



Connecticut Association of Conservation Districts

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To: Sen. Christine Cohen, Co-Chair Environment Committee
Rep. Mike Demicco, Co-Chair Environment Committee
Environment Committee Members

From: Denise Savageau, President, Connecticut Association Conservation Districts

Re: HB 6647 - AN ACT ESTABLISHING A REGENERATIVE AGRICULTURE PROGRAM
Submitting Substitute Language

I am writing today on behalf of the Connecticut Association of Conservation Districts regarding HB 6647, An Act Establishing A Regenerative Agriculture Program. As the leaders in soil and water conservation in Connecticut for over 70 years, the Districts fully support the intent of the bill, which is to establish a program in the state that will “improve soil health, conservation, rainwater absorption, drought resiliency, and water quality.” However, we do not believe that, as drafted, the proposed legislation will accomplish the goal of soil health and do not support this language. We have attached substitute language, worked on jointly with CT NOFA and the CT Council on Soil and Water Conservation, that we believe will be successful in advancing soil and water health in our state.

Restoring and improving soil health is essential to address the pressing concerns in our state related to water resources and climate change. Everyone understands the important role that soil plays in agricultural production. What is not so well understood is the critical function of healthy soil in our environment, in particular the ecosystem services provided, especially those related to water quality and quantity, and carbon sequestration. Healthy soils need to be at the forefront of any discussion on climate change and water quality, and not an afterthought.

We support the use of the term healthy soils in the substitute language because it better defines the entire program. Indeed soil health is not just about agriculture and is just as important in our forests and in urban and suburban neighborhoods as on the farm. Additionally, the substitute language proposed for Section 22a-315, which creates the soil and water conservation districts and the soil and water council, better reflects the actual work already being done by the Conservation Districts and the CT Council on Soil and Water Conservation.

Our substitute language also creates a funding mechanism for a healthy soils program within the Dept. of Agriculture. Many states have similar funding sources to provide technical and financial support to farmers and that complements the work of the USDA Natural Resources Conservation Service. Such funds are often used as a match for federal funding or where federal funding may not be available. We strongly encourage you to support this program.

Connecticut residents need safe abundant food and clean water. Healthy soils are essential for our state to be both sustainable and resilient. We ask that you support our substitute language that puts a renewed emphasis on healthy soils in Connecticut.

We thank you in advance for your consideration of this bill and our substitute language. We are happy to discuss the importance of healthy soils legislation to Connecticut.

Proposed Substitute Language for HB 6647
submitted by
CT NOFA and the Connecticut Association of Conservation Districts

AN ACT TO PROMOTE HEALTHY SOILS

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 22-456 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Sec. 22-456. Connecticut Food Policy Council. Membership; duties. (a) There is established the Connecticut Food Policy Council which shall be within the Department of Agriculture.

(b) The council shall consist of the following members: (1) One appointed by the majority leader of the Senate who shall be involved in agriculture or in an agriculture organization and expert in healthy soils practices as defined in section 22-26m; (2) one appointed by the president pro tempore of the Senate who shall be involved in an antihunger organization; (3) one appointed by the minority leader of the Senate, who shall represent the Cooperative Extension Service; (4) one appointed by the minority leader of the House of Representatives who shall be a food retailer; (5) one appointed by the speaker of the House of Representatives who shall be involved in agriculture or in an agriculture organization and having expertise in healthy soils practices as defined in section 22-26m; (6) one appointed by the majority leader of the House of Representatives who shall be a produce wholesaler; (7) the Commissioner of Agriculture, or his designee; (8) the Commissioner of Administrative Services, or his designee; (9) the Commissioner of Education, or his designee; (10) the Commissioner of Transportation, or his designee; (11) the Commissioner of Public Health, or his designee; (12) the Commissioner of Social Services, or his designee; (13) one appointed by the soil and water conservation council established under section 22a-315(c) and having expertise in healthy soils practices as defined in section 22-26m; ~~(13)~~¹⁴ the head of each state department, as defined in section 4-5, who is not one of the commissioners designated in subdivisions (7) to ~~(12)~~¹³, inclusive, of this subsection who shall be members ex officio without the right to vote; and ~~(14)~~¹⁵ the chairman of the joint standing committee of the General Assembly having cognizance of matters relating to the environment who shall be a member ex officio without the right to vote. The council shall elect a chairperson and a vice-chairperson from among its members. Any person absent from (A) three consecutive meetings of the commission or (B) fifty per cent of such meetings during any calendar year shall be deemed to have resigned from the council, effective immediately. Vacancies on the council shall be filled by the appointing authority. Members of the council serve without compensation but shall, within the limits of available funds, be reimbursed for expenses necessarily incurred in the

