

ASSEMBLY, No. 5631

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MAY 12, 2021

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington)

SYNOPSIS

Establishes New Jersey Healthy Soils Program; establishes grant program for soil testing of urban agriculture sites; establishes Urban Agriculture Site Soil Testing Fund.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/12/2021)

1 AN ACT concerning soil health, supplementing Title 4 of the
2 Revised Statutes, and amending P.L.2007, c.340.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. (New section) As used in sections 1 through 5 of P.L. , c.
8 (C.) (pending before the Legislature as this bill):

9 “Healthy soils” means soil with the continuing capacity to
10 function as a biological system, increase soil organic matter,
11 improve soil structure and water nutrient holding capacity, and
12 sequester carbon and reduce greenhouse gas emissions.

13 “Program” means the New Jersey Healthy Soils Program
14 established pursuant section 2 of P.L. , c. (C.) (pending
15 before the Legislature as this bill).

16 “Urban agriculture” means city and suburban agriculture
17 including, but not limited to, backyard, roof-top and balcony
18 gardening, community gardening in vacant lots and parks, and
19 roadside urban fringe agriculture.

20

21 2. (New section) a. The Department of Agriculture, in
22 consultation with the Department of Environmental Protection and
23 the New Jersey Agricultural Experiment Station, shall establish the
24 New Jersey Healthy Soils Program. The purpose of the program is
25 to:

26 (1) improve the health, yield, and profitability of the State’s
27 soils;

28 (2) increase biological activity and carbon sequestration in the
29 soils of the State by promoting practices based on emerging soil
30 science, including planting mixed cover crops, adopting no-till or
31 low-till farming practices, and rotation grazing; and

32 (3) promote widespread use of healthy soils practices among
33 farmers and other persons throughout the State.

34 b. To carry out the purposes of the program, the Department of
35 Agriculture, in consultation with the Department of Environmental
36 Protection and the New Jersey Agricultural Experiment Station,
37 shall:

38 (1) provide incentives, including research, education, technical
39 assistance, and, subject to available funding, financial assistance to
40 farmers to implement farm management practices that contribute to
41 healthy soils within the State;

42 (2) provide incentives, technical assistance, and education to
43 persons in the State to maintain healthy soils; and

44 (3) determine whether the program may be implemented in a
45 manner to enhance other State and federal programs that provide
46 financial assistance to farmers.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 3. (New section) a. The Department of Agriculture, in
2 consultation with the Department of Environmental Protection, shall
3 establish soil management guidelines for how to maintain and
4 promote healthy soils within the State. The guidelines shall
5 include, at a minimum, best practices to improve soil health in
6 agriculture, including urban agriculture, and in residential
7 landscaping for homeowners.

8 b. The guidelines established pursuant to this section, along with
9 information concerning the program established pursuant to
10 subsection a. of section 2 of P.L. , c. (C.) (pending before
11 the Legislature as this bill), shall be published on the Department of
12 Agriculture and the Department of Environmental Protection's
13 Internet websites and updated annually.

14

15 4. (New section) a. The Department of Agriculture, in
16 consultation with the Department of Environmental Protection, shall
17 develop a grant program to pay for the costs of soil testing for
18 eligible farmers who grow food products on urban agriculture sites.
19 The soil testing provided pursuant to the grant program established
20 in this section, shall include testing for, at a minimum, pH,
21 percentage of organic matter, nutrients, micronutrients, petroleum
22 products and petroleum hydrocarbons, and metals including lead,
23 arsenic, cadmium, and nickel.

24 b. In establishing the grant program pursuant to this section, the
25 Department of Agriculture, in consultation with the Department
26 Environmental Protection, shall:

27 (1) establish eligibility criteria for farmers working on urban
28 agriculture sites;

29 (2) establish guidelines and procedures for the submission of
30 grant applications, and criteria for the evaluation of such
31 applications;

32 (3) establish soil testing protocols and the amount of a grant to
33 be awarded to each applicant; and

34 (4) publicize on its Internet website the application procedures
35 and awarding of grants pursuant to this section.

36 c. A farmer eligible for a grant for soil testing costs may apply
37 for a grant under the program in the form and manner prescribed by
38 the Department of Agriculture.

39 d. The Department of Agriculture, in consultation with the
40 Department of Environmental Protection, shall submit a report to
41 the Governor and, pursuant to section 2 of P.L.1991, c.164
42 (C.52:14-19.1), the Legislature, during each year in which a grant is
43 awarded, on the effectiveness of the grant program in providing soil
44 testing on urban agriculture sites and improving the soil health of
45 those urban agriculture sites.

46 e. The Department of Agriculture, in consultation with the
47 Department of Environmental Protection may, pursuant to the
48 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et

1 seq.), adopt rules and regulations as are necessary to establish and
2 implement the grant program.

