



STATE OF CONNECTICUT

DEPARTMENT OF AGRICULTURE

*Office of Steven K. Reviczky  
Commissioner*



**REMARKS OF CONNECTICUT COMMISSIONER OF AGRICULTURE  
STEVEN K. REVICZKY  
BEFORE THE ENVIRONMENT COMMITTEE  
February 24, 2016**

Good morning Chairmen Kennedy and Albis, Vice Chairs Moore and Arconti, Ranking Members Chapin and Shaban, and members of the committee. My name is Steven Reviczky. It is my honor to serve as the commissioner of the Connecticut Department of Agriculture, and to be here this morning to testify on a number of bills before your committee.

**H.B. No. 5312 'AN ACT CONCERNING MINOR CHANGES TO THE POULTRY DEALER LICENSING STATUTE'**, to modernize and eliminate redundancies in the terminology of the poultry dealer licensing statute. This bill makes minor revisions in C.G.S. § 22-326s, removing unnecessary language and clarifying definitions.

**H.B. No. 5313 'AN ACT CONCERNING THE REGISTRATION OF POULTRY FLOCKS AND THE SALE OF LIVE POULTRY'**, to encourage registration of poultry flocks to aid in the prevention of the spread of avian influenza. The first section of the bill incorporates the National Poultry Improvement Plan (NPIP) into state law. The NPIP is a voluntary, cooperative industry, state, and federal program, and participation benefits include certification that poultry and poultry products destined for interstate and international shipments are disease-free. Having NPIP certification allows participants to move birds, day old chicks and hatching eggs between states. NPIP certification is primarily for breeder flocks and hatcheries.

The NPIP program has certain standards and testing requirements that must be met and remain current to maintain NPIP certification. Not participating in the voluntary NPIP and remaining certified does not mean that poultry cannot move interstate. Non-NPIP certified poultry can be moved into most states, including Connecticut, provided they test negative for certain avian disease and are accompanied by an interstate certificate of veterinary inspection.

We are asking for a minimal fee for participants to enroll in this program based on flock size. The department works closely with the Connecticut Veterinary Medical Diagnostic Laboratory at the University of Connecticut which conducts the poultry disease testing of samples obtained by the Department.

The bill removes language in this section that referred to actions taken when avian disease is detected. The Department will have sufficient statutory authority to control the spread of avian disease under C.G.S. § 22-324 after redundant statutory language is removed..

Section 2 of the bill is simply intended to update language meant to strengthen truth in advertising requirements.

165 Capitol Avenue, Hartford, CT 06106  
Phone: 860-713-2501 Fax: 860-713-2514  
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**H.B. No. 5317 'AN ACT CONCERNING COMMERCIAL FEED', to make commercial feed requirements and attendant authorities of the Department of Agriculture consistent with federal standards and requirements.** The purpose of this bill is to closely align the Department's current commercial animal feed manufacturing facility (which includes pet foods) registration requirements with those of the Food and Drug Administration (FDA) to register an animal feed manufacturing facility under the Food Safety Modernization Act.

The Department currently has a cooperative agreement with FDA to implement Animal Feed Regulatory Program Standards (AFRPS). These proposed changes are submitted as part of the Department's effort to update its standards per the AFRPS cooperative agreement and update our statutes to reflect changes in the federal Food Safety Modernization Act (FSMA).

This bill eliminates current requirements for all commercial feed manufacturers in Connecticut to register with the commissioner and incorporates benchmarks established by FSMA, including limiting registration of AFRPS to those manufacturing firms in Connecticut with over \$25,000 in commercial feed sales. Smaller scale manufacturers or hobbyists who manufacture commercial feeds with sales of less than \$25,000 per year are exempt from registration and inspection. The Department does intend to retain the ability to investigate allegations of adulteration, illness or injury caused by any animal feed distributed in this state. We are also proposing establishment of a modest graduated fee for registering a commercial feed manufacturing facility.

