



House of Representatives

General Assembly

File No. 432

February Session, 2010

Substitute House Bill No. 5419

House of Representatives, April 8, 2010

The Committee on Environment reported through REP. ROY, R. of the 119th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING FARMS, FOOD AND JOBS.

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

1 Section 1. (NEW) (*Effective from passage*) (a) There is established a
2 Farm Training and Infrastructure Jobs and Grant Match Program to be
3 administered by the Department of Agriculture. The Commissioner of
4 Agriculture may award grants for projects that: (1) Train adults in the
5 production of food and fiber; or (2) develop infrastructures that benefit
6 agriculture producers in this state, including, but not limited to, fresh
7 food processing and packaging facilities, distribution systems,
8 renewable energy systems and retail facilities. Any such project shall:
9 (A) Have a demonstrated potential to create jobs, or (B) obtain
10 matching federal funding from a program of the United States
11 Department of Agriculture, including, but not limited to, the Beginner
12 Farmer Grant Program, the Value Added Producer Grant Program, the
13 Rural Energy for America Program or the United States Department of
14 the Treasury's Community Development Financial Institutions Fund
15 Healthy Food Financing Initiative. In awarding such grants, the

16 commissioner shall give preference to projects that consist of a
17 partnership or collaboration with a nongovernmental organization or a
18 community-based organization.

19 (b) The Commissioner of Agriculture may adopt regulations, in
20 accordance with the provisions of chapter 54 of the general statutes, to
21 implement the provisions of this section.

22 Sec. 2. (*Effective July 1, 2010*) (a) For the purposes described in
23 subsection (b) of this section, the State Bond Commission shall have
24 the power, from time to time, to authorize the issuance of bonds of the
25 state in one or more series and in principal amounts not exceeding in
26 the aggregate three million dollars.

27 (b) The proceeds of the sale of said bonds, to the extent of the
28 amount stated in subsection (a) of this section, shall be used by the
29 Department of Agriculture for the purpose of funding: (1) The
30 community farms program, established pursuant to section 22-26nn of
31 the general statutes, provided the amount of such funding does not
32 exceed one million five hundred thousand dollars; and (2) the Farm
33 Training and Infrastructure Jobs and Grant Match Program established
34 pursuant to section 1 of this act, provided the amount of such funding
35 does not exceed one million five hundred thousand dollars.

36 (c) All provisions of section 3-20 of the general statutes, or the
37 exercise of any right or power granted thereby, which are not
38 inconsistent with the provisions of this section are hereby adopted and
39 shall apply to all bonds authorized by the State Bond Commission
40 pursuant to this section, and temporary notes in anticipation of the
41 money to be derived from the sale of any such bonds so authorized
42 may be issued in accordance with said section 3-20 and from time to
43 time renewed. Such bonds shall mature at such time or times not
44 exceeding twenty years from their respective dates as may be provided
45 in or pursuant to the resolution or resolutions of the State Bond
46 Commission authorizing such bonds. None of said bonds shall be
47 authorized except upon a finding by the State Bond Commission that
48 there has been filed with it a request for such authorization which is

49 signed by or on behalf of the Secretary of the Office of Policy and
50 Management and states such terms and conditions as said commission,
51 in its discretion, may require. Said bonds issued pursuant to this
52 section shall be general obligations of the state and the full faith and
53 credit of the state of Connecticut are pledged for the payment of the
54 principal of and interest on said bonds as the same become due, and
55 accordingly and as part of the contract of the state with the holders of
56 said bonds, appropriation of all amounts necessary for punctual
57 payment of such principal and interest is hereby made, and the State
58 Treasurer shall pay such principal and interest as the same become
59 due.

60 Sec. 3. Section 21a-24a of the general statutes is repealed and the
61 following is substituted in lieu thereof (*Effective January 1, 2011*):

62 (a) As used in this section:

63 (1) "Acidified food product" means a food item, with a pH value of
64 4.6 or less upon completion of the recipe for such product, including,
65 but not limited to, pickles, salsa and hot sauce produced on the
66 premises of a residential farm. "Acidified food products" does not
67 include food consisting in whole or in part of milk or milk products,
68 eggs, meat, poultry, fish, shellfish, edible crustacean ingredients or
69 other ingredients, including synthetic ingredients, in a form capable of
70 supporting rapid and progressive growth of infectious or toxigenic
71 microorganisms.

72 [(1)] (2) "Jam" means a food, with a pH value of 4.6 or less, made by
73 cooking fruit or vegetables with sugar to a thick mixture.

