

Legislative History for Connecticut Act

PA 16-102

HB5317

| | | |
|---|--|-----------|
| Senate | 3070-3071, 3078-3079 | 4 |
| Environment | 632, 634-635, 673, 676-678, 739, 741-742 | 10 |
| House Transcripts have not been received. They are available on CGA website, but are not the Official copy. Contact House Clerk for assistance (860) 240-0400 | | 14 |

Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate and House of Representatives Proceedings

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**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2016**

**VOL. 59
PART 9
2751 - 3097**

/je
SENATE

320
May 4, 2016

Yes, thank you, Madam President. Madam President, this is the two-generation pilot. It changes some language and includes the work groups in the language and increases the membership for the business and trades to be a part of the two-general pilot. I urge passage.

THE CHAIR:

Will you remark further? Will you remark further? If not, Senator Moore, would you like to make a suggestion of where to place this bill on Consent?

SENATOR MOORE (22ND):

Would you place it on Consent.

THE CHAIR:

Seeing no objection, so ordered. Mr. Clerk.

THE CLERK:

On page 15, Calendar 487, Substitute for House Bill Number 5317, AN ACT CONCERNING COMMERCIAL FED AND THE TERM AND FEE FOR CERTAIN LICENSES ISSUED BY THE DEPARTMENT OF AGRICULTURE.

THE CHAIR:

Senator Kennedy.

SENATOR KENNEDY (12TH):

Yes, Madam President. I move acceptance of the Joint Committee's favorable report and urge passage of the bill in concurrence with the House of Representatives.

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THE CHAIR:

Acceptance and passage in concurrence. Will you remark, sir?

SENATOR KENNEDY (12TH):

Very simply, this bill concerns commercial feed. This is animal feed and insures consistency with federal standards, eases regulatory burden on small animal feed producers, and clarifies and improves the Department of Agriculture's efficiency with regard to animal feed manufacturers, and I urge passage.

THE CHAIR:

Will you remark further? Will you remark further? If not, Senator Kennedy, do you have anything to say?

THE CHAIR:

I would like to ask my colleagues to agree to place this on the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered, sir. Mr. Clerk.

THE CLERK:

Page 19, Calendar 513, House Bill Number 5553, AN ACT CONCERNING MAGNET SCHOOL TUITION. It's amended by House A.

THE CHAIR:

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Mr. Clerk. Will you please call the numbers on the Consent Calendar Number 2.

THE CLERK:

House Bill 5612; House Bill 5189; House Bill 5138;
on page 5, Calendar 377, House bill 5467; page 6,
Calendar 391, House Bill 5456; on page 8, Calendar
418, House Bill 5364; page 10, Calendar 442, House
Bill 5468; on page 14, Calendar 478, House Bill
5366; on page 15, Calendar 47, House Bill 5317; page
19, Calendar 513, House Bill 5553; page 21, Calendar
528, House Bill 5420; page 26, Calendar 560, House
Bill 5069; page 29, Calendar 581, House Bill 5547;
page 30, Calendar 590, House Bill 5407.

THE CHAIR:

The machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate.
Immediate roll call on Consent Calendar Number 2 has
been ordered in the Senate.

THE CHAIR:

Senator Fasano, would you like to vote on this
Consent Calendar please? Thank you.

All members have voted? All members have voted?
The machine will be closed. Mr. Clerk, will you
please call the tally on Consent Calendar 2.

THE CLERK:

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SENATE

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Consent Calendar Number 2,

| | |
|-----------------------|----|
| Total Number Voting | 36 |
| Those voting Yea | 36 |
| Those voting Nay | 0 |
| Absent and not voting | 0 |

THE CHAIR:

The Consent Calendar passes. Senator Duff. Senator Duff.

SENATOR DUFF (25TH):

Can the Clerk please call Calendar page 13, Calendar 472, House Bill 5311.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On page 13, Calendar 472, Substitute for House Bill Number 5311, AN ACT CONCERNING TELECOMMUNICATIONS PROVIDER TARIFFS FOR SERVICES OFFERED TO BUSINESS RETAIL END USERS AND CERTAIN TELECOMMUNICATIONS SERVICE-RELATED EFFORTS. It's amended by House A.

