

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT establishes a committee to study the New Hampshire law relative to soil conditioners.

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

1 1 Committee Established. There is established a committee to study the New Hampshire law
2 relative to soil conditioners.

3 2 Membership and Compensation.

4 I. The members of the committee shall be as follows:

5 (a) Three members of the house of representatives, appointed by the speaker of the
6 house of representatives.

7 (b) One member of the senate, appointed by the president of the senate.

8 II. Members of the committee shall receive mileage at the legislative rate when attending to
9 the duties of the committee.

10 3 Duties. The committee shall review RSA 431 and assess the following:

11 I. Are statutes consistent with current agricultural practices?

12 II. Are all terms appropriately defined, including the term "soil conditioner"?

13 III. Are all fees directed to appropriate, specific purposes supporting agriculture?

14 4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from
15 among the members. The first meeting of the committee shall be called by the first-named house
16 member. The first meeting of the committee shall be held within 90 days of the effective date of this
17 section. Three members of the committee shall constitute a quorum.

18 5 Report. The committee shall report its findings and any recommendations for proposed
19 legislation to the speaker of the house of representatives, the president of the senate, the house
20 clerk, the senate clerk, the governor, and the state library on or before November 1, 2022.

21 6 Effective Date. This act shall take effect upon its passage.

HB 1168 - AS INTRODUCED

2022 SESSION

22-2152
08/05

HOUSE BILL **1168**

AN ACT establishes a committee to study the New Hampshire law relative to soil conditioners.

SPONSORS: Rep. Bixby, Straf. 17; Rep. Homola, Hills. 27

COMMITTEE: Environment and Agriculture

ANALYSIS

This bill establishes a committee to study the New Hampshire law relative to soil conditioners.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

Committee Report

Committee: Environment and Agriculture

Bill Number: HB 1168 (2022)

Title: establishes a committee to study the New Hampshire law relative to soil conditioners

Date: 2/1/2022

Consent Calendar Yes No

- Ought To Pass
- Ought To Pass w/Amendment Amendment Number: _____
- Inexpedient To Legislate
- Interim Study (available only in 2nd year of biennium)

Statement of Intent:

Most elements of the RSA chapter concerning soil conditioners have not been updated in the past two decades. In that period, soil science and best practices for fertilizers and other soil amendments have changed significantly. In the course of addressing other legislation in the first year of this term, the committee noticed some deficiencies in this chapter of law, and felt that as a housekeeping measure, the chapter needed careful review. Some of the issues include the lack of a definition for the term "soil conditioners," fertilizer definitions that are inconsistent with federal law regarding organic fertilizer, conflicting definitions of compost which make appropriate regulation unclear, and the designation of fees for fertilizer registration as general fund revenue without specifying how the cost of the registration and inspection process is paid for. The study committee will identify deficiencies in current statute and propose legislation to correct them.

Committee Vote: 17-0

Respectfully submitted: Rep. Peter Bixby

CONSENT CALENDAR

Environment and Agriculture

HB 1168, establishes a committee to study the New Hampshire law relative to soil conditioners.
OUGHT TO PASS.

Rep. Peter Bixby for Environment and Agriculture. Most elements of NH law concerning soil conditioners have not been updated in the past two decades. In that period, soil science and best practices for fertilizers and other soil amendments have changed significantly. In the course of addressing other legislation in the first year of this term, the committee noticed some deficiencies in this chapter of law, and felt that as a housekeeping measure, the chapter needed careful review. Some of the issues include the lack of a definition for the term "soil conditioners," fertilizer definitions that are inconsistent with federal law regarding organic fertilizer, conflicting definitions of compost which make appropriate regulation unclear, and the designation of fees for fertilizer registration as general fund revenue without specifying how the cost of the registration and inspection process is paid for. The study committee will identify deficiencies in current statute and propose legislation to correct them. **Vote 17-0.**

Original: House Clerk

Cc: Committee Bill File

COMMITTEE REPORT

Committee:	Environment and Agriculture
Bill Number:	HB 1168
Title:	establishes a committee to study the New Hampshire law relative to soil conditioners.
Date:	February 8, 2022
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

Most elements of NH law concerning soil conditioners have not been updated in the past two decades. In that period, soil science and best practices for fertilizers and other soil amendments have changed significantly. In the course of addressing other legislation in the first year of this term, the committee noticed some deficiencies in this chapter of law, and felt that as a housekeeping measure, the chapter needed careful review. Some of the issues include the lack of a definition for the term "soil conditioners," fertilizer definitions that are inconsistent with federal law regarding organic fertilizer, conflicting definitions of compost which make appropriate regulation unclear, and the designation of fees for fertilizer registration as general fund revenue without specifying how the cost of the registration and inspection process is paid for. The study committee will identify deficiencies in current statute and propose legislation to correct them.