74 [(2)] (3) "Jelly" means a food, with a pH value of 4.6 or less, made by
75 cooking fruit or vegetable juice that has been boiled with sugar.

76 [(3)] (4) "Preserves" means a food, with a pH value of 4.6 or less,
77 consisting of fruit or vegetables preserved whole by cooking with
78 sugar.

79 [(4)] (5) "Residential farm" means property (A) being utilized as a

80 farm, as defined in subsection (q) of section 1-1, and (B) serving as the
81 primary residence of the owner of such property.

82 (b) Notwithstanding the provisions of sections 21a-91 to 21a-120,
83 inclusive, and section 19-13-B40 of the regulations of Connecticut state
84 agencies, the preparation and sale of acidified food products, jams,
85 jellies or preserves on a residential farm shall be allowed in a room
86 used as living quarters and exempt from inspection by any state or
87 local agency, provided such acidified food products, jams, jellies or
88 preserves are prepared with fruit or vegetables grown on such farm
89 and in the case of acidified foods, provided (1) the water supply of
90 such residential farm comes from a public water supply system or, if
91 from a private well, is tested annually, and tests negative for, coliform
92 bacteria, (2) a pH test of such foods is performed by a laboratory after
93 completion of the recipe for such product, (3) use of the kitchen where
94 such foods are prepared is restricted during such preparation, and (4)
95 the preparer of such foods (A) possesses documentation of such
96 preparer's successful completion of an examination concerning safe
97 food handling techniques administered by an organization approved
98 by the Department of Public Health for qualified food operators, and
99 (B) such documentation is made available to the local health
100 department or the Department of Consumer Protection upon request.
101 Each container of acidified food products, jam, jelly or preserves
102 offered for sale on such farm shall have on its label, in ten-point type:
103 "Not prepared in a government inspected kitchen".

104 Sec. 4. Section 22-137a of the general statutes is repealed and the
105 following is substituted in lieu thereof (*Effective from passage*):

106 (a) There is established, within available appropriations, the
107 Connecticut Milk Promotion Board which shall be within the
108 Department of Agriculture.

109 (b) The board shall consist of nine members: (1) One appointed by
110 the majority leader of the Senate, who shall be a Connecticut licensed
111 dairy producer and a member of a dairy cooperative; (2) one
112 appointed by the president pro tempore of the Senate, who shall be a

113 Connecticut licensed milk producer and a member of a dairy
114 cooperative; (3) one appointed by the speaker of the House of
115 Representatives, who shall be an independent Connecticut licensed
116 milk producer; (4) one appointed by the minority leader of the House
117 of Representatives, who shall be a Connecticut licensed milk producer
118 and a member of a dairy cooperative; (5) one appointed by the
119 minority leader of the Senate, who shall be a Connecticut licensed milk
120 producer and a member of a dairy cooperative; (6) one appointed by
121 the majority leader of the House of Representatives, who shall be a
122 member of a state-wide health and nutrition organization promoting
123 consumer interests; (7) the Commissioner of Agriculture, or the
124 commissioner's designee; and (8) the chairpersons of the joint standing
125 committee of the General Assembly having cognizance of matters
126 relating to agriculture, who shall be ex-officio members without the
127 right to vote. The board shall elect a chairperson and a vice-
128 chairperson from among its members. Any person absent from (A)
129 three consecutive meetings of the commission, or (B) fifty per cent of
130 such meetings during any calendar year shall be deemed to have
131 resigned from the board, effective immediately. Vacancies on the
132 board shall be filled by the appointing authority. Members of the
133 board serve without compensation but shall, within the limits of
134 available funds, be reimbursed for expenses necessarily incurred in the
135 performance of their duties. The board shall meet as often as deemed
136 necessary by the chairperson or a majority of the board.

137 (c) The board shall: (1) Develop, coordinate and implement
138 promotional, research and other programs designed to promote
139 Connecticut dairy farms and milk consumption; and (2) prepare and
140 submit to the joint standing committee of the General Assembly
141 having cognizance of matters relating to agriculture an annual report
142 concerning its activities.

143 (d) The board may use such funds as may be available from federal,
144 state or other sources and may enter into contracts to carry out the
145 purposes of this section. Any money collected by the board pursuant
146 to the provisions of this section shall not be deemed state funds and

147 shall be deposited pursuant to section 4-33, in a qualified public
148 depository in Connecticut. Such funds shall be expended by the board
149 for expenses incurred in administering the budget recommended by
150 the board.

151 (e) The board may, subject to the provisions of chapter 67, employ
152 any necessary staff within such available funds or appropriations.

