could not make payments on their farm loans.²⁷

B. Factors Delaying Retirement for U.S. Farmers

Unfortunately, the economic and social factors that tend to delay farm retirement and discourage farm entry are not a mere relic of the 1980s. In today's market, younger farmers face enormous financial barriers to obtaining the capital they need to begin farming.²⁸ In addition, there exists a complex set of both social and economic reasons why elder farmers may avoid retirement.²⁹ As John Baker of the Beginning Farmer Center argued before Congress, the number one barrier to farm entry facing young farmers today is existing farmers' insufficient farm exit and retirement strategies.³⁰ Next, this Note will discuss a number of factors delaying farmer retirement, along with some of the negative consequences associated with a farmer's decision to postpone retirement.

23. NADINE LEHRER, U.S. FARM BILLS AND POLICY REFORMS, 68-69 (2010).

24. LOOKER, *supra* note 16, at 10.

25. *Id.* at 9.

26. *Id.*

27. *Id.*

28. See, e.g., *Hearing, supra* note 22, at 12 (statement of Terry Ecker, farmer from Elmo, Mo.) (noting the most substantial challenge facing young farmers involves obtaining capital); *id.* at 26 (oral remarks of Lynn Cornwell, Vice President, Nat'l Cattlemen's Beef Ass'n) (indicating "cost of capital is too high for young farmers that want to get in the business.").

29. See Ayal Kimhi & Ray Bollman, *Family Farm Dynamics in Canada and Israel: The Case of Farm Exits*, 21 J. AGRIC. ECON. 69, 70 (1999) (discussing potential factors impacting farm exit decisions, including poor health, decline in ability to operate the farm, income-age profile, and "bad luck").

30. *Hearing, supra* note 22, at 33 (statement of John Baker, Iowa Beginning Farmer Center).

1. FEDERAL TAX POLICIES: THE ESTATE AND CAPITAL GAINS TAXES

Although there are a variety of reasons why older farmers are increasingly deciding to delay retirement, some analysts argue farmers are putting off retirement primarily due to incentives created by tax policies.³¹ Understanding how federal tax policies affect farm retirement decisions requires an understanding of an individual farm operator's financial make-up and retirement strategy. In general, however, agricultural operators planning for retirement tend to have several sources of income and more diverse financial portfolios than the average U.S. household.³² Furthermore, farmers are generally less dependent on social security benefits because their participation in the social security system varies depending on the off-farm employment income of the household.³³ For example, small farm households who report losses from farming may only participate in the social security system through off-farm employment and pay little or no self-employment tax on farm income.³⁴ Additionally, farming households differ from non-farm households in that their retirement savings are less likely to include employer-sponsored retirement plans or individual savings plans, such as IRA and 401(k) accounts.³⁵ Instead, older farmers are far more likely to have their retirement savings tied up in on-farm assets such as farmland.³⁶

Due to the fact that the majority of farmers' assets are attached to real property,³⁷ two federal taxes, the capital gains tax and estate tax (more infamously known as the death tax)³⁸ can have a heavy impact on farmers' retirement and farm transition decisions.³⁹

31. Mishra, *supra* note 4, at 18.

32. *Id.*

33. *Id.* at 14–15.

34. *Id.* at 15.

35. *Id.* at 16, 18.

36. *Id.* at 17.

37. *Id.*; see TAX PLANNING FOR AGRICULTURE 7 (Alfred J. Olson & Thomas L. Schoaf eds., 2d ed. 1977) ("A severe lack of liquidity is found in the farm or ranch enterprise. The farm family's wealth almost entirely resides in production assets, with liquid assets typically controlling less than 5% of total worth.").

38. Steven E. Landsburg, *How the Death Tax Hurts the Poor*, WALL ST. J., Oct. 29, 2011, at A15, <http://online.wsj.com/article/SB10001424052970203554104577001652652545814.html>.

39. See *Federal Tax Issues: Overview*, USDA ECONOMIC RESEARCH SERVICE, <http://www.ers.usda.gov/topics/farm-economy/federal-tax-issues.aspx#estate> (last visited Oct. 23, 2012).

In recent years, farmers have enjoyed reduced tax rates on capital gains⁴⁰—profits arising from investments in property that have appreciated in value.⁴¹ Reduced taxes on capital gains are important to farmers because farming requires large investments in land that tend to appreciate over time.⁴² Capital gains taxes make these profits accruing from land appreciation taxable by the federal government.⁴³ Many farm advocacy groups, however, argue that such taxes serve as a barrier to farm transfers because capital gains taxes are imposed when farmland is sold, thereby making it more difficult to transfer land to the next generation of farmers.⁴⁴ In fact, on October 4, 2011, the American Farm Bureau Federation strongly supported legislation introduced in both the Senate and the House of Representatives that would eliminate the expiration of the current tax rates for capital gains and dividends, urging members of Congress to maintain capital gains rates at fifteen percent or put “the future of agriculture at risk.”⁴⁵ If such legislation passes both Houses of Congress, capital gains taxes will not rise to twenty percent on January 1, 2013, as scheduled under current law.⁴⁶

In addition to capital gains taxes, estate tax rates can have a large impact on older farmers’ retirement and farm succession decisions.⁴⁷ The federal estate tax is imposed upon a decedent’s gross estate at his or her death.⁴⁸ An “estate” is the value of the property that passes on to the decedent’s successors combined with the value of the probate estate.⁴⁹ Under the estate tax, each beneficiary pays no tax on his or

40. Jobs and Growth Tax Relief Reconciliation Act of 2003, Pub. L. No. 108-27, 117 Stat. 752 (2003) (codified as amended in 26 U.S.C. §§ 1, 55, 57, 1445, 7518; 46 U.S.C. app. § 1177).

41. 47A C.J.S. *Internal Revenue* § 127 (2011) [hereinafter C.J.S.]; see *Pridemark, Inc. v. Comm’n*, 345 F.2d 35, 44 (4th Cir. 1965) (*overruled by* *Of Course, Inc. v. Comm’n*, 499 F.2d 754 (4th Cir. 1974)).

42. *AFBF Urges Congress to Hold Line on Capital Gains Rate*, AM. FARM BUREAU FED’N, (Oct. 4, 2011), <http://www.fb.org/index.php?action=newsroom.news&year=2011&file=nr1004.html> (statement of Bob Stallman, President of the American Farm Bureau Federation).

43. See C.J.S., *supra* note 41.

44. See *AFBF Urges Congress to Hold Line on Capital Gains Rate*, *supra* note 42.

45. *Id.*

46. *Id.*

47. Mishra, *supra* note 4, at 18.

48. Stephanie A. Weber, Note, *Re-Thinking the Estate Tax; Should Farmers Bear the Burden of a Wealth Tax?*, 9 *ELDER L.J.* 109, 111 (2001).

49. *Id.*

her inheritance; rather, the tax is paid from the decedent's estate by the decedent's personal representative.⁵⁰

In 2001, Congress passed the Economic Growth and Tax Relief Reconciliation Act (EGTRRA), significantly adjusting the future impact of the estate tax.⁵¹ Following its enactment, EGTRRA gradually phased out the estate tax by lowering the maximum tax rate and raising the unified credit to an eventual \$3.5 million in 2009.⁵² Additionally, EGTRRA called for the complete elimination of the estate tax in 2010.⁵³

According to its supporters, one of the main policy objectives of EGTRRA was to alter the federal estate tax regime to help facilitate family farm transfers.⁵⁴ As some scholars have argued, however, EGTRRA primarily benefited a limited number of large corporate farms while fewer small family farms, which make up the majority of farms in the United States,⁵⁵ realized any benefits.⁵⁶ In fact, some have argued reductions in the estate tax will hurt smaller family farms by concentrating wealth in larger farms.⁵⁷ Nevertheless, in recent years, and largely as a consequence of lobbying by farmers and farming groups,⁵⁸ federal estate tax policies have been adjusted so as to allow

50. *Id.*

51. Alex E. Snyder, Note, *Saving the Family Farm Through Federal Tax Policy: Easier Said Than Done*, 62 WASH. & LEE L. REV. 729, 732 (2005).

52. *Id.* at 767.

53. *Id.* at 732; see Economic Growth and Tax Relief Reconciliation Act of 2001, Pub. L. No. 107-16, 115 Stat. 38 (2001) (codified in scattered sections of 26 U.S.C.).