performance of their duties. The council shall meet as often as deemed necessary by the chairperson or a majority of the council.

(c) The council shall: (1) Develop, coordinate and implement a food system policy linking local economic development, [food system efficiency, food security, environmental protection and preservation with farming and urban issues](#); (2) review and comment on any proposed state legislation and regulations that would affect the food policy [[system](#)] of the state; (3) advise and provide information to the Governor on the state's food policy; and (4) prepare and submit to the joint standing committee of the General Assembly having cognizance of matters relating to the environment an annual report concerning its activities with any appropriate recommendations concerning food policy.

(d) The council may use such funds as may be available from federal, state or other sources and may enter into contracts to carry out the purposes of this section.

(e) The council may, subject to the provisions of chapter 67, employ any necessary staff within available appropriations.

[\(f\) As used in this section: "food system" means all activities and any social, economic, land use, land management, and environmental influences related to producing, transporting, trading, storing, processing, packaging, wholesaling, marketing, retailing, preparing, consuming, disposing of food, and the outputs of these activities; "food system efficiency" means maximizing the productive output per input of resources and minimizing loss and waste in all aspects of the food system; "food security" means a state when all people at all times have physical, social, and economic access to sufficient, safe, and nutritious food to meet their dietary needs and food preferences for an active healthy life, in a way that promotes neither over-consumption nor under-consumption.](#)

Sec. 2. Section 22-6d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Sec. 22-6d. Definitions. As used in section 22-6e: "Commissioner" means the Commissioner of Agriculture; "department" means the Department of Agriculture; "garden" means a piece of land appropriate for the cultivation of herbs, fruits, flowers, or vegetables; "sponsor" means any municipal agency or nonprofit civic service association or organization designated by the commissioner to operate a program pursuant to section 22-6e; "use" means, when applied to gardening, to make use of, without conveyance of title or any other ownership; "vacant public land" means any land owned by the state, or any municipality therein, that is not in use for public purposes; "agricultural restoration purposes" means (1) reclamation of grown-over pastures and meadows, (2) installation of fences in restoration areas to keep wildlife out of such areas, manage livestock and to keep livestock out of riparian areas, (3) replanting of vegetation on erosion prone land or along streams, (4) restoration of water runoff patterns, (5) improvement of irrigation efficiency,

(6) conducting hedgerow management, including the removal of invasive plants and timber, (7) [implementation of healthy soils practices, as defined in section 22-26m](#), or (8) renovating farm ponds through farm pond management and any incidental land clearing activities attendant to such reclamation, installation, restoration, replanting, improvement, management or renovating.

Sec. 3. (NEW) (*Effective from passage*):

Sec. 22-26m. Healthy soils program. (a) There is established an account to be known as the "Healthy Soils Program fund" which shall be a separate, nonlapsing account within the General Fund. Moneys in the account shall be administered by the Department of Agriculture for the purposes of the Healthy Soils program established pursuant to this section. Notwithstanding any general or special law to the contrary, there shall be credited to the fund any revenue from appropriations or other money authorized by the general assembly and specifically designated to be credited to the fund and any gifts, grants, private contributions or investment income earned by the fund's assets and all other sources. No expenditure from the fund shall cause the fund to be in deficiency at the close of the fiscal year. Money in the fund at the end of the fiscal year shall not revert to the General Fund and shall be available for expenditure in the subsequent year.

