

---

## OLR Bill Analysis

### sHB 6725

#### **AN ACT REVISING CERTAIN FARMING AND AQUACULTURE PROGRAMS OF THE DEPARTMENT OF AGRICULTURE.**

#### TABLE OF CONTENTS:

#### SUMMARY

#### § 1 — FARMLAND RESTORATION GRANT PROGRAM

*Revises this program in various ways, such as removing a \$20,000 cap on grants, allowing the available state grant to cover up to 90% of the costs to comply with certain farm plans, and allowing certain grant payments to be made within available appropriations*

#### §§ 2 & 6 — ADVERTISING LOCAL AGRICULTURE

*Removes farm products produced over state lines from the Connecticut Grown program; eliminates provisions on using certain advertising terms*

#### § 3 — EXERCISING THE STATE VETERINARIAN'S AUTHORITY

*Makes the state veterinarian the state animal health official; allows the DoAg commissioner to designate certain other veterinarians to act in the state veterinarian's absence*

#### § 4 — FARM VIABILITY GRANT PROGRAM RENAMED

*Renames the Farm Viability Grant Program as the Agricultural Enhancement Grant Program*

#### § 5 — CONVEYING PORTIONS OF LAND IN THE FARMLAND PRESERVATION PROGRAM

*Gives owners of land that DoAg acquires the development rights to under the Farmland Preservation Program the right to subdivide or lease a portion of the property under certain circumstances*

#### § 7 — HONEY AND MAPLE SYRUP PRODUCTION PENALTIES

*Subjects anyone who violates the state's statutes and regulations on honey and maple syrup production to certain fines*

#### § 8 — REQUIREMENTS FOR EGGS SOLD DIRECTLY TO CONSUMERS

*Requires egg producers who sell eggs directly to household users to meet certain safety standards and labeling requirements*

#### §§ 9 & 10 — APPLE MARKETING ADVISORY BOARD

*Renames the Apple Marketing Board as the Apple Marketing Advisory Board; places it within DoAg for administrative purposes only; sets out the board's responsibilities and membership*

**§ 11 — SMALL-SCALE AQUACULTURE OPERATIONS**

*Requires the DoAg commissioner to encourage the growth of small-scale aquaculture operations; allows him to lease shellfish grounds to these operations*

**SUMMARY**

This bill makes changes in various statutes and programs related to the Department of Agriculture (DoAg), as summarized in the section-by-section analysis below.

EFFECTIVE DATE: Upon passage unless otherwise specified below.

**§ 1 — FARMLAND RESTORATION GRANT PROGRAM**

*Revises this program in various ways, such as removing a \$20,000 cap on grants, allowing the available state grant to cover up to 90% of the costs to comply with certain farm plans, and allowing certain grant payments to be made within available appropriations*

The bill revises the Farmland Restoration Grant Program. This matching grant program, administered by DoAg, generally encourages farmers to restore farmland that has gone out of production.

Under current law, the total federal and state grants available to a farmer cannot exceed 90% of the costs to comply with related plans under the program (i.e., comprehensive farm nutrient management plan, farmland restoration and climate resiliency plan, and farm resources management plan). The bill instead prohibits the total state grant from exceeding 90% of the costs to implement and comply with the plans, removing consideration of federal grants. The bill also eliminates a requirement that the DoAg commissioner, when making grants, give priority to capital improvements made under the plans.

Additionally, the bill removes a cap on grants for developing, implementing, and complying with a farm resources management plan or a farmland restoration and climate resiliency plan, including farm equipment purchases. Currently, the cap for payments or reimbursements is generally the lesser of 50% of the plan's cost or

\$20,000. The bill correspondingly eliminates current law's cap for plans related to state-owned land or municipally owned land with an agricultural lease of five years or longer (i.e., the lesser of 90% of the plan's cost or \$20,000). The bill also eliminates authority to provide grants specifically for developing a farm resources management plan.

Current law allows the grants to cover the cost of farm equipment purchases. The bill allows this within available appropriations. It also allows the grants for developing a farmland restoration and climate resiliency plan to be within available appropriations.