THE CHAIR:

I'm sorry, is that, Senate, not yours --

SENATOR DUFF (25TH):

The Senate will stand at ease.

THE CHAIR:

**JOINT
STANDING
COMMITTEE
HEARINGS**

**ENVIRONMENT
PART 2
576 – 1208**

2016

it's -- we can only surmise the answer to it and that was -- is that when the colonies were founded and the statutes -- statutes were put into place originally, that snapping turtles did provide important sustenance and subsistence for residents who were eating turtle meat here in Connecticut. And it's just been carried along for all this time, but now that our populations are shrinking, in our own research in the Mattabesett and Coginchaug Rivers, the turtles that we see in traps now relative to the ones I saw 10 years ago are much, much smaller so the size of the turtles are shrinking, populations are diminishing, and we can't sustain it.

REP. ALBIS (99TH): Thank you. Any other questions from members of the Committee? I see none. Thank you very much for your testimony Mr. Chernoff.

MR. CHERNOFF: Thank you.

REP. ALBIS (99TH): Next we will turn to Commissioner Reviczky.

COMMISSIONER REVICZKY: Good afternoon Chairman Kennedy and Albis, Vice Chair, our county members of the Environment Committee.

It's an honor to be here this afternoon with you and to serve as the Commissioner of the Connecticut Department of Agriculture. And just briefly with your Farm to School Bill I want to mention that the Governor's Council for Agricultural Development has identified Farm to Institution including Farm to School as one of the areas where we can make the most gains for Connecticut farm families and increasing

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definitions. H.b. No. 5313 is an ACT CONCERNING THE REGISTRATION OF POULTRY LOCKS AND THE SALE OF LIVE POULTRY. The first section of this bill incorporates the National Poultry Improvement Plan 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.

The NPIP certification is primarily for breeder flocks and hatcheries. The program has certain standards and testing requirements that must be met to remain current, to maintain NPIP certification. Not participating in the voluntary program does not mean that poultry from Connecticut cannot move interstate. I just want to make sure that that's clear. And that poultry and poultry products -- poultry can move interstate so long as it tests negative for avian disease and are accompanied by an interstate certificate of veterinary inspection.

Section two of that bill is simply intended to update language and meant to strengthen truth in advertising requirements. H.B. No. 5317 is an ACT CONCERNING COMMERCIAL FEED and the purpose of this bill is to closely align the department's current commercial animal feed manufacturing facility registration requirements with those of the Food & Drug Administration to register an animal feed manufacturing facility under the Food Safety Modernization Act. The Department of Agriculture currently has a cooperative agreement with the FDA to implement the Animal Feed Regulatory Program Standards or AFRPS. These proposed changes, the changes in the bill, 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 as a result of FISMA.

The bill does eliminate current registry requirements for all commercial feed manufactures in Connecticut to register with the Department of Agriculture and incorporates benchmarks established by FISMA including limiting registration of AFRPS to those manufacturing firms in Connecticut with over \$25,000 in commercial feed sales. So smaller scale manufacturers are exempt from registration.

I'll move on. S.B. No. 138 is an ACT CONCERNING THE TERM AND FEE FOR CERTAIN LICENSES ISSUED BY THE DEPARTMENT OF AGRICULTURE AND DESIGNATION OF THE DEPARTMENT OF AGRICULTURE AS THE LEAD AGENCY FOR PURPOSES OF THE FOOD AND SAFETY MODERNIZATION ACT.

This bill is intended to follow the directive of Governor Malloy to find deficiencies in the delivery of state 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 of licenses by reducing waiting times and spreading out renewal periods, continuing to encourage compliance, and remain -- and this is important -- it's revenue neutral for the State of Connecticut and it's cost neutral for those people who hold licenses that are issued by the Department of Agriculture.

