STATE OF NEW YORK

5386

2021-2022 Regular Sessions

IN ASSEMBLY

February 16, 2021

Introduced by M. of A. LUPARDO, BARRETT -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, the state finance 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 program.
151-n. Climate resilient farming program.
151-o. Soil health partnership and research framework.

§ 151-l. Definitions. As used in this article: 1. "Soil health" means soils that have the continuing capacity to function as a vital, living biological system through: increased soil organic matter; improved soil structure, water and nutrient-holding capacity and nutrient cycling; diversity of beneficial organisms; enhanced resilience to tolerate and recover from drought, temperature extremes, pests, and other stresses; protecting natural resources; and assisting in reducing and mitigating the impact of global climate change, including net long-term greenhouse gas benefits.

2. "Soil health practices" means systems of agricultural, forestry and land management practices that:

a. improve the health of soils, including but not limited to consideration of depth of topsoil horizons, water infiltration rate, water holding capacity, organic carbon content, biologically accessible nutrient

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

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content, bulk density, biological activity, and biological and microbiological diversity;

b. follow the principles of: minimizing soil disturbance and external inputs; keeping soil covered; maximizing biodiversity; maximizing presence of living roots; and integrating animals into land management, including grazing animals, birds, beneficial insects or other species beneficial to the soil, such as earthworms; and

c. include such practices as conservation tillage or no-till, covercropping, precision nitrogen and phosphorous application, planned 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.

3. "Soil health project" means a specific work or improvement or equipment acquisition that is undertaken for improving soil health on lands utilized for commercial farming and forestry.

4. "Climate adaptation" means the process of adjustment to actual or expected climate and its effects.

5. "Climate mitigation" means a human intervention to reduce the sources or enhance the "sinks" that absorb and store greenhouse gases.

§ 151-m. Soil health program. 1. There is hereby established within the department a soil health program to assist farmers in improving the health of their soil by managing and optimizing soil health to reduce negative impacts on the environment while improving long term soil productivity, efficiency, and profitability of farming, sustaining agricultural plants and animals and a healthy, affordable food supply, and addressing such environmental impacts from those operations, including, but not limited to, soil, air and water pollution and greenhouse gas emissions.

2. The department, in cooperation with the soil and water conservation committee, shall implement a program to assist rural and urban agricultural producers and foresters in optimizing and managing soil health through soil health practices that include, but shall not be limited to:

(a) improving soil health and quantity, and control soil erosion and sedimentation;

(b) improving 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 nitrogen and phosphorus 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.

The program may also include, but not be limited to: the training of soil health management experts who can provide expertise to other farmers; financial assistance, within funds available, to soil and water conservation districts; other incentives for program participation; and evaluation of the program and projects to assess effectiveness. The department, in the development of the program or any significant change to the established program, shall consult with one or more of the following organizations, as appropriate: the soil and water conservation committee, the department of environmental conservation, and organizations representing farmers, farmland preservation, environmental protection, forestry, 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 working on soil health, and any other organization designated by the commissioner.

3. Subject to the availability of funding, the department, in cooperation with the soil and water conservation committee and districts, shall make grants, and incentives to farmers, foresters and agricultural cooperatives to enhance the education, training, employment, income, productivity and retention of those working or aspiring to work in the field of soil health practices and to implement soil health practices in the state and provide technical support in implementing such practices. Amounts credited to the soil health fund shall also be used, without further appropriation, for the costs associated with administering and implementing the program and may also be used to provide grants on a competitive basis to public, private and charitable entities to finance projects in furtherance of the soil health program. The program shall establish a statewide network of experts or peer leaders to promote soil health stewardship and training, where such experts or leaders are land managers identified for their excellence in applying and promoting soil health principles, as modeled by a similar program of a national association of conservation districts. The program shall be designed to prioritize incentives to beginning and socially disadvantaged farmers and ranchers, as defined by 7 U.S.C. §2279(a). Up to five percent of funding, unless otherwise restricted, may be used for research in soil health and soil health measurement. Up to five percent of funding, unless otherwise restricted, may be used for administrative and overhead expenses of the department. Expenditures for this purpose shall complement and not replace existing local, state, private or federal funding for related programs.

