

# STATE OF NEW YORK

5386--A

2021-2022 Regular Sessions

## IN ASSEMBLY

February 16, 2021

Introduced by M. of A. LUPARDO, BARRETT, KELLES, GALLAGHER, THIELE, OTIS, GOTTFRIED, SIMON, SILLITTI, GLICK, LAVINE, ANGELINO, DAVILA, ZINERMAN -- Multi-Sponsored by -- M. of A. GALEF -- read once and referred to the Committee on Agriculture -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the agriculture and markets law and the soil and water conservation districts law, in relation to establishing the soil health and climate resiliency act

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. This act shall be known and may be cited as the "soil  
2 health and climate resiliency act".

3 § 2. The agriculture and markets law is amended by adding a new arti-  
4 cle 11-B to read as follows:

### ARTICLE 11-B

#### SOIL HEALTH AND CLIMATE RESILIENCY

##### Section 151-l. Definitions.

8 151-m. Soil health initiative.

9 151-n. Climate resilient farming initiative.

10 151-o. Soil health research.

11 § 151-l. Definitions. As used in this article: 1. "Soil health" means  
12 soils that have the continuing capacity to function as a vital, living  
13 ecosystem that sustains plants, animals, and humans. The benefits of  
14 healthy soil include: supporting the production of food, feed, fiber,  
15 and fuel; facilitating infiltration, storage and filtration of water and  
16 protecting water quality; enhanced nutrient-holding capacity and nutri-  
17 ent cycling; providing habitat for diverse soil organisms; enhanced  
18 resilience to drought, extreme precipitation events, temperature  
19 extremes, pests, diseases and other stresses; breaking down harmful  
20 chemicals; reducing agricultural impacts on, and mitigating the impact

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

LBD05460-07-1

1 on agriculture of, global climate change; and sequestering carbon and  
2 net long-term greenhouse gas benefits.

3 2. "Soil health practices" means agricultural and land management  
4 practices that improve the function of soils through actions that follow  
5 the principles of: minimizing soil disturbance from soil preparation;  
6 maximizing soil vegetation cover; maximizing the diversity of beneficial  
7 soil organisms; maximizing presence of living roots; and integrating  
8 animals into land management; and in support of such principles, include  
9 such practices as conservation tillage or no-till, cover-cropping,  
10 precision nitrogen and phosphorous application, planned rotational graz-  
11 ing, integrated crop-livestock systems, agroforestry, perennial crops,  
12 integrated pest management, nutrient best management practices, and  
13 those practices recommended by the United States Department of Agricul-  
14 ture Natural Resources Conservation Service and that are supported by  
15 the state soil and water conservation committee.

16 § 151-m. Soil health initiative. 1. The department, in cooperation  
17 with the state soil and water conservation committee, and other partners  
18 working on soil health shall encourage agricultural producers in urban,  
19 suburban and rural communities to improve and maintain the health of  
20 farm soils by: managing and optimizing soil health to mitigate and adapt  
21 to climate change, and improve water quality while improving long term  
22 soil productivity, efficiency, resiliency and profitability of farming;  
23 ensuring that soil is conserved as a living ecosystem managed to provide  
24 nutrients for the growth of agricultural plants and animals and a heal-  
25 thy, affordable food supply; and addressing such environmental impacts  
26 from farm operations, including, but not limited to absorbing and hold-  
27 ing rainwater for use during dry periods, filtering and buffering poten-  
28 tial pollutants from leaving fields, improving climate resiliency, and  
29 providing habitat for beneficial soil microbes to flourish and diversi-  
30 fy. Such improvement and maintenance shall account for the differences  
31 in soils in different regions of the state. The department shall coor-  
32 minate the soil health initiative with the agricultural environmental  
33 management program established in article eleven-A of this chapter and  
34 section eleven of the soil and water conservation districts law.

35 2. The department shall encourage soil health practices that include,  
36 but shall not be limited to:

37 (a) improving, enhancing, or otherwise maximizing soil health and  
38 quality, and minimizing soil erosion and sedimentation;

39 (b) improving, enhancing, or otherwise maximizing water infiltration  
40 rates and water holding capacities of soils for improved storm water  
41 management and flood control, drought resilience, and groundwater  
42 supply; and

43 (c) managing and enhancing the healthy cycling of nutrients within  
44 fields, to minimize nutrient runoff and reduce downstream nutrient load-  
45 ing, improve watershed health and reliable water availability, restore  
46 and enhance wildlife habitat, and manage water runoff and drainage water  
47 for improved local and downstream water quality.