54. Snyder, *supra* note 51, at 732 (noting "one of the main policy goals of the Act, according to its supporters, was to save the family farm."); see, e.g., *President's Tax Relief Proposals that Affect Individuals: Hearing Before the House Comm. on Ways and Means*, 107th Cong. (2001), <http://waysandmeans.house.gov/legacy/fullcomm/107cong/3-21-01/107-6final.htm> (last visited Oct. 23, 2012) (statement of Bob Stallman, President, American Farm Bureau Federation) ("Eliminating death taxes is the top priority of the American Farm Bureau Federation. Families own 99 percent of our Nation's farms and ranches, and unless death taxes are repealed, many of these families are at risk.").

55. Snyder, *supra* note 51, at 769; see *President's Tax Relief Proposals that Affect Individuals: Hearing Before the House Comm. on Ways and Means*, *supra* note 55 (statement of Bob Stallman).

56. Snyder, *supra* note 51, at 769.

57. *Id.*

58. See *Hearing*, *supra* note 22, at 11 (oral remarks of Lynn Cornwell, Vice President, Nat'l Cattlemen's Beef Ass'n) (arguing that "for young men and women facing the prospect of inheriting the family operation, the tax implications are horrible. Death taxes are one of the leading causes of breakups of farms and ranches The death tax must go, and NCBA commends Congress for the progress it is making in this regard."); see also *Hearing*, *supra* note 22, at 59 (written remarks of

larger amounts of property to be transferred at death free of any estate tax.⁵⁹

On December 17, 2010, Congress passed the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act (Act), affecting a wide range of taxes, including the estate tax.⁶⁰ Despite the repeal of the estate tax in 2010, this Act reinstated an estate tax in 2011 and 2012 at a maximum rate of thirty-five percent and an estate tax exemption of \$5 million.⁶¹ The Act also applies this thirty-five percent tax rate and \$5 million exemption retroactively to all of 2010, but allows estates of decedents dying in 2010 to pass on the estate tax system and instead pay EGTRRA's carryover basis regime.⁶² As commentators have argued, the \$5 million exemption will largely relieve most farms of estate tax obligations because the value of their estates will fall below this \$5 million threshold.⁶³

Despite these larger exemptions intended to facilitate farm transfers between family members, however, some analysts argue older farmers are reacting to estate tax reductions by electing to avoid capital gains taxes on any appreciation of their land prior to death, deciding not to sell their land but instead to rent it out for supplemental income.⁶⁴ Potential increases in capital gains tax rates in 2013, combined with a reduced fear of a future estate tax on farmland,⁶⁵ make this "hold" strategy an attractive option for older farmers.⁶⁶ Rather than sell their land and liquidate assets to pay for their retirement, a reduction or elimination of the estate tax provides an incentive for farmers to delay retirement and liquidation altogether, instead incentivizing

Steven Gross, farmer, on behalf of the Pennsylvania Farm Bureau ("In fact, death tax elimination is the Farm Bureau's top tax priority.").

59. Mishra, *supra* note 4, at 18; *see also* *Hearing, supra* note 22, at 21 (statement of Rep. Pitts, Chairman, H. Comm. on Small Business asking Baron Johnson, farmer, his thoughts on the Bill introduced in Congress that provided for the elimination for both estate and capital gains taxes).

60. Trusts, Estates & Nonprofit Orgs. Grp., Morrison & Foerster LLP, *Changes to the Federal Estate, Gift and Generation-Skipping Transfer Taxes for 2011 and 2012*, LEXISNEXIS ESTATE PRACTICE & ELDER LAW COMMUNITY (Jan. 25, 2011, 10:57 AM), <http://www.lexisnexis.com/community/estate-elderlaw/blogs/practitioners-corner/archive/2011/01/25/changes-to-the-federal-estate-gift-and-generation-skipping-transfer-taxes-for-2011-and-2012.aspx> [hereinafter Morrison & Foerster].

61. *Id.*

62. *Id.*

63. *See* Snyder, *supra* note 51, at 767-72.

64. *See* AFBF Urges Congress to Hold Line on Capital Gains Rate, *supra* note 42.

65. Morrison & Foerster, *supra* note 60.

66. *Id.*

farmers to hold onto the land until death.⁶⁷ This “hold” strategy supports the results of Kimhi and Lopez’s study suggesting a large proportion of U.S. farmers abstain from transferring their farms while they are still alive.⁶⁸ Therefore, although the reduction or elimination of the estate tax was proposed to more effectively facilitate farm transfers to succeeding generations,⁶⁹ it may have instead encouraged some older farmers to delay retirement and hold on to land longer.⁷⁰ Studies indicate this “hold strategy” may decrease the farm’s overall productivity and increase the likelihood that the land will not remain in agricultural production following the death of the primary operator.⁷¹

2. LACK OF FAMILY SUCCESSORS

Another factor delaying the retirement of older farmers may be the lack of suitable family successors.⁷² Innovation in agriculture and the rise of monoculture has significantly reduced the need for successors to stay on the family farm as they grow older.⁷³ In addition, a century-long trend of U.S. urbanization has decreased the number of successors willing to commit to the economic and emotional roller-coaster associated with farming.⁷⁴ Furthermore, as discussed in Part

67. Mishra, *supra* note 4, at 18.

68. Kimhi & Lopez, *supra* note 14, at 155.

69. See *Hearing*, *supra* note 22, at 59 (statement of Steven Gross, farmer, on behalf of the Pennsylvania Farm Bureau explaining how the death tax burdens the next generation of farmers inheriting the family farm).

70. Mishra, *supra* note 4, at 18.

71. See R. Dunaway, *Transferring Resources: Helping a Child Farm, Retirement and Inheritance Shaped This Plan* 115 FARM J. 26, 26–29 (1991); Kimhi & Lopez, *supra* note 14, at 154; FACT SHEET, *supra* note 2, at 2–4. However, this difference in farm sales between age groups may also be attributable to the type of farm operations. *Id.* at 3.

72. *Hearing*, *supra* note 22, at 3–4 (opening statement of Rep. Pitts, Chairman, H. Subcomm. on Empowerment) (“[T]here seems to be a shortage of young people waiting to succeed our aging farmers as they prepare for retirement Older farmers who are looking toward retirement often find their children are not interested in taking over the family farm . . .”).

73. MICHAEL POLLAN, *THE OMNIVORE’S DILEMMA* 38–40 (2006) (describing the rise of monoculture—growing only one type of crop on farmland—in the United States); Snyder, *supra* note 51, at 734–36 (noting the improved economic efficiency of U.S. farming and the decrease in the overall farm population from “42% of the overall population in 1900 to only 1.5% at the close of the twentieth century.”).

II.A *supra*, the farm crisis of the 1980s forced many family successors to seek off-farm employment.⁷⁵ As a possible consequence of these three factors, studies have revealed that although farming operations have been traditionally passed down from generation to generation, intergenerational transfers of family farms have significantly decreased.⁷⁶ Quite simply, children of farmers are far less likely to take over the family business.⁷⁷

The decreased availability of family successors can greatly impact when a farmer decides to retire.⁷⁸ As some studies have documented, availability of suitable family successors has an even larger impact on farm retirement decisions when the retiring farmer was raised on a farm.⁷⁹ Multiple generations often work on a farm for many years, building a family history through unified efforts to cultivate the land.⁸⁰ In these instances, elder farmers may be ready to retire but lack a family successor and are uncomfortable with selling the farm to a non-family member with whom the farmer is unfamiliar.⁸¹ Instead, this farmer may decide to continue farming the land, thereby delaying retirement.⁸² In a recent study measuring the health risks of elder farmers, many participants reported that “as long as they could

74. Karin R. Ziegler, Note, *Who Will Teach Our Farmers: Learning the Value of Mentor Programs from State and Private Programs*, 5 DRAKE J. AGRIC. L. 279, 287 (2000) (commenting on descendants' overall reluctance to enter farming).

75. MISHRA, *supra* note 13, at 5.

76. David Laband & Bernard Lentz, *Occupational Inheritance in Agriculture*, 36 AM. J. OF AGRIC. ECON. 311, 311–14 (1983).

77. *Hearing, supra* note 22, at 3 (opening statement of Rep. Talent, Chairman, H. Comm. on Small Business) (“[A]s producers leave their farms, their children are not going into the farming business . . .”).