Vote 17-0.

Rep. Peter Bixby
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

February 8, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Environment and Agriculture to which was referred HB 1168,

AN ACT establishes a committee to study the New Hampshire law relative to soil conditioners. Having considered the same, report the same with the recommendation that the bill OUGHT TO PASS.

Rep. Peter Bixby

FOR THE COMMITTEE

HOUSE COMMITTEE ON ENVIRONMENT AND AGRICULTURE

PUBLIC HEARING ON HB1168

BILL TITLE: establishing a committee to study the New Hampshire law relative to soil conditioners

DATE: January 25, 2022

ROOM: 301

Time Public Hearing Called to Order: __9:02 a.m.

Time Adjourned: __. __9:10 a.m

(please circle if present)

Committee Members: Reps. Pearl, Aron, Comtois, Davis, Stapleton, Homola, Kennedy, Mason, G. Sanborn, Bixby, Dutzy, M. Murray, and Perez

Bill Sponsors: Rep. Bixby, Rep Homoloa

TESTIMONY

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

Rep. Bixby, Strafford 17 – introduce bill, - see testimony – came about due to Senate bill last year – title of Soil Conditioners is not defined – definitions do not take into account what an organic fertilizer is. Definition of Compost is unclear – What is a soil bio-stimulant – How does current science factor into these definitions – Registration fees under this chapter as well as penalties are put into the General fund. Penalties are okay with going to general fund, but registration fees should be looked at where they go.

HOUSE COMMITTEE ON ENVIRONMENT AND AGRICULTURE

PUBLIC HEARING ON HB 1168

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DATE: January 25, 2022

LOB ROOM: 301 - 303 **Time Public Hearing Called to Order:** 9:02 a.m.

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Committee Members: Reps. Pearl, Aron, Comtois, Davis, Stapleton, Homola, Kennedy, Mason, G. Sanborn, Bixby, Dutzy, M. Murray and Perez

Bill Sponsors:

Rep. Bixby **Rep. Homola**

TESTIMONY

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Rep. Peter Bixby, Strafford 17 – introduce bill, - see testimony – came about due to Senate bill last year – title of Soil Conditioners is not defined – definitions do not take into account what an organic fertilizer is. Definition of Compost is unclear – What is a soil bio-stimulant – How does current science factor into these definitions – Registration fees under this chapter as well as penalties are put into the General fund. Penalties are okay with going to general fund, but registration fees should be looked at where they go.

Respectfully submitted,

Rep. Barbara Comtois
Clerk

House Remote Testify

Environment and Agriculture Committee Testify List for Bill HB1168 on 2022-01-25

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

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HOUSE COMMITTEE ON ENVIRONMENT AND AGRICULTURE

SUBCOMMITTEE WORK SESSION on HB 1168

BILL TITLE: establishes a committee to study the New Hampshire law relative to soil conditioners.

DATE: 2/1/22

10:05 AM

Subcommittee Members: Reps. Pearl, Aron, Comtois, Verville, Davis, Stapleton, Homola, Kennedy, Mason, G. Sanborn, Bixby, Sofikitis, Andrew Bouldin, Dutzy, M. Murray, Von Plinsky, Caplan and Perez

Comments and Recommendations:

pass as is
recommnd OTP

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr)
(Please circle one)

Moved by Rep. _____ Seconded by Rep. _____ AM Vote: _____

Adoption of Amendment # _____

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

_____ Amendment Adopted _____ Amendment Failed

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr)
(Please circle one)

Moved by Rep. _____ Seconded by Rep. _____ AM Vote: _____

Adoption of Amendment # _____

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

_____ Amendment Adopted _____ Amendment Failed

Respectfully submitted,

Rep. _____
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON ENVIRONMENT AND AGRICULTURE

SUBCOMMITTEE WORK SESSION on HB 1168

BILL TITLE: establishes a committee to study the New Hampshire law relative to soil conditioners.

DATE: February 1, 2022

Subcommittee Members: Reps. Pearl, Aron, Comtois, Homola, Kennedy, Mason, G. Sanborn, Bixby, Andrew Bouldin, Dutzy, M. Murray, Von Plinsky and Perez

Comments and Recommendations: Pass as is.

