

HOUSE No. 4421

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, September 8, 2025.

The committee on Agriculture and Fisheries, to whom were referred the petition (accompanied by bill, House, No. 125) of Jessica Ann Giannino for legislation to establish healthy soil performance guidelines; and the petition (accompanied by bill, House, No. 142) of David T. Vieira for legislation to authorize the Department of Agricultural Resources to establish post-construction soil performance guidelines, reports recommending that the accompanying bill (House, No. 4421) ought to pass.

For the committee,

NATALIE M. BLAIS.

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**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act establishing healthy soil performance guidelines.

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. Chapter 21A of the General Laws, is hereby amended by inserting after
2 section 28 the following section:-

3 Section 29. The department, in consultation with the division of conservation services,
4 shall promulgate regulations relative to post-construction soil performance guidelines that shall
5 include but not be limited to soil depth and quality, carbon storage capacity, storm water runoff,
6 water quality, fertilizer and nutrient input mitigation, and compaction or infiltration capacity. For
7 the purposes of this section the term “the department” shall mean the department of
8 environmental protection. The department may limit the scope of those regulations regionally as
9 appropriate. The department shall work in conjunction with the University of Massachusetts
10 Amherst Extension to ensure any regulations of the department relative to soil guidelines are
11 consistent with the program’s published information, educational materials and other public
12 outreach programs. Said regulations shall also be consistent with healthy soils practices, as
13 defined by section 7A of chapter 128.

14 The department may establish fines for violations of regulations promulgated under this
15 subsection which shall not exceed \$250 for a first offense, \$500 for a second offense and \$1000
16 for a third or subsequent offense. A person aggrieved by the assessment of a fine under this
17 subsection may appeal that fine by filing a notice of appeal with the division of administrative
18 law appeals within 10 days of the receipt of the notice of the fine. An appellant shall be granted a
19 hearing before the division of administrative law appeals in accordance with chapter 30A. The
20 hearing officer may affirm or, if the aggrieved person demonstrates by a preponderance of
21 evidence that the fine was erroneously issued, vacate or modify the fine. A person aggrieved by a
22 decision of the hearing officer may file an appeal in the superior court in accordance with said
23 chapter 30A.

24 SECTION 2. Section 64 of said chapter 128, as so appearing, is hereby amended by
25 striking the definition of “Lawn” or “non-agricultural turf”.

26 SECTION 3. Said section 64 of said chapter 128, as so appearing, is hereby further
27 amended by inserting after the definition of “Fertilizer material”, the following definition:-

28 “Functional turf”, turf that is located on private property or on recreational use areas or
29 other space that is regularly used for civic, community or recreational purposes which may
30 include but not be limited to residential lawns, playgrounds, sports fields, parks, golf courses,
31 picnic grounds, cemeteries and amphitheaters.

32 SECTION 4. Said section 64 of said chapter 128, as so appearing, is hereby further
33 amended by inserting after the definition of “Ton” the following 2 definitions:-

34 “Turf”, a natural living ground cover that produces a dense canopy of contiguous plant
35 coverage and an interconnected subsurface root network comprised of any of the grass plants of

36 the Poaceae family or living plants in other taxa serving a similar purpose as often found in
37 lawns and commercial green spaces.

38 “Utility turf”, turf that is established primarily to fulfill ecological or practical functions
39 which may include but not be limited to stabilizing soil, preventing erosion from wind or water,
40 sequestering carbon, mitigating heat island effect, vegetative buffer strips from watersheds
41 capturing and filtering urban pollutants and for community planning and safety purposes.