This legislative bill revises procedures for suspension or revocation of permits and penalties for violation of commercial feed standards. It should be noted that an overall philosophy of the Department is to educate before and while we regulate. We have been and remain reluctant to issue fines or penalties without providing ample opportunity for producers to come into compliance. With that in mind, the Department has no plans to issue penalties without providing opportunity to correct a violation.

Section 3 revises inspection and sampling procedures and acceptable laboratory methods. The bill also removes redundant or antiquated language from existing statute.

The Department respectfully requests some minor changes to the bill:

In line 22 change "at such a facility" to "caused by a commercial feed manufacturer" as the complaint would allege a defect in a feed that was manufactured. In line 97 delete "or the commissioner's designated agent," as it is repetitive in that sentence.

**S.B. No. 138 'AN ACT CONCERNING THE TERM AND FEE FOR CERTAIN LICENSES ISSUED BY THE DEPARTMENT OF AGRICULTURE AND THE DESIGNATION OF THE DEPARTMENT OF AGRICULTURE AS THE LEAD AGENCY FOR PURPOSES OF THE FOOD SAFETY MODERNIZATION ACT', to double the length of term and attendant fee for licenses relating to the milk industry and the pet industry and to designate the Department of Agriculture as the lead agency for purposes of the federal Food Safety Modernization Act.** *An Act Concerning the Renewal of Certain Licenses within the Department of Agriculture* is intended to follow the directive issued by Governor Malloy to find efficiencies in the delivery of services to residents of the state without increasing costs. The Department seeks to extend the duration of certain licenses, while increasing the associated fees by the same factor. This will allow for a more efficient delivery of approvals and processing by reducing waiting times and spreading out renewal periods, continuing to encourage compliance, and remain revenue neutral to the state and cost neutral to the licensee. Passage of this bill will allow the Department to respond to constituents in a timely fashion without needing additional staff resources.

As it stands, certain permits renew in considerable volume all on the same day each year. This creates a considerable backlog during certain periods of the year that inevitably results in processing delays. By spreading out renewal dates, the Department will be able to provide more timely service to the public.

The Department would ask that section 3 of the bill be deleted. The Department did not seek these changes, and changing these particular licenses would add complications to the license process. Additionally, some of the changes in this section affect only a small number of licensees, and any

changes to section 3 would not considerably improve efficiencies within the Department, and may actually prove difficult to implement.

The bill was intended to adjust the renewal period of only those permits that do not have an annual renewal date for public health-related purposes.

Section 5 of the bill names the Department of Agriculture as the lead state agency for implementation and enforcement of the federal Food Safety Modernization Act (FSMA.) Congress passed FSMA in 2010, and since then the US Food and Drug Administration has rolled out five of seven rules to implement this new law. The Department did not ask for this provision to be included in the bill. While we appreciate the intent, it should be noted that the Governor's Office has asked this Department and the Department of Consumer Protection to jointly meet to discuss the implications of this to ensure that implementation of FSMA is done appropriately. Both agencies have jurisdiction to varying degrees in this arena, and it would be advisable to allow those conversations to take place.

**S.B. No. 140 'AN ACT CONCERNING THE DUTIES OF THE CONNECTICUT MARKETING AUTHORITY', to authorize the Connecticut Marketing Authority to enter into leasing, permitting and licensing agreements concerning property under the authority's control.** This bill clarifies the authority's charge related to specific use-agreements for state-owned property under the authority's custody, care, and control. Examples would be those related to farmers' market stalls; railroad tracks; warehouse space; and truck, trailer, car, and other vehicle parking; among others.

While the authority once operated a system of three state-owned regional agricultural markets, the state divested itself of the markets in New London and New Haven years ago.