153 Sec. 5. Subsection (a) of section 22-6r of the general statutes is
154 repealed and the following is substituted in lieu thereof (*Effective from*
155 *passage*):

156 (a) For purposes of this section:

157 (1) "Farmers' market" means a cooperative or nonprofit enterprise or
158 association that consistently occupies a given site throughout the
159 season [, which] or that occupies a given site for any given day or
160 event and that operates principally as a common marketplace for a
161 group of farmers, at least two of whom are selling Connecticut-grown
162 fresh produce, to sell Connecticut-grown farm products in
163 conformance with the applicable regulations of Connecticut state
164 agencies and where the farm products sold are produced by the
165 participating farmers with the sole intent and purpose of generating a
166 portion of household income;

167 (2) "Fresh produce" means fruits and vegetables that have not been
168 processed in any manner;

169 (3) "Certified farmers' market" means a farmers' market that is
170 authorized by the commissioner to operate;

171 (4) "Farmer's kiosk" means a structure or area located within a
172 certified farmers' market used by a farm business to conduct sales of
173 Connecticut-grown farm products;

174 (5) "Connecticut-grown" means produce and other farm products
175 that have a traceable point of origin within Connecticut;

176 (6) "Farm" has the meaning ascribed to it in subsection (q) of section
177 1-1;

178 (7) "Farm products" means any fresh fruits, vegetables, mushrooms,
179 nuts, shell eggs, honey or other bee products, maple syrup or maple
180 sugar, flowers, nursery stock and other horticultural commodities,
181 livestock food products, including meat, milk, cheese and other dairy
182 products, food products of "aquaculture", as defined in subsection (q)
183 of section 1-1, including fish, oysters, clams, mussels and other
184 molluscan shellfish taken from the waters of the state or tidal
185 wetlands, products from any tree, vine or plant and their flowers, or
186 any of the products listed in this subdivision that have been processed
187 by the participating farmer, including, but not limited to, baked goods
188 made with farm products.

189 Sec. 6. Section 22-272b of the general statutes is repealed and the
190 following is substituted in lieu thereof (*Effective from passage*):

191 [(a)] The Commissioner of Agriculture shall adopt regulations, in
192 accordance with the provisions of chapter 54, regarding custom
193 slaughter facilities [in which livestock intended for food are
194 slaughtered for, and returned to, the owner of such animal for personal
195 consumption] that are exempt from inspection by the United States
196 Department of Agriculture pursuant to the federal Poultry Products
197 Inspection Act. Such regulations shall include (1) sanitation standards
198 for custom slaughter facilities and other appurtenances used in the
199 slaughter of animals, dressing and cleaning of carcasses, holding and
200 handling of carcasses and holding of animals for custom slaughter,
201 and (2) health requirements for animals for slaughter.

202 [(b)] The regulations adopted pursuant to subsection (a) of this
203 section shall not apply to slaughter facilities licensed and inspected by
204 the United States Department of Agriculture, pursuant to the federal
205 Meat Inspection Act or the federal Poultry Products Inspection Act.]

206 Sec. 7. (NEW) (*Effective from passage*) (a) For purposes of this section:

207 (1) "Poultry" has the same meaning as provided in section 22-326s of
208 the general statutes; and

209 (2) "Producer" has the same meaning as provided in section 22-326s
210 of the general statutes.

211 (b) The Commissioner of Agriculture shall be the state official in
212 charge of inspecting any producer and any producer that also operates
213 as a poultry processing facility. Poultry processing facilities that meet
214 the applicable criteria for federal Food Safety and Inspection Service
215 (FSIS) exemptions and that have passed Department of Agriculture
216 facility inspections shall be designated as approved sources for
217 restaurants, stores, institutions, hotels and food establishments located
218 in this state. The commissioner may exempt a producer or poultry
219 processing facility, as applicable, from inspection at the
220 commissioner's discretion, provided any such exemption is consistent
221 with the federal Poultry Products Inspection Act and any applicable
222 provision of the Code of Federal Regulations.

223 (c) No producer who raises poultry on such producer's farm and
224 who sells dressed poultry or poultry products directly to household
225 consumers, restaurants, hotels or boarding houses shall be subject to
226 inspection pursuant to subsection (b) of this section, provided: (1) Such
227 producer does not engage in the buying and selling of poultry
228 products other than those produced from such producer's farm; (2)
229 such producer does not produce more than five thousand turkeys or
230 twenty thousand poultry of all other species in a calendar year; and (3)
231 any poultry product shipped by such producer is shipped in a
232 container that bears such producer's name and address and the word
233 "Exempted".

