CONSENT CALENDAR

January 31, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Environment and Agriculture to which was referred HB 152,

AN ACT relative to soil and plant additives. Having considered the same, report the same with the recommendation that the bill OUGHT TO PASS.

Rep. Nicholas Germana

FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

Committee:	**Environment and Agriculture**
Bill Number:	**HB 152**
Title:	**relative to soil and plant additives.**
Date:	**January 31, 2023**
Consent Calendar:	**CONSENT**
Recommendation:	**OUGHT TO PASS**

STATEMENT OF INTENT

This bill changes the title of RSA 431 to "Soil and Plant Additives," and provides a statutory definition of soil and plant additives consistent with the chapter. The bill also gives the Commissioner of Agriculture, Food and Markets the authority to determine the collection fee to be applied in the case of delinquent fertilizer inspections fees by rule. The bill removes the one-ton limit on the amount of fertilizer a consumer must purchase before being eligible to receive for a refund in the event that the purchased fertilizer is determined to be deficient, and empowers the Commissioner of Agriculture, Food, and Markets to determine the market value of the fertilizer that has been found deficient in order to determine the amount of money to refund to the consumer.

Vote 20-0.

Rep. Nicholas Germana
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Environment and Agriculture

HB 152, relative to soil and plant additives. **OUGHT TO PASS.**

Rep. Nicholas Germana for Environment and Agriculture. This bill changes the title of RSA 431 to "Soil and Plant Additives," and provides a statutory definition of soil and plant additives consistent with the chapter. The bill also gives the Commissioner of Agriculture, Food and Markets the authority to determine the collection fee to be applied in the case of delinquent fertilizer inspections fees by rule. The bill removes the one-ton limit on the amount of fertilizer a consumer must purchase before being eligible to receive for a refund in the event that the purchased fertilizer is determined to be deficient, and empowers the Commissioner of Agriculture, Food, and Markets to determine the market value of the fertilizer that has been found deficient in order to determine the amount of money to refund to the consumer. **Vote 20-0.**

Original: House Clerk
Cc: Committee Bill File

HOUSE COMMITTEE ON ENVIRONMENT AND AGRICULTURE

EXECUTIVE SESSION on HB 152

BILL TITLE: relative to soil and plant additives.

DATE: January 31, 2023

LOB ROOM: 301-303

MOTIONS: OUGHT TO PASS

Moved by Rep. Germana Seconded by Rep. Smart Vote: 20-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Barbara Comtois, Clerk

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/9/2023 12:02:26 PM
Roll Call Committee Registers Report

2023 SESSION

Environment and Agriculture

Bill #: HB152 Motion: OTP AM #: _____ Exec Session Date: 1-31-23

Members	YEAS	Nays	NV
Aron, Judy F. Chairman	✓		
Creighton, Jim L. Vice Chairman	✓		
Comtois, Barbara Clerk	✓		
Verville, Kevin G.	✓		
Davis, Arnold G.	✓		
Brouillard, Jacob	✓		
Coulon, Matthew	✓		
Kenny, Catherine M	✓		
Potenza, Kelley L	✓		
Smart, Lisa A	✓		
Bixby, Peter W.	✓		
Sofikitis, Catherine M.	✓		
Dutzy, Sherry	✓		
Murray, Megan A.	✓		
Germana, Nicholas A	✓		
Haskins, Linda J	✓		
Howard, Molly C	✓		
Knab, Allison	✓		
Morse, Corinne	✓		
Vogt, Robin	✓		
TOTAL VOTE:	20	0	

HOUSE COMMITTEE ON ENVIRONMENT AND AGRICULTURE

PUBLIC HEARING ON HB 152

BILL TITLE: AN ACT relative to soil and plant additives.

DATE: **January 17, 2023**

ROOM: **301** **Time Public Hearing Called to Order: 10:30_a.m.**
Time Adjourned: 10:45 21a.m.

(please circle if present)

Committee Members: **Reps. Aron, Creighton, Comtois, Davis, Brouillard, Kenny, Potenza, Smart, Bixby, Sofikitis, Murray, Germana, Haskins, Howard, Knab, Morse, and Vogt**

Bill Sponsors: Rep. Bixby, Straf. 13; Rep. Comtois, Belk. 7; Sen. Avard, Dist 12

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

*Rep. Bixby – prime sponsor - written testimony – reviewed chapter of law

Rep Knab – Q. is it common practice for the department to set the fee schedule or more common to have it in the RSA A. when it is a relatively small fee it is set by the department. It also has to be approved by JLCAR

Rep Aron – Q. Section 3, line 19 established by the commissioner in rules adopted by pursuant to RSA 541-A – A. this lays the groundwork for the department setting rules.