Respectfully submitted,

Rep. Barbara Comtois
Subcommittee Clerk

from enforcement actions, sending the registration fee to the general fund seems like converting a fee into a disproportionate tax. Even though this has been going on for twenty-five years, it is not justified.

I think we need to study this chapter carefully to make sure it continues to be aligned with its purposes, and correct outdated and misguided elements.

HB1168 Testimony Peter Bixby Prime Sponsor
January 18, 2022

RSA Chapter 431 SOIL CONDITIONERS

(<http://www.gencourt.state.nh.us/rsa/html/XL/431/431-mrg.htm>)

has had only minor revisions in the last two decades. One of our roles as legislators is to make sure that our state's laws are appropriate to current agricultural practices, scientific knowledge, and broad legal context at both the state and federal level.

In reading through this chapter, I am concerned about several issues.

First, the term in the chapter title, "soil conditioners," is not defined.

Furthermore, the definitions do not take into account requirements of the National Organic Program even though state law requires compliance for anyone selling products labeled as organic.

There may be other deviations from federal fertilizer regulations or definitions that I was unable to investigate.

The definitions concerning compost and what exactly counts as fertilizer are unclear. Under some definitions, it seems that compost would be considered fertilizer, and under others it would not.

The newly added definition related to plant biostimulants is somewhat unclear, and it is even less clear how it fits into the regulatory framework of this chapter.

Fertilizers and soil conditioners clearly impact soil properties, and the scientific understanding of soils has grown substantially since this chapter last had a significant revision. We need to hear from soil experts on whether there are elements that need to be revised.

The registration fees collected under this chapter are sent to the general fund as unrestricted income. Penalties also go to the general fund. There is no indication of how the work of analyzing fertilizer samples, verifying and approving labels, and taking enforcement action gets paid for. While I think sending penalties to the general fund make sense to avoid the appearance of the department profiting

HOUSE COMMITTEE ON ENVIRONMENT AND AGRICULTURE

EXECUTIVE SESSION on HB 1168

BILL TITLE: establishes a committee to study the New Hampshire law relative to soil conditioners.

DATE: ~~3-01~~ 2-1-22

LOB ROOM: 301

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1st year)
- Adoption of Amendment # _____
- Interim Study (2nd year) (if offered)

Moved by Rep. Burby Secinded by Rep. Norola Vote: 17-0
Dick *Henke*

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____
- Interim Study (2nd year) (if offered)

Moved by Rep. _____ Secinded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____
- Interim Study (2nd year) (if offered)

Moved by Rep. _____ Secinded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____
- Interim Study (2nd year) (if offered)

Moved by Rep. _____ Secinded by Rep. _____ Vote: _____

CONSENT CALENDAR: YES NO

Minority Report? Yes No If yes, author, Rep: _____ Motion _____

Respectfully submitted: [Signature]
Rep Barbara Comtois, Clerk

HOUSE COMMITTEE ON ENVIRONMENT AND AGRICULTURE

EXECUTIVE SESSION on HB 1168

BILL TITLE: establishes a committee to study the New Hampshire law relative to soil conditioners.

DATE: February 1, 2022

LOB ROOM: 301 - 303

MOTIONS: OUGHT TO PASS

Moved by Rep. Bixby

Seconded by Rep. Homola

Vote: 17-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Barbara Comtois, Clerk



2022 SESSION

Environment and Agriculture

Bill #: HB1168 Motion: OTP AM #: _____ Exec Session Date: 2-1-22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Pearl, Howard C. Chairman	✓		
Aron, Judy F. Vice Chairman	✓		
Comtois, Barbara Clerk	✓		
Verville, Kevin G. Johnson, Dawn	✓		
Davis, Arnold G. Lang, Tim	✓		
Stapleton, Walter A. Mo Heitz, Mike	✓		
Homola, Susan	✓		
Kennedy, Margaret Anne	✓		
Mason, James L.	✓		
Sanborn, Gail E.	✓		
Bixby, Peter W.	✓		
Sofikitis, Catherine M.			
Bouldin, Andrew J.	✓		
Dutzy, Sherry	✓		
Murray, Megan A.	✓		
Von Plinsky, Sparky	✓		
Caplan, Tony Almy, Susan	✓		
Perez, Maria	✓		
TOTAL VOTE:	17	0	