234 (d) No person who processes or slaughters poultry and who sells
235 such poultry directly to household consumers, restaurants, hotels or
236 boarding houses shall be subject to inspection pursuant to subsection
237 (b) of this section, provided: (1) Such person utilizes sanitary
238 standards; (2) such person does not engage in the buying and selling of
239 poultry products other than those processed or slaughtered by such

240 person; and (3) any product shipped by such person is shipped in a
241 container that bears such person's name and address and the word
242 "Exempted".

243 Sec. 8. (NEW) (*Effective from passage*) Each public and private school
244 and each public and independent institution of higher education, that
245 grows any crop intended for human consumption on such school's or
246 institution's property, shall conduct soil testing for the presence of
247 lead. The Department of Public Health shall not prohibit or impede the
248 consumption of any crop grown on such school's property provided
249 the results of such soil testing are provided, upon request, to the
250 department and such soil testing indicates such soil does not contain
251 an unsafe level of lead.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>July 1, 2010</i>	New section
Sec. 3	<i>January 1, 2011</i>	21a-24a
Sec. 4	<i>from passage</i>	22-137a
Sec. 5	<i>from passage</i>	22-6r(a)
Sec. 6	<i>from passage</i>	22-272b
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>from passage</i>	New section

ENV Joint Favorable Subst.

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 11 \$	FY 12 \$
Treasurer, Debt Serv.	GF - Cost	See Below	See Below
Department of Agriculture	GF - Cost	25,000	25,000
Higher Education Constituent Units	GF - Cost	See Below	See Below

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 11 \$	FY 12 \$
Various Municipalities	STATE MANDATE - Cost	See Below	See Below

Explanation

The bill results in costs to the General Fund of \$25,000 in both FY 11 and FY 12, associated with a part-time position for the inspection of poultry processing sites. It also results in General Fund costs associated with bonding for various programs established in the bill.

Section 2 authorizes \$3.0 million in General Obligation (GO) bonds in FY 11 for the Community Farms Program and the Farm Training and Infrastructure Jobs and Grant Match Program. The total General Fund debt service cost for principal and interest payments to issue this amount over 20 years, assuming a 5.0% interest, rate is \$4.6 million. The first year that the state will experience costs associated with the bonds depends on when they are allocated through the State Bond Commission (SBC) and when the funds are expended.

Section 7 results in a cost to the Department of Agriculture of \$25,000 for a part-time poultry inspector for the new state poultry

inspection program. Processing locations with under 20,000 chickens or under 5,000 turkeys would be inspected to ensure sanitary conditions.

Section 8 may result in a cost to public and private schools and each public and independent institution of higher education. If such schools and institutions grow crops intended for human consumption, they may incur a \$30 charge for each soil sample lead test.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future for the term of the bonds and number of soil sample lead tests.

OLR Bill Analysis**sHB 5419*****AN ACT CONCERNING FARMS, FOOD AND JOBS.*****SUMMARY:**

This bill (1) establishes a grant program, administered by the Department of Agriculture (DoAG), addressing farm training and food production and processing, and authorizes bonding for it; (2) allows the preparation and sale of acidified foods on residential farms under certain conditions; (3) makes the agriculture commissioner responsible for inspection of certain poultry producers and processors and allows for inspection exemptions; (4) specifies that money collected by the Connecticut Milk Promotion Board is not considered state funds; (5) expands the definition of a farmer's market; and (6) requires schools and higher education institutions growing crops for consumption to test for lead in the soil.

EFFECTIVE DATE: Upon passage, except that the bond issuance provision takes effect July 1, 2010 and the acidified food product section takes effect January 1, 2011.

GRANT PROGRAM

The bill establishes a "Farm Training and Infrastructure Jobs and Grant Match Program" administered by DoAG. The agriculture commissioner can award grants for projects that (1) train adults in food and fiber production or (2) develop infrastructures benefitting agriculture producers in the state including fresh food processing and packaging facilities, distribution systems, renewable energy systems, and retail facilities.

A project must (1) have a demonstrated job creation potential or (2) obtain matching federal funding from (a) a U.S. Department of Agriculture program, including the Beginner Farmer Grant Program,

the Value Added Producer Grant Program, the Rural Energy for America Program, or (b) the U.S. Department of the Treasury's Community Development Financial Institutions Fund Healthy Food Financing Initiative.

The commissioner must give preference to projects consisting of a partnership or collaboration with a nongovernmental organization or community based organization when making grant awards. He can also adopt regulations to implement the grant program.

The State Bond Commission can authorize up to \$3 million in bonds for the program.