Currently, the DoAg commissioner may pay or reimburse certain entities (i.e., a municipality, nonprofit organization, soil and water conservation district, or UConn Extension Services) for a variety of services (e.g., technical assistance, training, pilot programs, and other services designed to increase the number of farmers implementing climate-smart agriculture and forestry practices). Current law does not cap these grants. Under the bill, the commissioner can make these payments or reimbursements within available appropriations, but advance payments cannot exceed 50% of the cost and the total state grant cannot be more than 90% of the cost.

EFFECTIVE DATE: October 1, 2023

## **§§ 2 & 6 — ADVERTISING LOCAL AGRICULTURE**

*Removes farm products produced over state lines from the Connecticut Grown program; eliminates provisions on using certain advertising terms*

Current law prohibits anyone from advertising farm products as "native," "native-grown," "local," or "locally-grown" unless they are grown or produced in Connecticut or within a 10-mile radius of the point of sale. The bill removes provisions in law authorizing the use of these terms.

As under existing law, only farm products grown or produced in Connecticut may be advertised or sold as "CT-Grown" or "Connecticut-Grown." The bill removes a provision in law that, in practice, has been interpreted as allowing sellers to use these terms if they are selling products that were grown or produced within a 10-mile radius of the

point of sale, even if out of state. By law, someone who fails to comply with the advertising requirements is subject to a fine of up to \$100 for each label that is in violation.

The bill also makes a technical change (§ 2).

### **§ 3 — EXERCISING THE STATE VETERINARIAN'S AUTHORITY**

*Makes the state veterinarian the state animal health official; allows the DoAg commissioner to designate certain other veterinarians to act in the state veterinarian's absence*

The bill designates the state veterinarian, who is a DoAg employee, the state animal health official, rather than the state's chief livestock health official as under current law. It also allows the DoAg commissioner to designate one or more veterinarians to exercise the state veterinarian's authority, power, and duties in her absence. The veterinarians designated must be state licensed and accredited by the U.S. Department of Agriculture and have at least three years' experience in large animal practice.

### **§ 4 — FARM VIABILITY GRANT PROGRAM RENAMED**

*Renames the Farm Viability Grant Program as the Agricultural Enhancement Grant Program*

The bill renames the Farm Viability Grant Program as the Agricultural Enhancement Grant Program. DoAg administers this matching grant program to further agriculture in the state. The program is open to municipalities, groups of municipalities, regional councils of governments, and agricultural non-profits.

The bill also specifies that grants for local capital projects fostering agricultural viability should be specifically fostering collective resources for agricultural viability.

### **§ 5 — CONVEYING PORTIONS OF LAND IN THE FARMLAND PRESERVATION PROGRAM**

*Gives owners of land that DoAg acquires the development rights to under the Farmland Preservation Program the right to subdivide or lease a portion of the property under certain circumstances*

Through the Farmland Preservation Program, DoAg purchases the development rights for an agricultural property, placing on the deed a

permanent restriction on non-agricultural uses, ensuring that the land stays in agricultural production but also remains privately owned by the farmers. The bill expands the types of conveyances (transfers) that a property owner can make without infringing on the development rights that DoAg purchased under the program. Currently, a property owner can sell their entire property, or lease it for up to 25 years, if the property will be maintained as agricultural land. Under the bill, property owners can additionally do this for just a portion of their property without infringing on the development rights DoAg acquired.

### **§ 7 — HONEY AND MAPLE SYRUP PRODUCTION PENALTIES**

*Subjects anyone who violates the state's statutes and regulations on honey and maple syrup production to certain fines*

By law, the preparation, packaging, labeling, and sale of honey and maple syrup produced in Connecticut comes under DoAg's licensing, inspection, and enforcement authority.

The bill subjects anyone who violates state statutes and regulations on honey and maple syrup production to a \$50 fine for a first offense and a \$200 fine for each subsequent offense. Additionally, the DoAg commissioner may deny, suspend, or revoke a honey and maple syrup producer's state-issued credential under the Uniform Administrative Procedure Act.