The Department would add -- there are a few areas where we'd like to continue to work with the Committee on certain language and in this case the department would ask that section three of the bill be deleted. The department did not seek these changes and changing these particular licenses would add complications to our licensing process so we'd ask to be able to work with the Committee to refine that.

I do want to say that section five of the bill names the Connecticut Department of Agriculture as the lead agency for implementation and enforcement of the Food

MS. MITCHELL: Okay.

REP. ALBIS (99TH): Thank you.

MS. MITCHELL: Thank you.

REP. HAMPTON (16TH): Thank you for your kind consideration. I appreciate it.

REP. ALBIS (99TH): Thank you Representative. Next up is Henry Talmage.

MR. TALMAGE: Good afternoon Senator Kennedy, Representative Albis, members of the Committee. My name is Henry Talmage. I'm the Executive Director of the Connecticut Farm Bureau, Statewide membership organization working with 5,000 farming families dedicated to the future of Connecticut agriculture. I've submitted written comments. First I'd like to raise our support the department bills that were presented by the Department Commissioner and Department of Agriculture. I think in reviewing those bills they clarify authority. They improve some operating efficiencies and they provide some tools that are needed by the Commissioner to carry out the duties and responsibilities of the Department of Agriculture. So in general we support those bills.

I'd like to talk about raised Bill number 41, an Act Concerning Revisions to Definitional Timing and Procedural Provisions to the Inland Wetlands Watercourse Act. You heard some testimony today. We like to think about this from the users' perspective, farmers in particular, and where there are some

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REP. ALBIS (99TH): And by saying lead agency you don't necessarily mean that consumer protection has to be entirely cut out, but --

MR. TALMAGE: No. I think, you know, the -- so the first one that really comes into play here is what's called the Produce Safety Rule. Okay, the Produce Safety Rule has to deal primarily with the on-farm implementation of handling and procedures and record keeping of farming practices. Okay. So this is not the -- it's the -- there's the Preventative Control Rule, which has to do with more aggregation, distribution, processing. The one that's going to impact the most is the Produce Safety Rule. That is where we're dealing with water testing, we're dealing with procedures, we're dealing with record keeping. These are things that happen on the farm level that -- and in fact I mentioned in my testimony that the Department of Agriculture has adjusted its Farm Transition Grant Program to start to make funds available for farms to comply with this -- with this law.

And so especially there, the Produce Safety Rule, there's no question in my mind that that's a good fit for the Department of Agriculture. I do recognize that this is complex because there's different levels, you know. In some States the Dep -- the State Department of Agriculture covers food safety across the board. We clearly don't have that as a history and this would be -- my guess is that this would be somewhat of a hybrid approach, but not an all or nothing.

REP. ALBIS (99TH): Thank you very much Henry. Any other questions? Representative Miner?

REP. MINER (66TH): Thank you Mr. Chairman. I did go HB5312 HB5313 back and look at your testimony and it seems that you SB145 SB147 have submitted testimony that supports the HB5317 SB146 _____

HB5313 SB145 Commissioner or the agencies position on each of the
SB140 HB5317 bills 5312 and I think there are 5 or 6 bills.
SB146

MR. TALMAGE: Yep.

REP. MINER (66TH): You and I've had conversations about membership in the Farm Bureau and how perhaps the size of members in terms of what we consider a historic farm rather than being just a dairy farmer are being much more niche farmers, backyard farmers. And so under 5312 it appears to me in the language that the agency takes the position that an individual would now be covered in the definition of a dealer. And so for all the things that the agency originally required a dealer to do, my read to that is that they could then be requiring a backyard farmer to do. There's some other bills that they've testified on that have to do with labeling, packaging, all sorts of things, and I -- I guess I'm wondering how the Farm Bureau could -- support those without any reservations.