The Regional Market in Hartford is the only remaining such market in the state. It continues--as it has for decades--to be a critical food hub serving not only all of Connecticut, but the entire Northeast, distributing nutritious fresh food to both wholesale and retail customers representing immensely diverse business types, such as hospitals, schools, and restaurants, as well as low-, middle-, and upper-income families from within the capital city to suburbs and rural communities in all four corners of the state and beyond.

Built in the early 1950s, the facility's infrastructure has aged considerably and requires increasingly more resources to maintain and repair. The technical clarifications of this bill will provide the Connecticut Marketing Authority enhanced flexibility in its execution of revenue-generating use-agreements that will help enable it be a self-sustaining operation in its current form.

**S.B. No. 145 'AN ACT CONCERNING THE LABELLING OF FARM STAND EGGS', to ensure that all eggs are acceptable for consumption, regardless of their source.** Many small egg producers reuse egg cartons, which is well within the law. To avoid any confusion, our Farmers' Market guidance, developed with the Departments of Consumer Protection and Public Health, includes a recommendation that producers who do choose to reuse egg containers clearly label those cartons (name and address only). It must be noted that there is no penalty for violation of this section, and that this change preserves the exemptions from registration, storage and handling requirements and inspections in this part.

**S.B. No. 146 'AN ACT CONCERNING CERTAIN REQUIREMENTS OF COMMISSION SALES STABLES', to provide for a two-year license for commission sales stables while amending certain animal identification and slaughtering requirements and providing the Commissioner of Agriculture with the authority to adopt regulations for animal handling and sanitation standards and commission sales stables recordkeeping requirements.** This is a Department of Agriculture initiative intended to revise the provisions of C.G.S. §22-277, *Licensing and Supervision of Commission Sales Stables*, to be consistent with the requirements of the U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS) regulations for the traceability of livestock movements. It is also intended,

more specifically, to provide the Department with the authority necessary to assure that Commission Sales Stables, commonly known as “livestock auctions”, meet certain requirements aimed at reducing the risk of livestock disease transmission and enhancing the Department’s ability to adequately respond to a livestock disease event. The requirements to be met by Commission Sales Stables, as proposed in this legislative initiative, include those relative to official animal identification, animal segregation, animal movement and record keeping.

Preventing and controlling animal disease is the cornerstone of protecting animal agriculture, its contribution to the state’s and nation’s economy and assuring a safe, secure and sustainable animal-derived food supply. Currently, there is only one Commission Sales Stable licensed by the Department and approved by USDA/APHIS to operate in the state. However, Commission Sales Stables, when compared to other livestock housing facilities such as individual farms, present a situation with significantly higher risk for livestock disease transmission simply by the fact that animals that originate from numerous farms located not just in Connecticut but also in other states are comingled in a manner allowing for direct animal-to-animal contact. Furthermore, once sold, some animals move directly to slaughter but others, purchased by livestock dealers and individual producers, are introduced as new herd mates on multiple farms.

Animal disease traceability, or knowing where diseased and at-risk animals are, where they’ve been, and when, is very important to ensuring a rapid response when animal disease events take place. Animal disease traceability does not prevent disease; yet, an efficient and accurate traceability system helps reduce the number of animals involved in a disease investigation and reduces the time needed to respond. Reducing the number of animal owners impacted by an animal disease event reduces the economic strain on owners and affected communities. Inconsistent use of official identification coupled with the significant movement of livestock both intrastate and interstate warrants regulations that enhance the current traceability infrastructure.

In addition to reducing the risk of livestock disease transmission associated with commission sales stables, the provisions of this legislative initiative will also serve to protect consumers. Food security involves dependability in terms of supply and quality, among other attributes. Should there be an animal disease event, including zoonotic disease concerns, in which the event involves a Commission Sales Stable, enhanced animal disease traceability would allow for efficient traceback of infected animals and the rapid quarantine of potentially exposed animals. This ensures that only healthy animals can continue to move freely to processing facilities, providing a dependable and affordable source for consumers as well as protecting producers’ livelihoods.