(b) Subject to the availability of funds, grants, loans, and incentives shall be made to farmers and agricultural cooperatives to enhance the education, training, employment, income, productivity and retention of those working or aspiring to work in the field of healthy soils practices, and to implement healthy soils practices in the state. Amounts credited to the fund shall be used, without further appropriation, for the costs associated with administering and implementing the program and may also be used to provide grants or loans on a competitive basis to public, private and charitable entities to finance projects in furtherance of the Connecticut Healthy Soils Program. Expenditures from the fund for this purpose shall complement and not replace existing local, state, private or federal funding for related programs.

(c) Subject to the availability of funds, the Commissioner of Agriculture in consultation with the soil and water conservation council established under section 22a-315(c) shall adopt regulations, in accordance with the provisions of chapter 54, for the administration of the program established by this section.

(d) As used in this section, "Healthy soils practices" means agriculture that improves the health of soils, including but not limited to consideration of depth of topsoil horizons, water infiltration rate, organic carbon content, nutrient content, bulk density, biological activity, biological diversity, and minimizing of bare ground, and as achieved through conservation tillage or no-till, cover-cropping, planned grazing, integrated crop-livestock systems, synthetic chemicals reduction, and those practices accepted by the soil and water conservation council established under section 22a-315(c).

Sec. 4. Section 22a-314 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Sec. 22a-314. (Formerly Sec. 25-104). General duties of commissioner concerning soil and water erosion. The Commissioner of Energy and Environmental Protection may (a) make or cause to be made surveys, investigations and research concerning [\[the problems of soil and water erosion and its control\]](#)[and correcting the problems of soil erosion, soil loss, soil health, water ecosystem health and water reliability](#) and publish his findings and disseminate information concerning the subject; (b) cooperate with or enter into agreements with any state agency or any owner or occupant of land in this state to carry out the provisions of this section; (c) obtain options upon or acquire, by purchase, exchange, lease, gift, grant, bequest or devise, any property, real or personal, or rights or interests therein, maintain, administer and improve any property so acquired, and receive income from such property and expend such income in carrying out the purposes of this section; and may sell, lease or otherwise dispose of any such property or interest therein for such purposes; (d) accept contributions in money, services, materials or otherwise from the United States or from this state or from any person, firm or corporation for such purposes; and (e) as a condition to extending of any material benefits to landowners, under this section, require contributions to any operations upon such land and require landowners who have consented to such work being done on their land to enter into and perform such agreements as to long-term use of such lands as will tend to [improve soil health, soil depth, water ecosystem health, and water reliability and to](#) prevent erosion thereon. Said commissioner, or any assistant or employee of the Department of Energy and Environmental Protection, may, at any reasonable time and upon notice by registered mail sent to the last-known address of the owner of such premises or with the oral permission of such owner or his agent, enter any premises while engaged in the performance of duty under the provisions of this title. Said commissioner shall have power to make necessary regulations to carry out the provisions of this section.

Sec. 5. Section 22a-315 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Sec. 22a-315. (Formerly Sec. 25-104a). Soil and water conservation districts and boards; establishment, powers and council. (a) In order to assist the Commissioner of Energy and Environmental Protection in identifying and remedying the problems of [\[soil and water erosion\]](#)[soil erosion, soil loss, soil health, water ecosystem health and water reliability](#), the commissioner shall, by regulation, establish soil and water conservation districts and boards. Such boards shall advise him on matters of [watershed management, nutrient management, soil and water ecosystem health, water reliability, soil creation](#), soil and water conservation, [and](#) erosion and sedimentation control and shall assist him in implementing programs concerning such matters. Such regulations shall (1) establish geographic boundaries for each district, (2) establish procedures for the selection, by the residents in each district,

of a board of [\[supervisors\]](#)[directors](#) for each district, and (3) provide operating procedures for such boards of such districts. Such regulations shall be adopted pursuant to chapter 54.