MR. TALMAGE: Well, thank you. It's a good question and frankly from an organizational point of view, as you mentioned, we've had discussions about representing all of agriculture. There's a -- that's a big tent. There's a challenge to doing that. I think the one thing that is critically important regardless of the size of operation or the type of operation is the confidence and the ability to make appropriate regulatory oversight so that the food system, whether large or small, is protected. And when we have some things that are, like, the Avian Flu and some of the things that are a real threat to all of the industry it's a challenge to know exactly where to go on this.

I mean, this is -- you heard argument about -- there's a healthy argument that goes on between small scale and raw milk production and large scale dairy production and those are debates that happen within agriculture and those are completed and these issues are complicated. But the thing I think we have to think about as we look at regulation, especially when there is a risk of disease born issues is that we are protecting the whole industry, both large and small, and that there is an ability to make sure that we don't miss any opportune -- or miss any risks that we are unable to -- that the department, I should say, is unable to administer those and not monitor those. So I think -- I understand completely. We have ongoing conversations about this in a lot of different ways and so I don't know if that answers your question or not, but --

REP. MINER (66TH): Well, I'm not sure that it does. You know, 5312 when you look at it -- I guess I would say that if it was a matter of selling it retail then maybe there's a reason for that kind of scrutiny, but the way this is drafted, which is the existing law, you almost couldn't even trade two fertile eggs, I guess, for a jar of honey. And so, you know, I don't need to go through these bills one at time with you, but I would just suggest that rather than, kind of, passively supporting or all in supporting these agency bills, that there are implications. And when I think about the goal, which I think in terms of trying to attract some of the more significant problems that we could have, even within their language the worse of the you -- the use of the word "may" is prevalent.

And so there isn't even a requirement. So while if the emphasis is on trying to provide some certainty "may" doesn't get you there, it's got to be "shall." And if we're going to give somebody a pass because they keep birds for a show or if it's for youth because they're

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February 24, 2016

Submitted by: Henry N. Talmage, Executive Director, Connecticut Farm Bureau Association, a statewide nonprofit membership organization representing 5,000 families dedicated to farming and the future of Connecticut agriculture.

Senator Kennedy, Representative Albis and members of the Environment Committee,

Raised Bill No. 5312, Raised Bill No. 5313, Raised Bill No. 145, Raised Bill No. 145, Raised Bill No. 140, Raised Bill No. 5317, Raised Bill No. 146

The Connecticut Farm Bureau supports the Department of Agriculture Bills listed above as presented. In each case the bills represent important improvements to the statutes that will clarify authority, improve operating efficiency and provide the Commissioner with the tools he needs to carry out of duties and responsibilities of the Department of Agriculture.

Raised Bill No. 41 AN ACT CONCERNING REVISION OF DEFINITIONAL, TIMING AND PROCEDURAL PROVISIONS OF THE INLAND WETLANDS AND WATERCOURSE ACT.

SB141

The Connecticut Farm Bureau opposes this bill because it calls for significant changes to the Inland Wetland statutes that could have significant ramifications for CT Agriculture. It amends the definition of "Wetlands" to add a new soil type designation not previously covered. It also removes a provision that allows applicants to make an application to DEEP for review and action if the municipality fails to act according to the statute. This would likely lead to increased litigation between applicants and municipalities and be more costly and time consuming. The bill as presented would also remove the requirement for a public hearing for establishing and changing boundaries of inland wetland and watercourse areas. The Connecticut Farm Bureau believes that the Inland Wetlands and Watercourse Act is a key statute and changes to it have the potential to impact many farmer and timberland owners across the state. We believe that the provisions recommended in Raised Bill No. 41 should be fully presented to property owners and they ought to be given the opportunity to provide input before any changes to the law are considered.

Raised bill 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 LEAD AGENCY FOR THE PURPOSE OF THE FOOD SAFETY MODERNIZATION ACT.

The Connecticut Farm Bureau supports this bill. Section 1 through Section 4 of the bill provides the authority for the Department of Agriculture to change from annual license term to biennial license term with a corresponding two-year fee schedule. This change would allow the Department to streamline the administrative process to increase efficiency and reduce costs associated with license processing.



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.

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HB5317

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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