

# STATE OF NEW YORK

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4722--A

2021-2022 Regular Sessions

## IN SENATE

February 10, 2021

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Introduced by Sens. HINCHEY, MAY -- read twice and ordered printed, and when printed to be committed 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:

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

3     § 2. The agriculture and markets law is amended by adding a new article  
4     11-B to read as follows:

### ARTICLE 11-B

#### SOIL HEALTH AND CLIMATE RESILIENCY

##### Section 151-1. Definitions.

151-m. Soil health initiative.

151-n. Climate resilient farming initiative.

151-o. Soil health research.

11     § 151-1. Definitions. As used in this article: 1. "Soil health" means  
12     soils that have the continuing capacity to function as a vital, living  
13     ecosystem that sustains plants, animals, and humans. The benefits of  
14     healthy soil include: supporting the production of food, feed, fiber,  
15     and fuel; facilitating infiltration, storage and filtration of water and  
16     protecting water quality; enhanced nutrient-holding capacity and nutri-  
17     ent cycling; providing habitat for diverse soil organisms; enhanced  
18     resilience to drought, extreme precipitation events, temperature  
19     extremes, pests, diseases and other stresses; breaking down harmful  
20     chemicals; reducing agricultural impacts on, and mitigating the impact  
21     on agriculture of, global climate change; and sequestering carbon and  
22     net long-term greenhouse gas benefits.

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

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

14       § 151-m. Soil health initiative. 1. The department, in cooperation  
15 with the state soil and water conservation committee, and other partners  
16 working on soil health shall encourage agricultural producers in urban,  
17 suburban and rural communities to improve and maintain the health of  
18 farm soils by: managing and optimizing soil health to mitigate and adapt  
19 to climate change, and improve water quality while improving long term  
20 soil productivity, efficiency, resiliency and profitability of farming;  
21 ensuring that soil is conserved as a living ecosystem managed to provide  
22 nutrients for the growth of agricultural plants and animals and a heal-  
23 thy, affordable food supply; and addressing such environmental impacts  
24 from farm operations, including, but not limited to absorbing and hold-  
25 ing rainwater for use during dry periods, filtering and buffering poten-  
26 tial pollutants from leaving fields, improving climate resiliency, and  
27 providing habitat for beneficial soil microbes to flourish and diversi-  
28 fy. Such improvement and maintenance shall account for the differences  
29 in soils in different regions of the state. The department shall coor-  
30 dinate the soil health initiative with the agricultural environmental  
31 management program established in article eleven-A of this chapter and  
32 section eleven of the soil and water conservation districts law.

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

35       (a) improving, enhancing, or otherwise maximizing soil health and  
36 quality, and minimizing soil erosion and sedimentation;  
37       (b) improving, enhancing, or otherwise maximizing water infiltration  
38 rates and water holding capacities of soils for improved storm water  
39 management and flood control, drought resilience, and groundwater  
40 supply; and  
41       (c) managing and enhancing the healthy cycling of nutrients within  
42 fields, to minimize nutrient runoff and reduce downstream nutrient load-  
43 ing, improve watershed health and reliable water availability, restore  
44 and enhance wildlife habitat, and manage water runoff and drainage water  
45 for improved local and downstream water quality.

46       3. The department, in the development of efforts to promote and  
47 encourage soil health, shall conduct public virtually accessible stake-  
48 holder meetings and provide opportunity for written public comment and  
49 consult with stakeholders, as appropriate, including, but not limited  
50 to: the state soil and water conservation committee, the department of  
51 environmental conservation, agricultural producers including histor-  
52 ically marginalized producers, not-for-profit conservation organiza-  
53 tions, environmental protection organizations including environmental  
54 justice, the United States Department of Agriculture's National  
55 Resources Conservation Services, the New York state college of agricul-  
56 ture and life sciences established in section fifty-seven hundred twelve

1 of the education law including Cornell Cooperative Extension, other  
2 institutions of higher education in New York state working on soil  
3 health, and any other organization designated by the commissioner.

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

14 § 151-n. Climate resilient farming initiative. 1. The department, in  
15 cooperation with the state soil and water conservation committee, and  
16 other partners working on climate resilient farming shall encourage  
17 agricultural producers in urban, suburban and rural communities to  
18 reduce the effects of farming on climate change, such as greenhouse gas  
19 emissions, and adapt to and mitigate the impact of climate change by  
20 improving and maintaining water management systems and soil health and  
21 resiliency.

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

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

33 § 151-o. Soil health research. The commissioner shall make available  
34 practical information from soil health research to agricultural produc-  
35 ers in urban, suburban and rural communities with goals to: continue  
36 accelerating the percentage of farmers who actively utilize best manage-  
37 ment practices to foster soil health and resiliency; and, promote sci-  
38 entific understanding of soil health and carbon sequestration with various  
39 farming practices, including but not limited to no-till, cover cropping,  
40 managed grazing, perennial pasture, and precise application of added  
41 nutrients to achieve nitrous oxide emissions reduction.

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

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

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

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

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

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