3

4 5. (New section) a. There is established in the Department of
5 Agriculture a special non-lapsing fund to be known as the “Urban
6 Agriculture Site Soil Testing Fund.” Moneys in the fund shall be
7 dedicated to:

8 (1) providing grants to eligible farmers for the purposes of
9 paying the costs of soil testing on urban agriculture sites pursuant to
10 section 4 of P.L. , c. (C.) (pending before the Legislature as
11 this bill); and

12 (2) paying the costs of the Department of Agriculture, in
13 consultation with the Department of Environmental Protection, to
14 develop, implement, and administer the grant program established
15 pursuant to section 4 of P.L. , c. (C.) (pending before the
16 Legislature as this bill).

17 b. The fund shall be credited with:

18 (1) the amount allocated for programs that improve soil health
19 within the State pursuant to section 7 of P.L.2007, c.340 (C.26:2C-
20 51) from the "Global Warming Solutions Fund," established
21 pursuant to section 6 of P.L.2007, c.340 (C.26:2C-50);

22 (2) any other moneys as may be appropriated to the fund by the
23 Legislature or otherwise provided to the fund; and

24 (3) any return on the investment of moneys deposited in the
25 fund.

26 c. In each State fiscal year, the amount credited to the Urban
27 Agriculture Site Soil Testing Fund shall be appropriated to the
28 Department of Agriculture to fund the grant program established
29 pursuant to section 4 of P.L. , c. (C.) (pending before the
30 Legislature as this bill).

31

32 6. Section 7 of P.L.2007, c.340 (C.26:2C-51) is amended to read
33 as follows:

34 7. a. The agencies administering programs established pursuant
35 to this section shall maximize coordination in the administration of
36 the programs to avoid overlap between the uses of the fund
37 prescribed in this section.

38 b. Moneys in the fund, after appropriation annually for
39 payment of administrative costs authorized pursuant to subsection c.
40 of this section, shall be annually appropriated and used for the
41 following purposes:

42 (1) **【Sixty】** ~~Fifty-eight~~ percent shall be allocated to the New
43 Jersey Economic Development Authority to provide grants and
44 other forms of financial assistance to commercial, institutional, and
45 industrial entities to support end-use energy efficiency projects and
46 new, efficient electric generation facilities that are state of the art,
47 as determined by the department, including but not limited to
48 energy efficiency and renewable energy applications, to develop

1 combined heat and power production and other high efficiency
2 electric generation facilities, to stimulate or reward investment in
3 the development of innovative carbon emissions abatement
4 technologies with significant carbon emissions reduction or
5 avoidance potential, to develop qualified offshore wind projects
6 pursuant to section 3 of P.L.2010, c.57 (C.48:3-87.1), and to
7 provide financial assistance to manufacturers of equipment
8 associated with qualified offshore wind projects. The authority, in
9 consultation with the board and the department, shall determine:
10 (a) the appropriate level of grants or other forms of financial
11 assistance to be awarded to individual commercial, institutional,
12 and industrial sectors and to individual projects within each of these
13 sectors; (b) the evaluation criteria for selecting projects to be
14 awarded grants or other forms of financial assistance, which criteria
15 shall include the ability of the project to result in a measurable
16 reduction of the emission of greenhouse gases or a measurable
17 reduction in energy demand, provided, however, that neither the
18 development of a new combined heat and power production facility,
19 nor an increase in the electrical and thermal output of an existing
20 combined heat and power production facility, shall be subject to the
21 requirement to demonstrate such a measurable reduction; and (c)
22 the process by which grants or other forms of financial assistance
23 can be applied for and awarded including, if applicable, the
24 payment terms and conditions for authority investments in certain
25 projects with commercial viability;

26 (2) Twenty percent shall be allocated to the board to support
27 programs that are designed to reduce electricity demand or costs to
28 electricity customers in the low-income and moderate-income
29 residential sector with a focus on urban areas, including efforts to
30 address heat island effect and reduce impacts on ratepayers
31 attributable to the implementation of P.L.2007, c.340 (C.26:2C-45
32 et al.) or to support the light duty plug-in electric vehicle incentive
33 program and the incentive program for in-home electric vehicle
34 service equipment established pursuant to sections 4 and 6 of
35 P.L.2019, c.362 (C.48:25-4 and C.48:25-6). For the purposes of
36 this paragraph, the board, in consultation with the authority and the
37 department, shall determine the types of programs to be supported
38 and the mechanism by which to quantify benefits to ensure that the
39 supported programs result in a measurable reduction in energy
40 demand or accomplishment of the plug-in electric vehicle goals
41 established pursuant to section 3 of P.L.2019, c.362 (C.48:25-3);