4. The department, in conjunction with the state soil and water conservation committee, shall report annually to the governor, the legislature and participating agencies on the progress of the soil health program, including an assessment of program effectiveness in achieving program objectives, public and private program participation, and such other information as the department and the committee deem appropriate. The report shall include receipts, expenditures, and activities funded through the program. The report shall include information regarding the program and the results of activities, including demonstrated progress toward meeting the timetable for achieving specific goals for land area managed for soil health and watershed health, and measurable improvements to soil and watershed health which have been set by the committee.

5. The department is empowered to promulgate such rules and regulations and to prescribe such forms as it shall deem necessary to effectuate the purposes of this section.

§ 151-n. Climate resilient farming program. 1. There is hereby established within the department a climate resilient farming program to reduce the effects of farming on climate change and assist farmers in mitigating the impact of climate change. The program may also include: financial assistance within funds available, to soil and water conservation districts; other incentives for program participation; and evaluation of the program and projects to assess effectiveness.

2. Subject to the availability of funds, a matching grants program is established to fund projects which mitigate greenhouse gas emissions on farmland or promote the adaptation of farmland to projected climate change impacts.

3. Projects shall be integrated within the framework of the agricultural environmental management program established in article eleven-A of this chapter and section eleven of the soil and water conservation districts law and the soil health program established in section one hundred fifty-one-m of this article.

4. Project applicants are the soil and water conservation district or a group of soil and water conservation districts acting as a region.

5. State assistance may be provided for up to seventy-five percent of the eligible project costs, with the districts providing documentation of matching funds or in-kind contributions to meet the matching requirements.

6. Projects shall incorporate best management practices for climate and soil resiliency, as informed 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 board.

7. Projects shall be approved in three categories, with additional areas to be added as designated by the commissioner to reflect emerging climate science research:

a. projects to reduce methane emissions on livestock farms with an emphasis on dietary changes and manure handling systems;

b. projects to implement water management systems on farmland for the purposes of mitigating climate consequences of increased rainfall and soil moisture as well as increased drought conditions; and

c. projects to encourage soil health and resiliency including but not limited to promoting cover cropping, no-till adoption, biochar incorporation, carbon sinks and nitrous oxide emissions reduction.

8. The department, in conjunction with the state soil and water conservation committee, shall report annually to the governor, the legislature and participating agencies on the progress of the climate resilient farming program, including an assessment of program effectiveness in achieving program objectives, public and private program participation, and such other information as the department and the committee deem appropriate. The report shall include receipts, expenditures, and activities funded through the program. The report shall include information regarding the program and the results of activities, including demonstrated progress toward meeting the timetable for achieving the specific goals set by the commissioner.

9. The commissioner shall have the authority to promulgate rules and regulations necessary to implement the climate resilient farming program.

§ 151-o. Soil health partnership and research framework. Subject to the availability of funds, the commissioner, in cooperation with a New York state institution of higher education with expertise in soil health, shall develop and implement a soil health partnership and research framework with goals to:

1. Continue accelerating the percentage of farmers who actively utilize best management practices to foster soil health and resiliency;

2. Provide necessary research and training programs to inform our 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, and including but not limited to research on measuring soil organic matter and on long-term soil health outcomes; and

3. Establish a collaborative partnership of state, federal, farmers, natural resource professionals and community stakeholders around soil health and resiliency and climate adaptation, resilience and mitigation.

§ 3. The state finance law is amended by adding a new section 99-ii to read as follows:

§ 99-ii. Soil health fund. 1. There is hereby established in the joint custody of the state comptroller and the commissioner of agriculture and markets a fund to be known as the "soil health fund".

2. Such fund shall consist of: (a) any moneys appropriated and made available by the state for the purposes of such fund; (b) notwithstanding the provisions of this chapter or any other provision of law, any moneys which the department of agriculture and markets shall receive in repayment of advances made from such fund; and (c) any other moneys which may be made available to the department of agriculture and markets for the purpose of such fund from any other source or sources.

§ 4. 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, reduce the effects of farming on climate change and mitigate the impact of climate change on farming, and further protect and promote natural resources and the health, safety and welfare of the people of this state.

§ 5. 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 the soil health and climate resiliency program as set forth in article eleven-B of the agriculture and markets law.

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