### **§ 8 — REQUIREMENTS FOR EGGS SOLD DIRECTLY TO CONSUMERS**

*Requires egg producers who sell eggs directly to household users to meet certain safety standards and labeling requirements*

The bill requires egg producers who sell eggs directly to household users (e.g., at a farm, farm stand, or market) to sell only eggs that are unadulterated, clean, and kept stored at a temperature of up to 45 degrees Fahrenheit.

Additionally, it requires these egg producers to label their eggs with the producer's name and address, the type of egg (if not chicken eggs), the quantity of eggs, and safe food handling instructions. The label must not contain false or misleading information.

Anyone who violates these provisions is subject to a fine of up to \$50 for the first offense and up to \$200 for each subsequent offense (CGS § 22-49).

## **§§ 9 & 10 — APPLE MARKETING ADVISORY BOARD**

*Renames the Apple Marketing Board as the Apple Marketing Advisory Board; places it within DoAg for administrative purposes only; sets out the board's responsibilities and membership*

The bill restructures the state's Apple Marketing Board and renames it the Apple Marketing Advisory Board. The bill places the board within DoAg for administrative purposes, and requires the board to assist and advise the DoAg commissioner with carrying out the state laws on apple market orders. A "market order" is an order the commissioner issues related to marketing research and promotion of apples and apple products.

### ***Responsibilities***

Similar to current law, the bill requires the board to prepare and submit the following to the DoAg commissioner for his review and consideration:

1. recommendations on (a) the apple market order, including revisions to it, and (b) a publicity program to maintain and enhance apple markets and create new ones;
2. a proposed budget to implement the apple market order;
3. marketing research proposals that benefit the state's apple industry; and
4. recommendations to collect the apple market assessment that is charged to apple producers to implement the apple market order.

As under existing law, the bill prohibits the board from (1) referring to any particular brand or trade name in its publicity program recommendations or (2) disparaging the quality, value, sale, or use of any other agricultural commodity. The bill also removes requirements for the board to annually appoint an auditor to audit the apple market assessments collected and give the Auditors of Public Accounts a copy

of the audit.

### **Membership**

Under the bill, similar to current law, the board consists of eight members, including six apple producers, one member of the general public, and the economic and community development commissioner or her designee, who serves as a nonvoting member. Three alternate members are also selected to fill in as needed. Members serve three-year terms and may be reappointed. Members receive no compensation but are reimbursed for necessary expenses incurred in fulfilling their duties.

Under current law, three of the six apple producers come from west of the Connecticut River and the other three come from east of the river. The bill removes this geographical requirement. As under existing law, the DoAg commissioner appoints the apple producers from nominations given to him from the Connecticut Pomological Society or any apple producer. He also appoints the member from the general public.

Current law requires the commissioner to appoint three alternate members, one from west of the river, one from east of the river, and one from the general public. The bill instead requires him to select three alternates, two who are apple producers and one from the general public. Alternate members may attend all meetings and the board's chairperson will call upon them as needed to fill in for absent members.

At the board's first meeting, members must select a chairperson from among its members and other officers as the board deems necessary. The bill specifies that a majority of appointed members constitutes a quorum. Under current law, a quorum consists of five members (i.e., four apple producers and the member from the general public).

## **§ 11 — SMALL-SCALE AQUACULTURE OPERATIONS**

*Requires the DoAg commissioner to encourage the growth of small-scale aquaculture operations; allows him to lease shellfish grounds to these operations*

The bill requires the DoAg commissioner to encourage the development and expansion of small-scale aquaculture operations for shellfish. A "small-scale aquaculture operation" is an aquaculture

operation that (1) operates in 150 acres or less of shellfish grounds or (2) has operated to produce shellfish for four or fewer years.

The bill allows the commissioner to designate shellfish grounds available for annual leasing to small-scale aquaculture operations. He may require that all bidders be small-scale aquaculture operators or offer leases at a fixed price that the commissioner sets. The operations must obtain all necessary licenses required under the state shellfisheries laws and are subject to DoAg inspections and regulations.

**COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute

Yea 22 Nay 11 (03/24/2023)