78. See SONYA SALAMON, PRAIRIE PATRIMONY 140–41 (Jack Temple Kirby ed., 1992) (exploring how some farmers view retirement age as linked to the maturity of his or her successors); Kimhi & Lopez, *supra* note 14, at 155–57; *id.* at 157 tbl.1 (displaying the relative importance of the availability of a suitable successor among the respondents' children as compared to other retirement considerations).

79. Kimhi & Lopez, *supra* note 14, at 157–58.

80. Sandra K. Amshoff & Deborah B. Reed, *Health, Work and Safety of Farmers Ages 50 and Older*, 26 GERIATRIC NURSING 304, 304 (2005).

81. See Fred Gale, *The Graying Farm Sector: Legacy of Off-Farm Migration*, 17 RURAL AM. 28, 29–30 (2002) (noting the recent decrease in intergenerational farm transfers despite the commonly-held tradition of transferring farm businesses from parent to child); David Kohl & Alex White, *The Challenge of Family Business Transition*, 13 HORIZONS 1, 1 (2001) (detailing dialogue from a Virginia Tech family business transition seminar suggesting one of the main concerns of elder farmers is whether they can entrust “their” business to someone else).

82. Vilsack, *supra* note 6 (commenting that farmers over the age of sixty-five may “want to slow down or retire; but they have no one to take over the farming operation.”).

function at all, they would not stop farming.”⁸³ This “farm ‘til death” mentality may reflect elder farmers’ emotional attachments to their land as well as the lifestyle it represents.⁸⁴

3. DELAYING FARM RETIREMENT: NEGATIVE CONSEQUENCES

In addition to contributing to a widening age gap in U.S. agriculture, an elder farmer’s decision to delay retirement affects both the future of the farm and day-to-day farm management.⁸⁵ In 2007, agricultural census data suggested that a decision to continue farming past the age of sixty-five generally decreases the overall profitability of the farm.⁸⁶ This is in part due to the fact that older farmers are more likely to grow different crops and manage different types of livestock than younger farmers.⁸⁷ In addition to being less profitable, farms managed by older operators tend to have an increased risk for on-farm accidents causing serious injury.⁸⁸

Although not generally considered perilous, farming is statistically “one of the most dangerous occupations in the nation.”⁸⁹ Between the years of 1980 and 1997, farming had a documented fatality rate of 19.0 deaths per 100,000 workers, compared with an average fatality rate of 3.2 deaths per 100,000 workers across all industries.⁹⁰ From 1998 to 2002, agriculture ranked either first or second in number of work-related deaths and fourth overall in injuries resulting in time off.⁹¹ Tractor rollovers, road collisions involving farm equipment, and accidents involving the handling of livestock and machinery are among the most common causes of farm injuries and fatalities.⁹² “Tractor operation is the leading cause of death among older farmers,”⁹³ with many elder farmers refusing to cease tractor driving even though they have lost the ability to safely operate the vehicle.⁹⁴ Many

83. Amshoff & Reed, *supra* note 80, at 307.

84. *Id.* at 304.

85. Dunaway, *supra* note 71, at 26; Kimhi & Lopez, *supra* note 14, at 154.

86. FACT SHEET, *supra* note 2, at 2–4. As noted previously, this difference may also be attributable to the type of farm operations. *Id.* at 3.

87. *Id.*

88. Amshoff & Reed, *supra* note 80, 304–08.

89. *Id.* at 304.

90. *Id.*

91. *Id.*

92. *Id.*

93. *Id.* at 307.

94. *Id.*

of these tasks, including driving tractors and other farm machinery, are usually performed by farmers on their own in remote, rural areas—miles away from law enforcement or emergency care.⁹⁵ These circumstances can create especially dangerous situations for farmers over the age of sixty-five, particularly if they suffer from common ailments associated with aging such as arthritis, back-pain, or hearing and vision impairments.⁹⁶ The risk for farm-related accidents tends to increase when elder farmers express plans to continue working even after acknowledging such health impairments.⁹⁷ Studies published in *Geriatric Nursing* have shown elder farmers account for a significant proportion of workers who suffer serious farm-related injuries.⁹⁸

Finally, an older farmer's decision to delay retirement may not only put the farmer's health in danger—but also the farm itself.⁹⁹ Older farmers are less likely to ensure their land remains in agricultural production after they die.¹⁰⁰ Based on 2007 data collected by Hoppe et al., a decrease in intergenerational family farm transfers and reduction in overall farmland may have a significant impact on the agricultural industry as a whole, given that family farms account for ninety-eight percent of U.S. farms and eighty-two percent of overall production.¹⁰¹

As discussed, there are many social and economic factors that may persuade an older farmer to delay retirement. Specifically, studies have shown many farmers are unwilling to retire because of a lack of family successors or uncertainty surrounding the future of their farming operation.¹⁰² This decision to delay retirement can have many negative consequences for both the farmer and the farm itself. In re-

95. See generally *id.* (describing tractor rollovers as one of the main causes of fatalities).

96. *Id.*

97. *Id.*

98. *Id.*

99. Katherine Gustafson, *USDA Helps Old Farmers Pass the Pitchfork to New Farmers*, CHANGE.ORG, <http://news.change.org/stories/usda-helps-old-farmers-pass-the-pitchfork-to-new-farmers> (last visited Oct. 23, 2012); see Mishra, *supra* note 4, at 18.

100. Gustafson, *supra* note 99; see Mishra, *supra* note 4, at 18.

101. ROBERT A. HOPPE & DAVID E. BANKER, USDA ECONOMIC RESEARCH SERVICE, *STRUCTURE AND FINANCES OF U.S. FARMS: FAMILY FARM REPORT 6* (2010), available at <http://www.ers.usda.gov/publications/eib-economic-information-bulletin/eib66.aspx>.

102. See *supra* text accompanying notes 29–103.

sponse to the successional concerns of elder farmers and the challenges facing beginning farmers,¹⁰³ some states have established programs matching beginning and retiring farmers to facilitate successful farm transitions. The next section analyzes the benefits and drawbacks of one such state-run program, Iowa's Farm-On initiative.

III. Analysis

A. Iowa's Farm-On Program

Following the farm crisis of the 1980s, Iowa, and many other states nationwide, suffered a decline in the number of young farmers entering the agriculture industry.¹⁰⁴ Specifically, between 1978 and 1987, the number of Iowa farmers under twenty-five years of age fell by 55%, while the number of farmers over the age of seventy-five increased by almost 32%.¹⁰⁵ Iowa suffered its steepest decline in young farmers at the height of the farm crisis in the mid-1980s, with the number of farmers under twenty-five falling by 49%.¹⁰⁶ During this same time period, the number of farmers over sixty-five increased by 20%.¹⁰⁷

In response to this dramatic shift in farm participation, the Iowa General Assembly created the Beginning Farmer Center (BFC) in 1994, an organization established under the auspices of Iowa State University and the state's Cooperative Extension Service.¹⁰⁸ The legislature appropriated \$100,000 to create the center.¹⁰⁹

According to the center's enabling legislation, BFC is assigned with: (1) "facilitating the transition of farming operations from established farmers to beginning farmers,"¹¹⁰ (2) "matching purchasers and sellers of agricultural land,"¹¹¹ (3) "creating and maintaining an information base to inventory land and facilities available for acquisi-

103. NYFC REPORT, *supra* note 5, at 4–10 (noting some of the challenges facing beginning farmers such as capital, access to land, and health care).

104. *Id.* at 9.

105. *Id.*

106. *Id.*

107. *Id.*

108. IOWA CODE ANN. § 266.39E (West 2011); LOOKER, *supra* note 16, at 55.

109. LOOKER, *supra* note 16, at 55.

110. § 266.39E.

111. *Id.*

tion,"¹¹² and (4) "developing models to increase the number of family farming operations in the state."¹¹³ In addition, some of BFC's enumerated objectives include submitting annual reports to the general assembly recommending methods to encourage beginning farmers to enter agriculture and assessing the needs of both beginning and retiring farmers in order to identify program and service opportunities.¹¹⁴

In an effort to fulfill the objectives of the law creating BFC, Farm-On, a joint effort by Iowa State University's Cooperative Extension Service and the Iowa Department of Agriculture and Land Stewardship, was created to establish connections between beginning farmers who do not own land and older, retiring farmers who do not have a successor for their farming operation.¹¹⁵

1. HOW THE PROGRAM WORKS

In practice, the Farm-On program works like an online dating service.¹¹⁶ David Baker, a BFC farm transition specialist, has described Farm-On as a match-making service for farmers, similar to eHarmony.¹¹⁷ Farm-On staff maintain a database of names and contact information of both retiring and beginning farmers along with a series of questionnaires and descriptions setting forth each person's objectives and experiences.¹¹⁸ For example, retiring farmers will usually describe the size and scope of their farming operations while younger farmers offer information regarding their experience, training, and agricultural interests.¹¹⁹ Based on this information, Farm-On staff and the retiring farmer review hundreds of younger farmers' resumes and credentials, shortening the potential group of successors down to about thirty aspiring farmers.¹²⁰ From this smaller group, Farm-On will help set up an interview between the retiring farmer and the beginning farmer.¹²¹

112. *Id.*

113. *Id.*

114. *Id.*

115. LOOKER, *supra* note 16, at 55; Del Deterling, *Mentoring Farmers Without Heirs: Iowa State's 'Farm On' Helps Retiring Farmers Find Successors*, OREGON WHEAT, Oct. 2010, at 21, 21-22.