42 (3) Ten percent shall be allocated to the department to support
43 programs designed to promote local government efforts to plan,
44 develop and implement measures to reduce greenhouse gas
45 emissions, including but not limited to technical assistance to local
46 governments, and the awarding of grants and other forms of
47 assistance to local governments to conduct and implement energy
48 efficiency, renewable energy, and distributed energy programs and

1 land use planning where the grant or assistance results in a
2 measurable reduction of the emission of greenhouse gases or a
3 measurable reduction in energy demand. For the purpose of
4 conducting any program pursuant to this paragraph, the department,
5 in consultation with the authority and the board, shall determine:
6 (a) the appropriate level of grants or other forms of financial
7 assistance to be awarded to local governments; (b) the evaluation
8 criteria for selecting projects to be awarded grants or other forms of
9 financial assistance; (c) the process by which grants or other forms
10 of financial assistance can be applied for and awarded; and (d) a
11 mechanism by which to quantify benefits; **[and]**

12 (4) Ten percent shall be allocated to the department to support
13 programs that enhance the stewardship and restoration of the State's
14 forests and tidal marshes that provide important opportunities to
15 sequester or reduce greenhouse gases **[.]**; and

16 5) Two percent shall be allocated to the Department of
17 Agriculture to support programs that improve soil health within the
18 State and provide opportunities to increase carbon sequestration in
19 soils.

20 c. (1) The department may use up to four percent of the total
21 amount in the fund each year to pay for administrative costs
22 justifiable and approved in the annual budget process, incurred by
23 the department in administering the provisions of P.L.2007, c.340
24 (C.26:2C-45 et al.) and in administering programs to reduce the
25 emissions of greenhouse gases including any obligations that may
26 arise under subsection a. of section 11 of P.L.2007, c.340 (C.26:2C-
27 55).

28 (2) The board may use up to two percent of the total amount in
29 the fund each year to pay for administrative costs justifiable and
30 approved in the annual budget process, incurred by the board in
31 administering the provisions of P.L.2007, c.340 (C.26:2C-45 et al.)
32 and in administering programs to reduce the emissions of
33 greenhouse gases including any obligations that may arise under
34 subsection a. of section 11 of P.L.2007, c.340 (C.26:2C-55).

35 (3) The New Jersey Economic Development Authority may use
36 up to two percent of the total amount in the fund each year to pay
37 for administrative costs justifiable and approved in the annual
38 budget process, incurred by the authority in administering the
39 provisions of P.L.2007, c.340 (C.26:2C-45 et al.) and in
40 administering programs to reduce the emissions of greenhouse
41 gases.

42 d. The State Comptroller shall conduct or supervise
43 independent audit and fiscal oversight functions of the fund and its
44 uses.

45 (cf: P.L.2019, c.362, s.12)

46

47 7. This act shall take effect one year following the date of
48 enactment.

STATEMENT

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3 This bill would require the Department of Agriculture, in
4 consultation with the Department of Environmental Protection and
5 the New Jersey Agricultural Experiment Station, to establish the
6 New Jersey Healthy Soils Program. The purpose of the New Jersey
7 Healthy Soils Program is to: improve the health, yield, and
8 profitability of the State's soils; increase biological activity and
9 carbon sequestration in the soils of the State by promoting practices
10 based on emerging soil science, including planting mixed cover
11 crops, adopting no-till or low-till farming practices, and rotation
12 grazing; and promote widespread use of healthy soils practices
13 among farmers and other persons throughout the State.

14 To carry out the purposes of the program, the Department of
15 Agriculture, in consultation with the Department of Environmental
16 Protection and the New Jersey Agricultural Experiment Station,
17 would be required to: provide incentives, including research,
18 education, technical assistance, and, subject to available funding,
19 financial assistance to farmers to implement farm management
20 practices that contribute to healthy soils within the State; provide
21 incentives, technical assistance, and education to persons in the
22 State to maintain and promote healthy soils; and determine whether
23 the program may be implemented in a manner to enhance other
24 State and federal programs that provide financial assistance to
25 farmers.

26 Under the bill, the Department of Agriculture, in consultation
27 with the Department of Environmental Protection, would be
28 required to establish soil management guidelines for how to
29 maintain and promote healthy soils within the State. The guidelines
30 would be required to include, at a minimum, best practices to
31 improve soil health in agriculture, including urban agriculture, and
32 in residential landscaping for homeowners. The guidelines, along
33 with information concerning the New Jersey Healthy Soils Program,
34 would be required to be published on the Department of Agriculture
35 and the Department of Environmental Protection's Internet websites
36 and updated annually.