48 3. The department, in the development of efforts to promote and  
49 encourage soil health, shall conduct public virtually accessible stake-  
50 holder meetings and provide opportunity for written public comment and  
51 consult with stakeholders, as appropriate, including, but not limited  
52 to: the state soil and water conservation committee, the department of  
53 environmental conservation, agricultural producers including histor-  
54 ically marginalized producers, not-for-profit conservation organiza-  
55 tions, environmental protection organizations including environmental  
56 justice, the United States Department of Agriculture's National

1 Resources Conservation Services, the New York state college of agricul-  
2 ture and life sciences established in section fifty-seven hundred twelve  
3 of the education law including Cornell Cooperative Extension, other  
4 institutions of higher education in New York state working on soil  
5 health, and any other organization designated by the commissioner.

6 4. The department, in cooperation with the state soil and water  
7 conservation committee, the New York state college of agriculture and  
8 life sciences established in section fifty-seven hundred twelve of the  
9 education law, and with input from other organizations with expertise in  
10 soil health and regional stakeholders, shall establish appropriate  
11 voluntary standards and objectives for soil health and quality, reflec-  
12 tive of the different geographic regions, soil types, and farming oper-  
13 ations. Such standards should include soil quality indicators for  
14 biological, physical, and chemical properties of soil and reflect the  
15 latest scientific advancements.

16 § 151-n. Climate resilient farming initiative. 1. The department, in  
17 cooperation with the state soil and water conservation committee, and  
18 other partners working on climate resilient farming shall encourage  
19 agricultural producers in urban, suburban and rural communities to  
20 reduce the effects of farming on climate change, such as greenhouse gas  
21 emissions, and adapt to and mitigate the impact of climate change by  
22 improving and maintaining water management systems and soil health and  
23 resiliency.

24 2. The department shall promote best management practices for climate  
25 mitigation and soil resiliency, as informed by state policy, by the  
26 United States Department of Agriculture Natural Resources Conservation  
27 Service Field Office Technical Guide and by research conducted by New  
28 York state institutions of higher education with expertise in soil  
29 health, and approved by the New York state soil and water conservation  
30 committee.

31 3. The department shall coordinate the climate resilient farming  
32 initiative with the agricultural environmental management program estab-  
33 lished in article eleven-A of this chapter and section eleven of the  
34 soil and water conservation districts law.

35 § 151-o. Soil health research. The commissioner shall make available  
36 practical information from soil health research to agricultural produc-  
37 ers in urban, suburban and rural communities with goals to: continue  
38 accelerating the percentage of farmers who actively utilize best manage-  
39 ment practices to foster soil health and resiliency; and, promote scien-  
40 tific understanding of soil health and carbon sequestration with various  
41 farming practices, including but not limited to no-till, cover cropping,  
42 managed grazing, perennial pasture, and precise application of added  
43 nutrients to achieve nitrous oxide emissions reduction.

44 § 3. Subdivision 2 of section 2 of the soil and water conservation  
45 districts law is renumbered subdivision 3 and a new subdivision 2 is  
46 added to read as follows:

47 (2) Promotion of soil health and resiliency. It is further declared  
48 the policy of the legislature to promote the health and resiliency of  
49 New York's agricultural soils, including the biological, physical, and  
50 chemical components of such soils, to sustain agricultural plants and  
51 animals, produce a healthy, affordable food supply, promote climate  
52 resilient farming and the reduction of agricultural greenhouse gas emis-  
53 sions, and further protect and promote natural resources and the health,  
54 safety and welfare of the people of this state.

1 § 4. Paragraph i of subdivision 4 of section 4 of the soil and water  
2 conservation districts law, as added by chapter 136 of the laws of 2000,  
3 is amended and a new paragraph j is added to read as follows:

4 i. To coordinate and approve the participation of the several  
5 districts in the AEM program as set forth in article eleven-A of the  
6 agriculture and markets law~~[-]~~;

7 j. To coordinate and approve the participation of the several  
8 districts in support of soil health and climate resilient farming as set  
9 forth in article eleven-B of the agriculture and markets law.

10 § 5. This act shall take effect July 1, 2021.