116. LOOKER, *supra* note 16, at 56.

117. Deterling, *supra* note 115, at 21.

118. LOOKER, *supra* note 16, at 56.

119. *Id.*

120. Deterling, *supra* note 115, at 21-23.

121. *Id.* at 21-22.

In many instances, the younger farmer will start out working as a hired hand for the retiring farmer before they make any agreement allowing the younger farmer to buy into the overall farm operation.¹²² According to BFC's website, Farm-On is for retiring farmers who: (1) plan to retire within the next five to ten years; (2) do not have anyone to continue the farm business; (3) have a desire for the farm business to continue; (4) want to help a beginning farmer; (5) would like to take maximum advantage of tax savings, such as reduced capital gains and income taxes; and (6) want to help preserve their family farm business and their local communities by encouraging young Iowans to move into farming.¹²³

Matt Peters, a corn and soybean farmer from Dawson, Iowa, came to the Farm-On program when he began thinking about retirement and knew neither of his children held any interest in continuing the family farm business.¹²⁴ Peters met John Lase, a twenty-nine year old aspiring farmer from Neola, Iowa, after reviewing his resume through the Farm-On program.¹²⁵ Following several conversations between the two men spanning a few months, and based on Lase's previous experience working with combines, trucks, and spray rigs, Peters signed an agreement with Lase, leasing part of the acreage Peters owns to Lase.¹²⁶ In the agreement, Lase provides all the cash inputs for the acreage he leases while Peters provides equipment for Lase in return for his labor on the rest of Peters's non-leased cropland.¹²⁷ In the beginning, such an arrangement is typical. Often young farmers begin working as hired hands with an understanding they may be able to later buy into the operation.¹²⁸ For example, an agreement may allow a younger farmer to keep the offspring of livestock as payment for his or her care of such livestock.¹²⁹ Farm-On staff strongly suggest putting all aspects of the relationship in writing, including a written agreement that transfers the estate at the death of the older farmer.¹³⁰

122. LOOKER, *supra* note 16, at 56.

123. Beginning Farmer Center, *Farm-On*, IOWA STATE UNIV. EXTENSION & OUTREACH, <http://www.extension.iastate.edu/bfc/farm>.

124. Deterling, *supra* note 115, at 21.

125. *Id.* at 21–22.

126. *Id.*

127. *Id.* at 22.

128. LOOKER, *supra* note 16, at 56.

129. *Id.*

130. *Id.* at 63.

Many older farmers, however, feel more comfortable working with the younger farmer for a couple of years before signing an official transfer agreement.¹³¹ If the arrangement between Lase and Peters continues to work as planned, both farmers hope to transition the management of the entire farming operation to twenty-nine year-old Lase.¹³² Less commonly, younger farmers with large amounts of savings purchase the retiring farmer's entire operation by a contract in which the older farmer holds the mortgage and receives payments each year from the younger farmer.¹³³

2. WHY RETIRING FARMERS PARTICIPATE IN IOWA'S FARM-ON PROGRAM

Peters's reasoning for entering into such an agreement with Lase, similar to other retiring farmers, includes both economic and personal motivations.¹³⁴ First, the agreement makes economic sense for Peters in the long-run.¹³⁵ John Baker, a Des Moines attorney who helps operate Farm-On, argues that family farms, like other working businesses, are worth more if they are sold intact.¹³⁶ Often, when a retiring farmer has no children interested in farming, the farmer will sell off the farm's machinery and liquidate any livestock or farm equipment.¹³⁷ After liquidating the farm's assets piece by piece, the retiring farmer will then sell his or her land or rent it to another farmer.¹³⁸ Baker asserts that if a farmer decides to retire and then sells everything at auction, including his or her land, capital gains taxes will siphon so much of the proceeds from the sale that what is left in the bank is much less than the retiring farmer expected to have available for retirement.¹³⁹ Instead of selling off the farm piece by piece, Barker argues an older farmer could lease on-farm assets, such as livestock buildings, to a younger farmer and then either sell or lease the land to that farmer.¹⁴⁰ Baker proposes either selling the farming operation as a whole or con-

131. *Id.*

132. Deterling, *supra* note 115, at 21.

133. LOOKER, *supra* note 16, at 56.

134. *Id.* at 56-57; Deterling, *supra* note 115, at 21-22.

135. LOOKER, *supra* note 16, at 56-57.

136. *Id.* at 57.

137. *Id.*

138. *Id.*

139. *Id.*

140. *Id.*

tinuing to own land while collecting rental payments would generate more retirement income than most other alternatives, such as farm liquidation.¹⁴¹

Baker believes retiring farmers often do not adopt this retirement strategy because they are risk-averse.¹⁴² Rather than attempt to continue the farm by transitioning a non-family member into the business, farmers believe selling off all their livestock and machinery and renting land to established farmers is a safer bet to obtain retirement income.¹⁴³ As Baker points out, however, this strategy has its own risks.¹⁴⁴ For example, in 1993, flooding and increased rainfall in Iowa reduced the state's average corn yield to eighty bushels an acre.¹⁴⁵ Due to the decreased yields caused by flooding, many retired farmers did not receive their entire annual rental payments from even the most established Iowa farmers.¹⁴⁶

The second reason most retired farmers work with Farm-On to bring younger farmers into their business is the personal motivation to preserve their rural community and pass on their work to another farm family.¹⁴⁷ Often, retiring farmers have a strong attachment to their land and the surrounding community, and they are reluctant to sell their operation to larger corporate farms.¹⁴⁸ Many farmers and authors familiar with the agricultural industry have viewed the growth of corporate farming as one of the leading causes of the overall degradation of rural communities.¹⁴⁹ As large corporations have gained control over the markets for agricultural inputs¹⁵⁰ and driven up the

141. *Id.*

142. *Id.*

143. *Id.*

144. *Id.*

145. *Id.*

146. *Id.*

147. *Id.*; Deterling, *supra* note 115, at 22 (statement of Matt Peters expressing his belief the Farm-On program is an excellent way to help rural communities survive).

148. Amshoff & Reed, *supra* note 80, at 304 (noting farmers' "emotional attachment to the land itself"); POLLAN, *supra* note 73, at 38–40; *see* SALAMON, *supra* note 80, at 141 (noting how many farmers considered the farm a "personal possession"); *see also* Deterling, *supra* note 115, at 22 (statement of Matt Peters regarding using Farm-On as a tool to help rural communities survive).

149. POLLAN, *supra* note 73, at 38–40; THE CAFO READER: THE TRAGEDY OF INDUSTRIAL ANIMAL FACTORIES 194–95 (Daniel Imhoff ed., 2010); *see* A TIME TO ACT, *supra* note 1, at 7–8.

150. Snyder, *supra* note 51, at 740.

price of supplies, such as seed and fertilizer,¹⁵¹ U.S. farmers have been forced to make efforts to increase the size and productivity of their farms so as to dilute the impact of those higher costs.¹⁵² As stated in *A Time to Act*, many of our economic accounting systems do not take into account the “hidden” costs of these larger farms, such as increased environmental degradation and the side effects of highly centralized land ownership.¹⁵³ As many small farmers and agricultural economists have argued, decentralized land ownership offers more equitable economic opportunities for people in rural communities and provides more self-employment and business management opportunities.¹⁵⁴

Additionally, Peters and other retiring farmers participate in the program because it allows them to gradually exit the business.¹⁵⁵ Following his agreement with Lase, Peters commented that he wanted to be able to stay in farming but also spend his winters in a warmer climate.¹⁵⁶ Peters, who was fifty-five years old when he entered Farm-On, came to the program earlier than most farmers rather than contacting Farm-On the year he decided to leave farming.¹⁵⁷ If a farmer comes to the program in his or her mid-fifties instead of the year of actual retirement, this gives younger or beginning farmers more time to gain experience and establish savings and equity to gradually buy out the older farmer.¹⁵⁸

Since its creation in 1994, Farm-On is just one of more than twenty state or regional programs aimed at connecting retiring farmers with potential successors.¹⁵⁹ The first connection program was Land-Link, which the Center for Rural Affairs in Nebraska started in 1990.¹⁶⁰ Both Land-Link and Farm-On are part of the National Farm Transition

151. *Id.*

152. *Id.*

153. A TIME TO ACT, *supra* note 1, at 8; Snyder, *supra* note 51, at 740; see POLLAN, *supra* note 73, at 38–40; THE CAFO READER, *supra* note 149, at 199–205.