ACIDIFIED FOODS

Current law allows the sale of jams, jellies, or preserves on a residential farm that were prepared (1) with fruit grown on the farm and (2) in a room on the farm that is used as living quarters. It exempts their preparation from any state or local agency inspection.

The law requires each jam, jelly, or preserves container offered for sale on the farm to have on its label, in ten-point type: "Not prepared in a government inspected kitchen." The bill adds "acidified foods" to this exemption and labeling requirement. It establishes the following specific preparation criteria acidified food must meet for the exemption:

1. the farm's water supply must come from a public water supply system or a private well that is tested annually, and tests negative, for coliform bacteria;
2. a laboratory performs a pH test of the food product after the product recipe is completed;
3. use of the kitchen where the acidified food is prepared is restricted during preparation; and
4. the food preparer has successfully completed an examination on safe food handling techniques administered by an organization

approved by the Department of Public Health (DPH) for qualified food operators and has documentation to show this which is made available to the local health department or the Department of Consumer Protection upon request.

The bill defines “acidified food product” as a food item with a pH value of 4.6 or less upon completion of the recipe making the product, including pickles, salsa and hot sauce, produced on the premises of a residential farm. The food product must not include food consisting in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacean ingredients or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms.

Finally, the bill redefines jam, jelly, and preserves to include products made with vegetables.

POULTRY

The bill makes the agriculture commissioner the state official in charge of inspecting any poultry producer and any producer that also operates as a poultry processing facility. Under the bill, processing facilities (1) meeting the applicable criteria for federal Food and Safety Inspection Service exemptions and (2) passing DoAg facility inspections, must be designated as approved sources for restaurants, stores, institutions, hotels, and food establishments in the state. “Poultry” means any species of domestic fowl, including chickens, turkeys, ostriches, emus, rheas, cassowaries, waterfowl, and game birds raised for food production, breeding, exhibition, or sale. “Producer” means any person, firm or corporation engaged in breeding, raising, or keeping poultry for food production, hatching egg production, or for show or exhibition.

The agriculture commissioner may exempt a producer or poultry processing facility from inspection at his discretion. The exemption must be consistent with the federal Poultry Products Inspection Act and any applicable federal regulations.

Under the bill, a producer raising poultry on his or her farm and who sells dressed poultry or poultry products directly to household consumers, restaurants, hotels, or boarding houses is not subject to inspection provided (1) the producer does not buy and sell poultry products other than those produced on his or her farm, (2) the producer does not produce more than 5,000 turkeys or 20,000 poultry of other species in a calendar year, and (3) any poultry product shipped by the producer is in a container with the producer's name and address and the word "Exempted."

A person processing or slaughtering poultry and selling it directly to household consumers, restaurants, hotels, or boarding houses is not subject to inspection if (1) the person uses sanitary standards, (2) the person does not buy and sell poultry products other than those he processed or slaughtered, and (3) any product shipped must be in a container with the person's name, address, and the word "Exempted."

The agriculture commissioner must adopt regulations on custom slaughter facilities that are exempt from inspection by the U.S. Department of Agriculture according to the federal Poultry Products Inspection Act.

CONNECTICUT MILK PROMOTION BOARD

Current law establishes a nine-member Connecticut Milk Promotion Board within the Department of Agriculture. It develops, coordinates, and implements promotional, research and other programs designed to promote Connecticut dairy farms and milk consumption. It also prepares an annual report for the legislature. The board may use funding available from federal, state, or other sources and enter into contracts to carry out its purposes.

The bill specifies that any money collected by the board must not be deemed state funds and must be deposited with the approval of the state treasurer and comptroller in a qualified public depository in Connecticut. Under the bill, the funds can be spent by the board for expenses incurred in administering the board's recommended budget.

FARMER’S MARKET

The bill expands the definition of a farmer’s market to include a cooperative or nonprofit enterprise or association that occupies a given site for any given day or event and that operates principally as a common marketplace for a group of farmers, with at least two of them selling Connecticut-grown fresh produce, to sell such products in conformance with applicable regulations. Under current law, a farmer’s market must consistently occupy a given site throughout the season.

SCHOOL SOIL TESTING FOR LEAD

The bill requires each public and private school and each public and independent higher education institution that grows any crop on its property intended for human consumption to test the soil for lead. Under the bill, DPH must not prohibit or impede the consumption of a crop grown on the school property if the soil testing results are provided to DPH, upon request, and show no unsafe lead level.

BACKGROUND

Related Bill

HB 5287, favorably reported by the Public Health Committee, has the same provisions on acidified foods.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute
Yea 29 Nay 0 (03/19/2010)