37 The bill defines "healthy soils" as soil with the continuing
38 capacity to function as a biological system, increase soil organic
39 matter, improve soil structure and water nutrient holding capacity,
40 and sequester carbon and reduce greenhouse gas emissions.
41 Healthy soil is necessary to provide clean air and water, bountiful
42 crops and forests, productive grazing lands, diverse wildlife, and
43 beautiful landscapes, and proper soil management is essential for
44 soil to perform optimally. The New Jersey Healthy Soils Program
45 would educate farmers and residents throughout the State on best
46 soil management practices while providing farmers and other
47 persons with research, resources, and education to implement best
48 management practices to improve soil health.

1 The bill defines “urban agriculture” as city and suburban
2 agriculture including, but not limited to, backyard, roof-top and
3 balcony gardening, community gardening in vacant lots and parks,
4 and roadside urban fringe agriculture.

5 This bill would also require a grant program to be established
6 within Department of Agriculture with consultation from the
7 Department of Environmental Protection. The grant program would
8 pay for the costs of soil testing for eligible farmers who grow food
9 products on urban agriculture sites. The soil testing provided,
10 pursuant to the grant program, would be required to include, at a
11 minimum: pH, percentage of organic matter, nutrients,
12 micronutrients, petroleum products and petroleum hydrocarbons,
13 and metals including lead, arsenic, cadmium, and nickel. In
14 establishing the grant program, the Department of Agriculture, in
15 consultation with the Department of Environmental Protection,
16 would be required to do the following:

17 (1) establish eligibility criteria for farmers working on urban
18 agriculture sites;

19 (2) establish guidelines and procedures for the submission of
20 grant applications, and criteria for the evaluation of such
21 applications;

22 (3) establish soil testing protocols and the amount of a grant to
23 be awarded to each applicant; and

24 (4) publicize on its Internet website the application procedures
25 and awarding of grants.

26 The Department of Agriculture, in consultation with the
27 Department of Environmental Protection, would be required to
28 submit a report to the Governor and the Legislature, during each
29 year in which a grant is awarded, on the effectiveness of the grant
30 program in providing soil testing on urban agriculture sites and
31 improving the soil health of those urban agriculture sites.

32 Due to possible past uses of urban agriculture sites, soil testing is
33 important to learn as much as possible about any contaminants,
34 such as unsafe levels of lead or other heavy metals that may be
35 present in the soil of urban agriculture sites. Elevated levels of lead
36 in particular are fairly common in urban soils, and pose health risks,
37 especially to young children who can ingest soil while playing or
38 helping in gardens. Other contaminants are possible, especially if
39 the urban agriculture site has any industrial or manufacturing
40 history. In order to reduce soil contamination and improve soil
41 health within urban agriculture sites, soil testing is necessary. This
42 bill would improve access to soil testing for eligible farmers who
43 grow food on urban agriculture sites and provide grants to pay for
44 the costs of the soil testing required.

45 The bill also would establish the “Urban Agriculture Site Soil
46 Testing Fund.” Moneys in the fund would be dedicated to
47 providing grants to eligible farmers for the purposes of paying the
48 costs of soil testing on urban agriculture sites and paying the costs

1 of the Department of Agriculture, in consultation with the
2 Department of Environmental Protection, to develop, implement,
3 and administer the grant program. The Urban Agriculture Site Soil
4 Testing Fund would be credited with funding in the Global
5 Warming Solutions Fund (GWSF).

6 In addition, the bill would decrease the percentage of moneys
7 provided in the GWSF to the New Jersey Economic Development
8 Authority to provide grants and other forms of financial assistance
9 to commercial, institutional, and industrial entities to support end-
10 use energy efficiency projects and new, efficient electric generation
11 facilities from 60 percent to 58 percent and provide two percent of
12 the moneys in the GWSF to the Department of Agriculture to
13 support programs that improve soil health within the State and
14 provide opportunities to increase carbon sequestration in soils.

15 Finally, New Jersey, as the most densely populated state in the
16 nation, is highly urbanized and suburbanized with limited
17 opportunities to use its smaller pockets of open space for agriculture
18 and horticulture. Improving soil testing within urban agriculture
19 sites will allow for those areas to operate effectively and help
20 support the Vision 2025 plan developed by the New Jersey
21 Agricultural Experiment Station at Rutgers, the State University.
22 The New Jersey Agricultural Experiment Station's Vision 2025
23 plan is a system of responsive, innovative, and inclusive programs,
24 farms, stations, and centers that is prioritizing investments in
25 infrastructure, information technology, and equipment designed to
26 enable the expansion and development of cutting-edge programs to
27 support the future of agriculture by engaging with urban and
28 suburban communities, supporting farmers, and assisting with
29 climate resilience and adaptation strategies in agriculture. The New
30 Jersey Agricultural Experiment Station programs, farms, stations,
31 and centers are designed to be national models for research,
32 education, and outreach programs that can address grand challenges
33 of the State and broader society, as well as being known for the
34 sustainable management of the land and natural resources these
35 efforts encompass.