154. Snyder, *supra* note 51, at 740; see POLLAN, *supra* note 73, at 38–40; A TIME TO ACT, *supra* note 1, at 7–9.

155. LOOKER, *supra* note 16, at 57.

156. Deterling, *supra* note 115, at 21–22.

157. *Id.*

158. LOOKER, *supra* note 16, at 56.

159. *Id.* at 55–56; see INT’L FARM TRANSITION NETWORK, <http://www.farmtransition.org/homepage.html> (last visited Oct. 23, 2012).

160. LOOKER, *supra* note 16, at 56.

Network, a network comprised of more than twenty state programs aimed to “link” beginning and retiring farmers.¹⁶¹

B. How the Farm-On Program Benefits Elder Farmers

As mentioned in Part III.A.1, the Farm-On program provides many tangible and intangible benefits to retiring farmers. First, as argued by BFC attorney John Baker, participation in the Farm-On program will help retiring farmers avoid a reduction in overall expected retirement savings by mitigating the effects of capital gains taxes.¹⁶² Second, participation in Farm-On can increase retirement income for older farmers through rental and partnership agreements with younger farmers.¹⁶³ Third, Farm-On serves as estate planning for a retiring farmer who may not, or is reluctant, to consider the future of his or her property.¹⁶⁴ Last, participating in the Farm-On program, ensures that elder farmers’ land remains in agricultural production while helping preserve rural communities and family farms in the face of ever-growing corporate interests.¹⁶⁵ In addition, participation in the Farm-On program provides beginning farmers a number of benefits.

C. How the Farm-On Program Benefits Beginning Farmers

Farm-On benefits beginning farmers in many ways. Most importantly, by working with an already established farmer, the capital needed to begin farming is greatly reduced.¹⁶⁶ As was the case for John Lase, many younger farmers gain access to retiring farmers’ combines and farm machinery in exchange for their labor, thereby reducing their need to acquire large farm loans.¹⁶⁷ Not surprisingly, young farmers who avoid borrowing large sums of money to begin farming have a higher likelihood of surviving in the agricultural

161. INT’L FARM TRANSITION NETWORK, <http://www.farmtransition.org/aboutnetw.html> (last visited Oct. 23, 2012).

162. See *infra* Part II.A.1.

163. *Id.*

164. See Ziegler, *supra* note 74, at 290.

165. See *infra* Part III.A.2.

166. LOOKER, *supra* note 16, at 56–57.

167. See *id.* (noting the practice in which young farmers reduce costs by acquiring farm equipment from older farmers).

industry long-term.¹⁶⁸ Second, programs such as Farm-On offer beginning farmers a valuable opportunity to learn from experienced farmers.¹⁶⁹ Such experience and mentoring relationships with established farmers can be especially valuable for a beginning farmer who did not come from a farming family.¹⁷⁰ In fact, the *New York Times* recently detailed the rise of young Oregon farmers in a new food culture; younger small-scale growers expressed how difficult it was finding farming mentors, thereby forcing the growers to turn to YouTube for farming tips.¹⁷¹ Furthermore, according to a study conducted by the National Young Farmers' Coalition (NYFC) surveying a majority of young or aspiring farmers between the ages of twenty-five and twenty-nine, seventy-four percent of participants rated apprenticeships offering hands-on farming experience as the most valuable support program available to young and beginning farmers.¹⁷² Some scholars argue mentoring programs such as Farm-On provide both capital support and valuable on-the-job training and experience for beginning farmers.¹⁷³

D. Drawbacks of State-Based Farm-On Programs

Despite the aforementioned benefits that state-run programs such as Farm-On can offer both retiring and beginning farmers, there are drawbacks in relying on a state-by-state system to match farmers interested in transitioning farmsteads. The following are five major problems associated with depending on a state-based system to facilitate farm transfers between retiring and beginning farmers.

1. NOT ALL STATES SPONSOR FARM-ON PROGRAMS

Not all retiring farmers have access to programs such as Farm-On.¹⁷⁴ In fact, according to the Center for Rural Affairs, farmers do

168. *Hearing, supra* note 22, at 36 (oral remarks of Susan Offutt, Administrator, Economic Research Service, U.S. Department of Agriculture).

169. Ziegler, *supra* note 74, at 290.

170. *Id.*

171. Isolde Raftery, *In New Food Culture, a Young Generation of Farmers Emerges*, N.Y. TIMES, March 6, 2011, at A19.

172. NYFC REPORT, *supra* note 5, at 15, 17–19.

173. Ziegler, *supra* note 74, at 290.

not have access to state-specific or region-specific land matching programs in twenty-two states.¹⁷⁵ On the other hand, twenty-eight states do have state or region-specific land matching programs.¹⁷⁶ Many of these state-specific land matching programs, however, are administered by nonprofit organizations with limited state funding.¹⁷⁷ Others are operated by nonprofits who only receive funding from state agricultural agencies.¹⁷⁸ Nevertheless, retiring farmers in states lacking state or region-specific land-matching programs, such as Louisiana, Mississippi, Kansas, Arizona, or Florida, must depend on either a limited number of national linking programs administered by nonprofit organizations or resort to posting ads on web-based classifieds.¹⁷⁹

For example, Mississippi farmers do not have access to state-specific or regional land-linking programs, although Mississippi has one of the highest percentages of farmers over sixty-five.¹⁸⁰ A farmer living in Mississippi who is interested in participating in a land-matching program needs to contact a national linking program admin-

174. *Land Matching Programs Grow*, CTR. FOR RURAL AFFAIRS, <http://www.cfra.org/node/3063> (last visited Oct. 23, 2012) (listing, as of November 2010, thirty-three available state-specific or regional land matching programs).

175. *See id.* The Center for Rural Affairs does not list any of the following states as having access to any state-specific or regional land-matching programs: Alabama, Alaska, Arizona, Delaware, Florida, Georgia, Hawai'i, Idaho, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nevada, North Carolina, North Dakota, Oklahoma, South Carolina, Tennessee, Utah, West Virginia, and Wyoming. *See id.*; *see also*, *Network Participants*, INT'L FARM TRANSITION NETWORK, <http://www.farmtransition.org/netwpart.html> (last visited Oct. 23, 2012).

176. Arkansas, California, Colorado, Connecticut, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Texas, Vermont, Virginia, Washington, and Wisconsin all have state-specific or regional land matching programs. *Land Matching Programs Grow*, *supra* note 174.

177. For example, the nonprofit organization Land Connection, which sponsors the Midwest Farm Connection (a regional land-matching program connecting Illinois, Indiana, Michigan, Missouri, and Wisconsin farmers), receives funding from the Illinois Department of Agriculture in addition to numerous foundations, organizations and "hundreds of individual donors." *Our Partners and Donors*, THE LAND CONNECTION, <http://www.thelandconnection.org/our-partners-and-donors/>, (last visited Oct. 23, 2012) (listing various donors of the Land Connection nonprofit organization). The Center for Rural Affairs lists three national land-linking programs on its website: the Center for Rural Affairs' Land-Link program, the International Farm Transition Network, and the MOSES' Land Link-Up. *National Farmer and Rancher Linking Programs*, CTR. FOR RURAL AFFAIRS, <http://www.cfra.org/node/3722> (last visited Oct. 23, 2012).

178. *See Our Partners and Donors*, *supra* note 177 and accompanying text.

179. *See National Farmer and Rancher Linking Programs*, *supra* note 177.

