

# Legislative History for Connecticut Act

**PA 16-161**

SB140

Senate	1429-1431, 1699-1701	6
Environment	632, 636, 673, 676-678, 739, 741, 743	9
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		<b>15</b>

**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 5  
1368 - 1703**

kbk  
SENATE

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April 28, 2016

Will you remark? Will you remark? Senator Chapin.  
Good afternoon again, sir.

SENATOR CHAPIN (30TH):

Good afternoon again, Madam President. Madam President, I also rise in support of the bill before us.

When the agency brought this to us it was met with some disbelief, because we really would have assumed, I think, that they already had this authority to suspend somebody's license who failed to appear. I think it does make sense and I would encourage my colleagues to support it. Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark further? Will you remark further? If not, Senator Kennedy.

SENATOR KENNEDY (12TH):

Seeing no objection, I'd -- I'd ask that this be placed on the Consent Calendar.

THE CHAIR:

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

THE CLERK:

Also on Page 34, Calendar 139, substitute for S.B. No. 140, AN ACT CONCERNING THE DUTIES OF THE CONNECTICUT MARKETING AUTHORITY.

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THE CHAIR:

Senator Kennedy.

SENATOR KENNEDY (12TH):

Good afternoon, Madam President. Madam President, I move acceptance of the Joint Committee's favorable report and passage of the bill.

THE CHAIR:

Motion is on acceptance and passage. Will you remark, please?

SENATOR KENNEDY (12TH):

Yes. This bill, just very briefly, clarifies the marketing authority; the practices that really are already in place. It expands slightly the administrative authority to lease and license its property under its control.

This was brought to the Environment Committee by the Department of Agriculture. For my colleagues who may not be familiar with the Connecticut Marketing Authority, it's an 11-member board within Department of Agriculture that seeks to promote and expand Connecticut agricultural products here and in our surrounding states.

Last year the leases brought in over -- almost \$800,000. They'd like to do better than that. They'd like to further expand and license their -- their -- their properties and distribution mechanisms, and this is an effort to -- to let them do just that. I urge my colleagues to support this piece of legislation.

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THE CHAIR:

Thank you. Will you remark? Will you remark? If not, Senator Kennedy.

SENATOR KENNEDY (12TH):

Seeing no objection, I ask that this be placed on the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered, sir. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, could we return to a bill we marked PT, which is Calendar Page 9, Calendar 368, S.B. No. 394?

THE CHAIR:

Senator Witkos.

SENATOR WITKOS (8TH):

Yes, thank you, Madam President. Under Rule No. 15, I'd ask to be recused from the debate and an ultimate vote.

THE CHAIR:

Senator Linares.

SENATOR LINARES (33RD):

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SENATOR DUFF (25TH):

Thank you, Madam President. And on Calendar Page 9, Calendar 359, S.B. 455; I'd like to place that item on our Consent Calendar.

THE CHAIR:

So ordered. Seeing no objection, so ordered, sir.

SENATOR DUFF (25TH):

Thank you, Madam President. And if the Clerk can now call the items on the Consent Calendar, followed by a vote of our Consent Calendar tonight.

THE CHAIR:

Mr. Clerk, when you can, please call the Consent Calendar.

THE CLERK:

On Page 1, Calendar 83, S.B. No. 183; Page 2, Calendar 132, S.B. No. 205; on Page 4, Calendar 237, S.B. No. 298; Page 5, Calendar 285, S.B. No. 317; on Page 8, Calendar 346, S.B. No. 338; Page 9, Calendar 372, S.B. No. 346; also on Page 9, Calendar 359, S.B. No. 455; on Page 10, Calendar 374, H.B. No. 5327; Page 12, Calendar 386, H.B. No. 5379; on Page 14, Calendar 405, S.B. No. 365; Page 17, Calendar 434, S.B. No. 401; Page 17, Calendar 438, S.B. No. 267; Page 32, Calendar 69, S.B. No. 186; and on Page 33, Calendar 85, S.B. No. 187; also on Page 33, Calendar 129, S.B. No. 202; Page 34, Calendar 138, S.B. No. 137; also on Page 34, Calendar 139, S.B. No. 140; on Page 35, Calendar

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186, S.B. No. 262; Page 36, Calendar 203, S.B. No. 240; Page 36, Calendar 222, S.B. No. 301; Page 36, Calendar 226, S.B. No. 179; on Page 37, Calendar 249, S.B. No. 122; Page 38, Calendar 257, S.B. No. 139; on Page 40, Calendar 333, S.B. No. 289; and on Page 41, Calendar 349, S.B. No. 300.

THE CHAIR:

Mr. Clerk, will you call for a roll call vote on Consent Calendar 1. The machine is open.

THE CLERK:

Immediate roll call has been ordered in the Senate on the Consent Calendar for today. Immediate roll call in the Senate.

THE CHAIR:

Senator Gomes; Consent Calendar. Senator Hartley; thank you.

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

THE CLERK:

On today's Consent Calendar

Total Number of Voting	36
Those Voting Yea	36
Those Voting Nay	0
Absent and Not Voting	0

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THE CHAIR:

The Consent Calendar passes. (Gavel)

Are there any points of personal privilege? Senator Leone. Senator Leone?

SENATOR LEONE (27TH):

Yes. Yes, Madam President, just for a purpose of an announcement?

THE CHAIR:

Please proceed, sir.

SENATOR LEONE (27TH):

For just -- for the General Law Committee, we'll have a meeting for a referral 15 minutes prior to the start of the first session tomorrow. Thank you.

THE CHAIR:

Thank you; so noted. Senator Winfield.

SENATOR WINFIELD (10TH):

Yes, thank you, Madam President. The Housing Committee will be meeting at 10:30 outside the House Chamber.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):



**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 statues -- 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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HB5313

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Safety Modernization Act, the Federal Act. Congress passed FISMA in 2010 and since then U.S. -- the U.S. Food and Drug Administration has rolled out 5 of the 7 rules under FISMA. The department did not ask for this provision to be included in this bill and while we appreciate the intent, I want to note for the record that the Governor's Office has asked the Department of Agriculture to work closely with the Department of Consumer Protection to jointly meet and discuss the implications of FISMA to ensure that implementation is done appropriately. Both agencies have jurisdiction to varying degrees in the area of food safety and it would be advisable to allow those conversations to take place.

S.B. No. 140 is an ACT CONCERNING THE DUTIES OF THE CONNECTICUT MARKETING AUTHORITY. The bill -- this bill clarifies the Authority's charge related to specific use agreements for real property that are at the Connecticut Marketing Authority. The Marketing Authority Properties -- it's about 35 acres and the Authority has care, custody, and control of the market. For those of you who probably drive by the Hartford Regional Market as you're driving down 91, but it is the largest fresh produce food hub between New York and Boston. The Department of Agriculture helps manage that facility and we try to manage that facility in a way that it is self-sustaining. That was the intent of the legislature. And part of the issues that we have is that there are a lot of aspects of the market that require us -- the Statutory Authority is limiting in that it talks specifically about leases, but there are also additional opportunities. We do run a Farmer's Market there. Farmer's Market -- the farmers who participate in the market do pay a fee to be there. We do not have a lease. We have railroad tracks that cross the property. There are fees and statute that are associated with the use of that rail line.

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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**Connecticut Farm Bureau Association**  
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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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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,