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:

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

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

ARTICLE 11-B

SOIL HEALTH AND CLIMATE RESILIENCY

Section 151-l. Definitions.
151-m. Soil health initiative.
151-n. Climate resilient farming initiative.
151-o. Soil health research.

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

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

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

§ 151-m. Soil health initiative. 1. The department, in cooperation with the state soil and water conservation committee, and other partners working on soil health shall encourage agricultural producers in urban, suburban and rural communities to improve and maintain the health of farm soils by: managing and optimizing soil health to mitigate and adapt to climate change, and improve water quality while improving long term soil productivity, efficiency, resiliency and profitability of farming; ensuring that soil is conserved as a living ecosystem managed to provide nutrients for the growth of agricultural plants and animals and a healthy, affordable food supply; and addressing such environmental impacts from farm operations, including, but not limited to absorbing and holding rainwater for use during dry periods, filtering and buffering potential pollutants from leaving fields, improving climate resiliency, and providing habitat for beneficial soil microbes to flourish and diversify. Such improvement and maintenance shall account for the differences in soils in different regions of the state. The department shall coordinate the soil health initiative with the agricultural environmental management program established in article eleven-A of this chapter and section eleven of the soil and water conservation districts law.

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

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

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

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

3. The department, in the development of efforts to promote and encourage soil health, shall conduct public virtually accessible stakeholder meetings and provide opportunity for written public comment and consult with stakeholders, as appropriate, including, but not limited to: the state soil and water conservation committee, the department of environmental conservation, agricultural producers including historically marginalized producers, not-for-profit conservation organizations, environmental protection organizations including environmental justice, the United States Department of Agriculture's National

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

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

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

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

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

§ 151-o. Soil health research. The commissioner shall make available practical information from soil health research to agricultural producers in urban, suburban and rural communities with goals to: continue accelerating the percentage of farmers who actively utilize best management practices to foster soil health and resiliency; and, promote scientific understanding of soil health and carbon sequestration with various farming practices, including but not limited to no-till, cover cropping, managed grazing, perennial pasture, and precise application of added nutrients to achieve nitrous oxide emissions reduction.

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

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

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

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

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

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