180. *Id.*; FACT SHEET, *supra* note 2, at 3.

istered by a nonprofit organization, such as the Center for Rural Affairs Land-Link program¹⁸¹—the first and most prominent of such programs.¹⁸² Although Land-Link accepts applications nationwide, most matches are strictly regional.¹⁸³ According to Virginia Wolking, a Land-Link coordinator at the Center for Rural Affairs, limited staff and resources make it difficult for the nonprofit to operate outside regional boundaries.¹⁸⁴ In addition, nonprofit national programs like Land-Link have limited on-the-ground infrastructure.¹⁸⁵ In fact, the Center for Rural Affairs only has two offices to administer the Land-Link program, both located in Nebraska.¹⁸⁶ This limitation on the number of resources and offices available to solicit landowners may exclude older and retiring farmers who are interested in the program but who do not have access to the Internet or do not use a computer.¹⁸⁷ According to the 2007 agricultural census, only thirty-nine percent of primary farm operators age sixty-five or older reported having access to the Internet.¹⁸⁸ Therefore, it is far less likely that a farmer over the age of sixty-five will be familiar with Nebraska's Land-Link program

181. *Frequently Asked Questions: Is the Center for Rural Affairs a government agency?*, CTR. FOR RURAL AFFAIRS, <http://www.cfra.org/about/faq> (last visited Oct. 23, 2012) (noting that the Center for Rural Affairs is a private, non-profit Nebraska corporation, exempt from federal corporate income tax as a public charity under §501(c)(3) of the IRS code).

182. See Looker, *supra* note 16, at 55–56 (noting that “Land Link was the first matching service, established in 1990 by the Center for Rural Affairs.”).

183. Telephone Interview with Virginia Wolking, Rural Organizing and Outreach Program, Center for Rural Affairs (Mar. 12, 2012) [hereinafter Interview] (For more information visit <http://www.cfra.org/about/staff>).

184. *Id.* The Center for Rural Affairs current annual budget for all activities is \$2.1 million. *Frequently Asked Questions: Where does the Center for Rural Affairs get its money?*, CTR. FOR RURAL AFFAIRS, <http://www.cfra.org/about/faq> (last visited Oct. 23, 2012). According to its website, the Center receives funds from “private foundations and national church programs, state and federal government sources, individual donations and earned income sources such as sale of publications, fees for service, honoraria for speaking engagements, etc.” *Id.* The Land-Link program is a subset of one of the three broader program areas of the Center which include: policy, research, and strategic services. See *Frequently Asked Questions: What does the Center for Rural Affairs do?*, CTR. FOR RURAL AFFAIRS, <http://www.cfra.org/about/faq> (last visited Oct. 23, 2012).

185. See *Frequently Asked Questions: Does the Center for Rural Affairs have an office in my state?*, CTR. FOR RURAL AFFAIRS, <http://www.cfra.org/about/faq> (last visited Oct. 23, 2012) (noting the Center for Rural Affairs only has two offices, both located in Nebraska).

186. *Id.*

187. See FACT SHEET, *supra* note 2, at 2.

188. *Id.*

or will be able to access Land-Link's online application to register as a participant in the program.¹⁸⁹ According to Ms. Wolking, connecting with retiring farmers is one of the biggest challenges facing the Land-Link program today.¹⁹⁰ This difficulty is reflected in Land-Link's uneven distribution of program participants: currently, Land-Link has around 330 beginning farmers and only 30 landowner participants.¹⁹¹ In 2010, Iowa's Farm-On program had 350 applications on file from beginning farmers and only 18 existing landowner participants.¹⁹²

2. STATE PROGRAMS HAVE DIFFERENT ELIGIBILITY REQUIREMENTS

State and regional land-matching programs often maintain different eligibility requirements for beginning farmers,¹⁹³ making it more difficult for beginners to make interstate connections with retiring farmers. Specifically, some state-run programs require prospective farmers to have a minimum number of years of agricultural experience to be eligible for the program.¹⁹⁴ The Maine FarmLink program, for instance, requires prospective farmers to have a minimum of three years of agricultural experience to be eligible for the program.¹⁹⁵ Additionally, some land-link programs require a one-time fee in order to be eligible for the program, while others require a recurring annual fee.¹⁹⁶ For example, there is a fifty dollar registration fee to join Iowa's Farm-On program if a beginning farmer is not a state resident.¹⁹⁷ Such

189. *Land Link Services: Linking Procedure*, CTR. FOR RURAL AFFAIRS, <http://www.cfra.org/landlink> (last visited Oct. 23, 2012).

190. Interview, *supra* note 183.

191. *Id.*

192. Deterling, *supra* note 115, at 22.

193. Many different state-specific programs have different eligibility requirements relating to past farming experience. See, e.g., *Prospective Farmers: Program Eligibility*, MAINE FARMLINK, <http://www.mainefarmlink.org/prospective-farmers> (last visited Oct. 23, 2012) (noting that to be eligible for the Maine Farm Link program all prospective farmers must have a minimum of three years agricultural experience).

194. *Id.*

195. *Id.*

196. *Joining the Farm Opportunities Database: How to Join*, NY FARMLINK, http://www.newyorkfarmlink.org/index.php?option=com_content&task=category§ionid=9&id=23&Itemid=43 (last visited Oct. 23, 2012); see *Washington Farm-Link*, CASCADE HARVEST COAL., <http://www.cascadeharvest.org/programs/washington-farmlink> (last visited Oct. 23, 2012).

197. Beginning Farmer Center, *Farm On For Beginning Farmers*, IOWA STATE UNIV. EXTENSION & OUTREACH, <http://www.extension.iastate.edu/bfc/farm-beginning-farmers>.

state-specific eligibility requirements may deter aspiring farmers in urban areas who lack substantial agricultural experience from using land-linking programs altogether, thereby decreasing the overall applicant pool.

3. LACK OF DIVERSITY AMONG PROGRAM APPLICANTS

State-specific and regional land-matching programs fail to provide a socially, economically or geographically diverse group of applicants from which a retiring farmer may select a successor or venture partner. As noted by the *New York Times*, there has been a rising interest in agriculture among younger individuals who live in urban centers.¹⁹⁸ The increased interest in agriculture in many U.S. cities¹⁹⁹ has been described as the “The Urban Farming Movement.”²⁰⁰ As a result of this movement, some authors note an increased interest in agriculture among many racial minorities living in urban centers.²⁰¹

Despite increased interest among urban populations, it can be challenging for city farmers to locate even a small plot of viable land to farm.²⁰² A simple solution is to connect city farmers in need of land with retiring landowners who are either in need of farm labor or are looking for a non-family successor. As discussed above, state-specific eligibility requirements and the lack of unified national land-linking programs impede interstate connections, narrowing the geographical, economic, and racial diversity of the applicant pool available to retiring farmers interested in land-matching programs.

These obstacles are unfortunate because in many ways young, urban farmers are ideal candidates for land-matching programs, especially considering their potential to narrow the age gap and increase

198. Raftery, *supra* note 171, at A19.

199. Rita Braver, *Down on the (Urban) Farm—Inner City Agriculture Brings Produce Closer to Consumers, and Nourishes More Than Just Appetites*, CITY FARMER NEWS, <http://www.cityfarmer.info/2008/12/01/cbs-reports-on-the-urban-farm-movement/>, (last visited Oct. 23, 2012) (noting the rise of the “Urban Farm Movement” in cities such as Philadelphia and Chicago).

200. *Id.*

201. See Dave Matthews, *Urban Farming Movement ‘like a revolution’*, CNN LIVING: URBAN AREAS, http://articles.cnn.com/2009-06-29/living/bia.urban.farming_1_urban-gardens-urban-farming-grocery-stores?_s=PM:LIVING (last visited Oct. 23, 2012) (noting that the boom in urban farming for African-Americans is born out of both necessity and tradition).

202. See Raftery, *supra* note 171, at A19 (noting two of the main problems facing young farmers are access to land and money to buy equipment).

diversity throughout the agricultural industry. USDA Secretary Tom Vilsack stated that he hoped beginning farmers would graduate from small, urban plots of land to “midsize and large farms as older farmers retired.”²⁰³ Under the current state-specific land-matching regime, however, many urban dwellers are unable to connect with retiring farmers in less populated rural states due to either state eligibility requirements or an imbalance in the supply and demand of program participants.²⁰⁴ Simply put, state-specific land-matching programs encompassing large urban populations, such as Chicago or New York City, face higher demand for workable farmland than state-specific programs encompassing less populated areas. In addition, age is not distributed evenly throughout the United States.²⁰⁵ Some states have more farmers closer to retirement age than others.²⁰⁶ For example, the states with the highest percentage of principal operators over the age of sixty-five are concentrated in the South and West, including New Mexico, Arizona, Texas, Mississippi, and Oklahoma.²⁰⁷ On the other hand, Midwestern and Eastern states such as Wisconsin, Pennsylvania, Minnesota, and Delaware have younger principal operators on average.²⁰⁸ If state-specific programs were broadened, demand in more populated areas would be diffused amongst less populated states, and more beginning farmers would be able to connect with farmers from states boasting the highest percentage of principal operators over the age of sixty-five.