Rep. Murray Q. – there is a requirement for deficiencies in the fertilizer – is there a requirement to list any contaminants such as PFAS – A. not sure will defer to Director Wyman

Allen Wyman – Department of Agriculture – Director of Regulatory Services – there is no requirement to list PFAS

House Remote Testify

Environment and Agriculture Committee Testify List for Bill HB152 on 2023-01-17

Support: 1 Oppose: 0 Neutral: 0 Total to Testify: 0

Export to Excel

Name	City, State Email Address	Title	Representing	Position	Testifying	Non-Germane	Signed Up
SAWTELLE, ERICK	LEE, NH esawtelles@aol.com	A Member of the Public	Myself	Support	No	No	1/17/2023 7:26 AM

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 152 Date 1/17/23

Committee Environment + Agriculture

** Please Print All Information **

Name	Address	Phone	Representing	(check one) Pro	Con
Stephen Wass	Milton NH				X

HB 152 relative to soil and plant additives.

Testimony 1/17/2023 Peter Bixby

HB 152 is the result of a study committee last term looking at RSA Chapter 431 Soil Conditioners. I sponsored the study committee bill last term because I had been involved with a couple of bills that referenced it and I noticed that there were some potential problems with it. We met several times and with testimony from the department and other stake holders, we identified several issues that needed to be addressed. This bill addresses the nuts-and-bolts issues. Another bill we will be hearing later addresses an issue with the way revenue is handled and a bill that is going to ED&A as a department request addresses IT weaknesses and data handling roadblocks.

Director Wyman was very helpful in explaining how a lot of the labeling and definitions used in the chapter are drawn from recommendations from the Association of American Plant Food Control Officials (AAPFCO), a national organization that creates model definitions and rules to encourage consistent regulation of plant food materials in all states. While many of the definitions remained consistent with AAPFCO recommendations, the chapter title, Soil Conditioners, does not have a standard definition, and is also not defined in the chapter. The way this term is used in the field is not consistent with what this chapter governs. Our first recommendation was to retitle the chapter "Soil and plant additives" and provide a definition of this term at the outset of the chapter. We wanted the term to encompass both what the chapter currently governs and also similar substances that might be added to law in the future.

HB 152 - AS INTRODUCED

2023 SESSION

23-0379
08/04

HOUSE BILL ***152***

AN ACT relative to soil and plant additives.

SPONSORS: Rep. Bixby, Straf. 13; Rep. Comtois, Belk. 7; Sen. Avard, Dist 12

COMMITTEE: Environment and Agriculture

ANALYSIS

This bill defines soil and plant additives and makes provisions therefor.

This bill is a request of the department of agriculture, markets, and food.

- -

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

23-0379
08/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to soil and plant additives.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Soil and Plant Additives. The chapter title in RSA 431 is repealed and reenacted to read as follows:

SOIL AND PLANT ADDITIVES

2 New Section; Soil and Plant Additives; Definition. Amend RSA 431 by inserting after section 1 the following new section:

431:1-a Soil and Plant Additives. "Soil and plant additives" means substances added to soils or applied to plants to improve soil nutrient content, soil structure, soil biological activity, nutrient accessibility to plants, plant microbiome characteristics, and plant uptake of nutrients, including soil applied and foliar fertilizers, limes, other mineral additives, compost, manure, soil amendments, plant amendments and plant biostimulants.

3 Soil and Plant Additives; Inspection Fees; Tonnage Reports; Proscribed by Rules. Amend RSA 431:6, II to read as follows:

II. Every registrant who distributes fertilizer in the state shall file with the commissioner a semiannual statement for the reporting period setting forth the number of net tons of each fertilizer so distributed in this state during such period. The report shall be due on or before 30 days following the close of the filing period and upon filing such statement the registrant shall pay an inspection fee. If the tonnage report is not filed and the payment of inspection fees is not made within 30 days after the end of the specified filing period, a collection fee, [~~amounting to 10 percent (minimum $10) of the amount due,~~] ***established by the commissioner in rules adopted pursuant to RSA 541-A*** shall be assessed against the registrant and added to the amount due.

4 Soil and Plant Additives; Deficiencies. Amend RSA 431:8, IV to read as follows:

IV. Penalty payments received from the registrant shall be refunded to the consumer of the fertilizer which has been analyzed and found deficient[~~, provided that the purchase is of one ton or more~~]. Penalty payments on lots of fertilizer which have been analyzed and found deficient and whose purchaser cannot be found shall be deposited in the general fund as unrestricted revenue.

5 Commercial Value. Amend RSA 431:9 to read as follows:

431:9 Commercial Value. For the purpose of determining the commercial value to be applied under the provisions of RSA 431:8, [~~the commissioner shall determine and publish annually the values per unit of nitrogen, available phosphate, and soluble potash in fertilizers in this state. The value so determined and published shall be used in determining and assessing penalty payments.~~] ***the commissioner shall determine the value of the deficient lot based on the invoiced price.***

6 Repeal. RSA 431:4-c, relative to existing inventories of banned soil additives, is repealed.

7 Effective Date. This act shall take effect 60 days after its passage.