(b) The commissioner by regulation pursuant to chapter 54, may authorize such boards to (1) develop [\[soil and water conservation, erosion and sedimentation control\]](#) programs, priorities and workplans [for soil and water conservation, erosion and sedimentation control, watershed management, nutrient management, soil health and creation, and water ecosystem health and reliability](#); (2) provide, by agreement, for technical assistance from cooperating state and federal agencies to municipal and regional agencies and to landowners; (3) receive funds, by transfer, grant or otherwise from the commissioner, including grants pursuant to section 22a-317, or by donation or subscription from private sources, and expend such funds without regard to the provisions of chapter 50; (4) use or provide for the use of state equipment made available pursuant to section 22a-316; (5) enter into contracts and employ consultants and other assistants on a contract basis or other basis for rendering legal, financial, technical or other assistance and duties to carry out the purposes of this chapter; and (6) acquire property by purchase, lease, gift or otherwise and to hold such property in the name of the district.

(c) The commissioner [\[may\]](#)[shall](#), by regulation, adopted pursuant to chapter 54, establish a council to coordinate the activities of such boards of such districts with the activities of the Department of Energy and Environmental Protection and other state, regional and local agencies and propose regulations to said department in matters of soil and water [\[erosion \]conservation, erosion and sedimentation control, watershed management, nutrient management, soil health and creation, and water ecosystem health and reliability](#), and to advise and assist the commissioner in conserving and protecting the land, water and other natural resources of the state. The council shall be within the Department of Energy and Environmental Protection for administrative purposes only. Such council shall consist of nine members, five representing the soil and water conservation districts to be selected by each of the five districts' boards, the Commissioner of Energy and Environmental Protection or a designee, the Commissioner of Agriculture, or a designee, a representative of a nongovernmental organization [expert in healthy soils practices as defined in section 22-26m](#) appointed by the Governor and a representative of The University of Connecticut's cooperative extension system [expert in healthy soils practices as defined in section 22-26m](#). In addition, the council shall include, but not be limited to, the following at-large nonvoting members: The State Conservationist or designee of the Natural Resource Conservation Service, the director of the Connecticut Agricultural Experiment Station or a designee, the director of the Storrs Agricultural Experiment Station or a designee, municipal staff representatives responsible for erosion and sedimentation control, the State Committee Chairman of the Farm Services Agency and a council member of a resource conservation and development area. The commissioner shall have the authority to receive funds from any source on behalf of the council and shall expend such funds with the advice and consent of the council for equipment,

supplies, and such full-time and part-time staff and consultants as may be necessary to carry out the council's duties and any other at-large, nonvoting members who have expertise to support the duties of the council.

(d) The council may receive funds from any source and expend such funds for equipment, supplies, staff and consultants as may be necessary to carry out its duties. [The council shall distribute funds for program activities after a vote in which the members representing the boards of the soil and water conservation districts shall collectively have one vote.] The council may employ an executive director who shall not be subject to the provisions of chapter 67. The council may seek funding and provide financial support to boards of soil and water conservation districts and other organizations for activities contributing to soil health and creation, water ecosystem health and reliability, and to soil and water conservation. Under this section, "soil health" means the continued capacity of soil to function as a vital living ecosystem that sustains plants, animals, and humans. The council may adopt and amend by a majority vote such bylaws as it deems necessary to conduct its business.

(e) Prior to the promulgation of any regulations by the commissioner pursuant to subsections (a) and (b) of this section, such proposed regulations shall first be approved by a majority of said council.

(f) For the purposes of this section, soil and water conservation districts or boards shall not be considered state agencies or political or administrative subdivisions of the state.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	22-456
Sec. 2	<i>from passage</i>	22-6d
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	22a-314
Sec. 5	<i>from passage</i>	22a-315

Statement of Purpose:

To establish a healthy soils program to provide education, training, support and incentives to improve soil health, soil conservation, soil carbon, rainwater absorption, drought resilience, and water quality.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]