4. INCONSISTENT STATE FUNDING

Another problem with state-specific land-matching programs is inconsistent state funding. Although some programs, such as Iowa’s Farm-On program, have been consistently well-funded by state lawmakers,²⁰⁹ other state programs have not been so lucky.²¹⁰ For exam-

203. *Id.*

204. See *Land Matching Programs Grow*, *supra* note 174 (noting “the ratio of beginners to landowners is often 10 to 1”); see also *Prospective Farmers: Program Eligibility*, *supra* note 193 (noting the requirement of “a minimum of three years of agricultural experience” for program eligibility).

205. FACT SHEET, *supra* note 2, at 4.

206. *Id.*

207. *Id.*

208. *Id.*

209. See *infra* Part III.A.

ple, the Virginia Department of Agriculture and Consumer Sciences (VDACS) has needed the assistance of the Virginia Farm Bureau in the creation and maintenance of online databases when VDACS failed to receive enough funding to administer the program.²¹¹ In addition, although Virginia's Farm Link program was enacted by the General Assembly in 2001, the database was not fully functional and available to the public until 2008.²¹²

5. MOST STATE PROGRAMS ARE HEAVILY WEB-BASED

Finally, the largest problem facing elder farmers in a system of state-based land-matching programs is the fact that most state and nonprofit farm-on and land-linking programs are almost entirely web-based.²¹³ As state-specific and regional land-linking programs have grown and developed into modified agriculturally-themed social networking sites, allowing beginning and established farmers to connect and share information with each other, those participants most in need of such matching programs—retiring operators over the age of sixty-five—have been left behind. As mentioned in Part III.D.1, although almost half of all agricultural landlords are age sixty-five or older, only thirty-nine percent of farmers over sixty-five have Internet access.²¹⁴ It is important to note, this is a measure of Internet *access*, which may include dial-up service, and does not measure how many farmers over the age of sixty-five *actually use computers*. Many of the same disabilities that put elder farmers at a higher risk for farm-related accidents, such as dexterity problems and vision impairment, can make using the Internet, and computers in general, increasingly difficult.²¹⁵ Furthermore, in August 2011, the USDA NASS reported

210. *Virginia Farm Link Program*, VA. DEP'T. OF AGRIC. & CONSUMER SERV.: OFFICE OF FARMLAND PRESERVATION, <http://vdacs.state.va.us/preservation/program.shtml> (last visited Oct. 23, 2012) (explaining how the absence of program funding precluded the development of many of the components of Farm Link).

211. *Id.*

212. *Id.* (For further information see the powerpoint presentation available on the VDACS website entitled "VAFARMLINKPROGRAM," found under the Virginia Farm Link database section).

213. See *Linking Farmers with Land: Programs*, CTR. FOR RURAL AFFAIRS, <http://www.cfra.org/node/3722> (last visited Oct. 23, 2012) (listing U.S. matching program websites).

214. Mishra, *supra* note 4, at 14; FACT SHEET, *supra* note 2, at 2.

215. Michael P. Anderson, Note, *Ensuring Equal Access to the Internet for the Elderly: The Need to Amend Title III of the ADA*, 19 ELDER L.J. 159, 162 (2011) (noting that the many disabilities associated with age such as vision impairment, cognitive

only sixty-two percent of U.S. farms had Internet access, *regardless of the age of the principal operator*.²¹⁶ Based on these statistics, it is not surprising that the Center for Rural Affairs estimates that the number of beginning farmers using state-specific and regional land-linking programs outnumbers retiring landowners at a ratio of ten to one.²¹⁷ In short, using only web-based networking sites to connect program participants is an ineffective way to establish partnerships between older farmers looking to retire and aspiring farmers looking for workable land. Therefore, for services like Farm-On and Land-Link to help close the widening generational gap plaguing U.S. agriculture and resolve elder farmers' concerns regarding farm succession, the organization and implementation of such programs must change to meet the needs and objectives of farmers over the age of sixty-five.

IV. Resolution and Recommendation

To remedy the drawbacks associated with state-specific and regional land-matching programs, and to foster working relationships between older, retiring farmers and beginning farmers, the USDA should adopt a nationwide Farm-On program, mimicking Iowa's original state-run program, to be implemented by the county offices of the Farm Service Agency (FSA). A nationwide program can be implemented in three simple steps: (1) compiling a national database of Farm-On participants using information from state-specific, regional, and nonprofit programs; (2) creating a national Farm-On website similar to the USDA's Conservation Reserve Program's TIP Net; and (3) offering hard-copy Farm-On applications and informational materials at FSA county offices. Taking these simple steps will increase Farm-On participation among farmers over sixty-five while addressing concerns associated with farm succession and delayed farm retirement.

difficulties, dexterity problems, and hearing impairment can make Internet use difficult for the elderly).

216. FARM COMPUTER USAGE AND OWNERSHIP, 1 (USDA Nat'l Agric. Statistics Serv. 2011), <http://usda01.library.cornell.edu/usda/current/FarmComp/FarmComp-08-12-2011.pdf> (noting sixty-two percent of U.S. farms now have access to the Internet, compared with only fifty-nine percent in 2009).

217. *Land Matching Programs Grow*, *supra* note 174.

A. Implementation

1. COLLECTING INFORMATION

The first step in implementing a national Farm-On program is to compile participant information from other state-specific and regional land-matching programs such as Iowa's Farm-On program or Nebraska's Land-Link program into one national database. This transfer of information can be done voluntarily by both the state-specific program and the participating farmer. A centralized, national database of Farm-On participants would offer retiring farmers interested in the program a larger and more diverse applicant pool from which they may choose to share their farming operation.

Information collected from participants should include information similar to that collected by state-specific programs such as Iowa's Farm-On program. This information should include answers to questionnaires inquiring about participants' farming experience, strategies, and overall objectives.²¹⁸ Retiring farmers should describe the size and scope of their farming operation while younger farmers should offer information regarding their experience, training, and farming interests.²¹⁹ For example, applications should ask beginning farmers if they plan to use sustainable agricultural practices or if they have any experience with sustainable practices such as cover crops or alternative pest management strategies.²²⁰ This type of information will allow both retiring and beginning farmers an opportunity to foster working relationships with other farmers who share the same interests and farming objectives.

2. CREATING A NATIONAL FARM-ON WEBSITE SIMILAR TO TIP NET

The second step in implementing a national Farm-On program is to make participant information available to other farmers via an interactive website similar to the USDA Conservation Reserve Program TIP Net.

The Conservation Reserve Program (CRP) is a program administered by the USDA FSA where farmers are paid rental payments by

218. LOOKER, *supra* note 16, at 56.

219. See *id.* (offering an example of typical application questions).

220. LOOKER, *supra* note 16, at 56–58.

the federal government to keep environmentally sensitive farmland out of production.²²¹ According to the *Federal Register*, participants enroll land in CRP contracts for ten to fifteen years in exchange for annual rental payments and financial assistance aimed at paying the costs of installing conservation practices and maintaining vegetative cover.²²²

The Conservation Reserve Program Transitive Incentive Program (CRP TIP) is a subset of CRP aimed at encouraging “retiring” farmers enrolled in CRP to rent or sell their land to “beginning” or “socially disadvantaged farmers,” as those terms are defined in 7 C.F.R. § 1410.2.²²³ CRP TIP encourages farmers to sell or rent their land to eligible participants by continuing to pay landowner participants rental payments for two years after the CRP contract expires if the new or socially disadvantaged farmer is not a family member.²²⁴

To connect retiring farmers enrolled in the CRP TIP program with eligible participants, the USDA FSA developed an interactive website where participants can register for the program and place advertisements.²²⁵ There is a one-time registration process that must be completed by all users who want to post an ad on TIP Net.²²⁶ Most ads on the TIP Net website describe the farmer’s location, experience, and the scope and size of his or her farming operation.²²⁷ Both retiring and beginning farmers can view these ads and make contact with other farmers.²²⁸ There is no fee associated with the registration process.²²⁹

A national Farm-On website would look similar to TIP Net. The program, however, would not limit users to either retiring farmers enrolled in CRP or farmers meeting the strict definitions of “beginning” or “socially disadvantaged” as defined in 7 C.F.R. § 1410.2.²³⁰ Alt-

221. Transition Incentives Program, 7 C.F.R. § 1410.64 (2012).

222. *Id.*

223. *Id.*

224. *Id.*

225. *Online Services: What is TIP Net?*, USDA FARM SERVICE AGENCY, <http://www.fsa.usda.gov/FSA/webapp?area=online&subject=landing&topic=tin> (last modified, Aug. 26, 2012 7:59 AM).

