

SENATE No. 2404

The Commonwealth of Massachusetts

—
In the One Hundred and Ninety-First General Court
(2019-2020)
—

Senate, November 14, 2019

The committee on Environment, Natural Resources and Agriculture, to whom was referred the petitions (accompanied by bill, Senate, No. 438) of Joanne M. Comerford, Brian M. Ashe, John Barrett, III, Natalie M. Blais and other members of the General Court for legislation to promote healthy soils and agricultural innovation within the Commonwealth and (accompanied by bill, House, No. 873) of Paul A. Schmid, III, Joanne M. Comerford and others for legislation to promote healthy soils and agricultural innovation,- reports the accompanying bill (Senate, No. 2404).

For the committee,
Anne M.Gobi

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act promoting healthy soils for reducing greenhouse gases and the effects of climate change in the commonwealth.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Subsection (a) of section 6C of chapter 20 of the General Laws, as
2 appearing in the 2018 Official Edition, is hereby amended by striking out, in line 3, the figure
3 “17” and inserting in its place thereof the following figure:- 18.

4 SECTION 2. Said subsection (a) of said section 6C of said chapter 20, as so appearing, is
5 hereby further amended by striking out, in line 17, the word “designee;”, and inserting in place
6 thereof the following words:- designee; 1 of whom shall be an expert in healthy soils practices as
7 defined in section 7A of chapter 128, appointed by the secretary of energy and environmental
8 affairs.

9 SECTION 3. Subsection (d) of said section 6C of said chapter 20, as so appearing, is
10 hereby further amended in clause (A) of paragraph (1) by striking out, in line 58, the word
11 “foods;”, and inserting in place thereof , the following words:- foods, particularly those foods
12 produced using healthy soils practices as defined in section 7A of chapter 128.

13 SECTION 4. Said subsection (d) of said section 6C of said chapter 20, as so appearing,
14 is hereby further amended in clause (C) of said paragraph (1) by striking out, in line 70, the word
15 “production;” and inserting in place thereof, the following words:- production, particularly
16 through practices which promote healthy soils as defined in section 7A of chapter 128.

17 SECTION 5. Section 20 of chapter 21 of the General Laws, as appearing in the 2018
18 Official Edition, is hereby amended by adding after paragraph 14 the following 2 paragraphs:-

19 (15) To assist in the development of a healthy soils program, as instructed by the
20 director, to: (i) improve soil quality on lands utilized for commercial farming; suburban and
21 urban lawns, yards and gardens; public and private forests, parks and other open or green spaces;
22 and non-paved outdoor areas of office complexes, mixed use facilities, businesses, industries,
23 and colleges and other institutions; (ii) increase carbon sequestration or storage on such lands, to
24 help reduce harmful atmospheric greenhouse gases and the effects of climate change; and (iii)
25 provide other measurable benefits, determined as applicable under the program to certain types
26 of lands, related to climate change, plant growth, erosion control and water absorption and
27 quality. The commission in the development of the program or any significant change to the
28 established program if requested by the director, shall consult with 1 or more of the following
29 organizations, as appropriate for the type of land intended to be covered under program: the
30 department of agricultural resources, department of environmental protection, department of fish
31 and game, The Nature Conservancy, Massachusetts Forest Alliance, Massachusetts Association
32 of Conservation Districts, Massachusetts Farm Bureau Federation, United States Department of
33 Agriculture’s National Resources Conservation Services, Massachusetts chapter of the Northeast
34 Organic Farming Association, University of Massachusetts Extension, Amherst, and any
35 individual or other organization designated by the director.

36 (16) To encourage and promote the use of healthy soils policies and practices by private
37 and public landowners, including commercial farmers, and any assistance available to program
38 participants, which may consist of grants, technical assistance or education on the benefits and
39 implementation of health soils best practices, as the director may instruct, to achieve the
40 purposes of the healthy soils program.

41 SECTION 6. Chapter 29 of the General Laws, as appearing in the 2018 Official Edition,
42 is hereby amended by inserting after section 2CCCCC the following section:-

43 Section 2DDDDD. (a) There shall be established and set upon the books of the
44 commonwealth a separate fund to be known as the Healthy Soils Program Fund. The secretary of
45 energy and environmental affairs shall administer the fund. Notwithstanding any general or
46 special law to the contrary, there shall be credited to the fund, any revenue subject to
47 appropriations or other money authorized by the general court and specifically designated to be
48 credited to the fund, including monies appropriated from the Gaming Economic Development
49 Fund, established under section 2DDDD of chapter 29, and any gifts, grants, private
50 contributions, investment income earned by the fund's assets, and any designated funds from
51 other sources. No expenditure from the fund shall cause the fund to be in deficiency at the close
52 of the fiscal year. Monies in the fund at the end of the fiscal year shall not revert to the General
53 Fund, and shall be available for expenditure in the subsequent year and shall not be subject to
54 section 5C of chapter 29.

55 (b) Amounts credited to the fund shall be expended, without further appropriation, for the
56 purpose to implement, administer and develop health soils practices under the Healthy Soils
57 Program, including, but not limited to, program research and development, education and

58 training in program practices and policies, and to provide grants on a competitive basis to
59 individuals, public and private entities, and charitable organizations to implement healthy soil
60 practices, except no loans shall be made from said fund. Expenditures made from the fund shall
61 complement and not replace existing local, state, private or federal funding for related training
62 and educational programs for healthy soil practices.

63 SECTION 7. Section 7A of chapter 128, as so appearing is hereby amended by inserting
64 after the definition of “garden”, the following 3 definitions:-

65 “Greenhouse gas benefits”, greenhouse gas emissions source reduction or carbon
66 sequestration.

67 “Healthy soils”, soils that enhance their continuing capacity to function as a biological
68 system, increase soil organic matter, improve soil structure and water and nutrient-holding
69 capacity, and result in net long-term greenhouse gas benefits.

70 “Healthy soils practices”, practices that (i) improve measurable soil health on lands
71 utilized for commercial farming; suburban and urban lawns, yards and gardens; public and
72 private forests, parks and other open spaces; and non-paved outdoor areas of office complexes,
73 mixed use facilities, businesses, industries, and colleges and other institutions; (ii) provide 1 or
74 more of the following benefits: improve food production; encourage the health, growth and
75 biological diversity of plants and forests; increase water infiltration reducing storm water run-
76 off; provide drought and crop resilience, enhance water quality; and reduce the use of fertilizers
77 and herbicides; and (iii) provide greenhouse gas benefits.