226. *Id.*

227. *Id.*

228. *See id.*

229. *Id.*

230. Conservation Reserve Program Rule, 14 C.F.R. § 1410.2 (2011).

though elder farmers are less likely to have Internet access, a national database of Farm-On participants would assist both older and beginning farmers who *do* use the Internet and help increase the number and overall diversity of Farm-On participants.

3. OFFERING FARM-ON APPLICATIONS AT FSA COUNTY OFFICES

Finally, in addition to compiling state-specific and regional land-matching databases into one nationwide database accessible via an interactive website, the FSA should call upon its more than 2,340 state and county offices throughout the United States to talk with retiring farmers face-to-face about the Farm-On program.²³¹ Given that many elderly farmers have limited Internet access²³² and tend to have lower Internet usage rates overall,²³³ it is important for older farmers to have the option of filling out program applications and questionnaires at their local FSA offices.²³⁴ According to Ms. Wolking at the Center of Rural Affairs, “word-of-mouth” is one of the main ways older farmers learn about Nebraska’s Land-Link program.²³⁵ Offering Farm-On applications at FSA county offices will promote face-to-face communication and help raise awareness about the program among retiring farmers within the agricultural community.

B. How Elder Farmers Will Benefit From a National Farm-On Program

There are many advantages a national Farm-On program would offer older, retiring farmers, including national access, uniform eligibility and application requirements, a more diverse applicant pool, and increased participation.

231. *About FSA: Structure and Organization*, USDA FARM SERVICE AGENCY, <http://www.fsa.usda.gov/FSA/webapp?area=about&subject=landing&topic=sao> (last visited Oct. 23, 2012).

232. FACT SHEET, *supra* note 2, at 2.

233. Anderson, *supra* note 215, at 162 (noting that as of 2004, only twenty-two percent of Americans over the age of sixty-five reported using the internet).

234. Under a national Farm-On program, participants would have access to both online applications and hard-copy applications available at local FSA state and county offices.

235. Interview, *supra* note 183.

1. NATIONAL ACCESS

A national Farm-On program would provide retiring farmers in states without specific or regional land-matching programs an opportunity to participate in the program and connect with beginning farmers in other areas of the United States. For the first time, a national database of retiring or close-to-retiring landowners and farmers who hope to transition their farms to beginning farmers will be compiled from state-specific lists. These compilations will then be distributed to FSA county offices throughout the nation. Implementation of such a program by the FSA will lead to increased face-to-face interactions between program organizers and older farmers who may be unaware of the existence of Farm-On programs or who are less likely to use the Internet to sign up. FSA is a perfectly situated organization to accumulate such information because most farmers over sixty-five are already familiar with FSA and their local FSA directors.²³⁶ In total, the FSA has 2,346 state and county offices and boasts around 8,000 county committee members.²³⁷ County committee members are local farmers elected by their peers and are responsible for resolving local FSA issues.²³⁸ Due to this elective process, many older landowners are familiar with their FSA director or county committee members and likely will be comfortable talking about farm transition planning with them. Additionally, FSA directors will be able to assist elder farmers in-person with filling out applications for the nationwide program and may also be able to answer questions.

2. UNIFORM ELIGIBILITY AND APPLICATION REQUIREMENTS

A uniform, nationwide Farm-On program will reduce the confusion and obstacles associated with state-specific eligibility requirements. By implementing base requirements for all participants nationwide, beginning and urban farmers who have less agricultural experience will be more likely to participate in the program, therefore providing retiring farmers a more diverse applicant pool from which they may select potential successors.

236. See *About FSA: Field Structure*, USDA FARM SERVICE AGENCY, <http://www.fsa.usda.gov/FSA/webapp?area=about&subject=landing&topic=sao> (last visited Oct. 23, 2012).

237. *Id.*

238. *Id.*

3. MORE DIVERSE APPLICANT POOL

A nationwide program will provide retiring farmers a larger, more racially and geographically diverse applicant pool. For example, older farmers from less populated states like Idaho will be able to review applications from all over the country, including applications from urban farmers living in larger population centers like Chicago or New York City. At the same time, beginning urban farmers will have a better chance to connect with out-of-state farmers and have increased access to farmland that may be less expensive than what is available in their home state.

4. INCREASED PARTICIPATION

Finally, establishing a nationwide FSA Farm-On program will increase the number of succession agreements between retiring and beginning farmers, thus helping to address the social and economic obstacles deterring elder farmers from retiring and passing their agricultural operations onto future generations. To increase the number of successful succession agreements between beginning and retiring farmers, however, supply must meet demand. Currently, programs that are primarily web-based are not reaching older landowners who are less likely to have Internet access or use a computer. In short, this is an information problem. Elder farmers are not being adequately informed about land-matching programs when contemplating the issue of farm succession. The FSA is uniquely situated to fix this problem by simply providing registration and application materials at its more than 2,300 state and county offices and informing local FSA committee members about the program.²³⁹ Using the infrastructure the FSA has in place today, the agency can raise awareness among elder farmers and help foster more successful farm succession agreements.

Although some critics may argue the FSA will not increase overall participation rates of retiring farmers in land-matching programs, it is important not to underemphasize the key role many FSA offices play in local rural communities. The significant impact FSA offices have on local agricultural communities was recently illustrated at two

239. *Id.*

town hall meetings in Fulton and Izard Counties, Arkansas.²⁴⁰

In response to proposed closings of the Fulton and Izard FSA county offices, farmers and community leaders rallied at the FSA offices to show support for the offices and explain why county offices are important to local farmers.²⁴¹ In response to proposed FSA plans to consolidate many office functions into an online format, one farmer at the Fulton rally, Kathy Long, noted that closing the FSA office will take away a service from those who need it the most.²⁴² She added that “technology is not an option for aging farmers . . . most of us just won’t be able to [use technology] . . . we need face to face help with most our problems . . .”²⁴³ By using the existing FSA infrastructure to talk with older farmers “face-to-face” about land-matching programs, it will be easier for program officials to connect with older landowners like Ms. Long. Undoubtedly, participation among farmers over sixty-five will increase significantly when program organizers are allowed to interact face-to-face with local retiring farmers.

V. Conclusion

As recent legislation like the BFROA suggests, Congress and the USDA continue to attempt to encourage beginning farmers to close the widening age gap within the U.S. agricultural industry. Heavy emphasis is placed on providing services and capital to younger farmers. Lawmakers and administrators, however, have yet to address one of the main issues facing elderly farmers and deterring farm retirement: farm succession. As farmers grow older, questions remain about who will carry on the family business and how farms will be passed to the next generation.

To bridge this generational gap and meet the needs of retiring farmers, states like Iowa have implemented land-matching programs aimed at transitioning farms to younger or beginning farmers. Although there are benefits associated with these state-sponsored matching programs, a state-based land-matching system has many deficien-

240. Richard Irby, *Farmers Fight to Keep Farm Service Agency Office Open*, WRITE FOR ARK. (Feb. 13, 2012), <http://www.writeforarkansas.org/farmers-fight-to-keep-farm-service-agency-offices-open/>.

241. *Id.*

242. *Id.*

243. *Id.*

cies, including lack of access, varying eligibility requirements, decreased applicant diversity, inconsistent funding, and web-focused application procedures. Many of these drawbacks specifically prejudice older farmers.

To remedy these inadequacies, the USDA FSA should implement a national land-matching Farm-On program. To implement this national program, the FSA needs to compile a national database of land-matching participants, establish a national Farm-On website, and offer Farm-On application materials at local FSA county offices. By taking these three steps, the FSA will foster more farm succession agreements between retirees and successors and help reduce the problems and stresses facing older farmers when it comes to farm succession.