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H.430

Introduced by Representatives Sheldon of Middlebury, Bartholomew of
Hartland, Brumsted of Shelburne, Buckholz of Hartford,
Chesnut-Tangerman of Middletown Springs, Colburn of
Burlington, Conlon of Cornwall, Gonzalez of Winooski,
Hooper of Brookfield, Jickling of Brookfield, LaLonde of South
Burlington, Masland of Thetford, McCullough of Williston,
Scheu of Middlebury, and Wood of Waterbury

Referred to Committee on

Date:

Subject: Agriculture; regenerative agriculture

Statement of purpose of bill as introduced: This bill proposes to require the
Secretary of Agriculture, Food and Markets to establish a regenerative
agriculture program.

An act relating to establishing a regenerative agriculture program

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 6 V.S.A. chapter 215, subchapter 7A is added to read:

Subchapter 7A. Vermont Regenerative Agriculture Program

§ 4961. PURPOSE

The purposes of this subchapter shall be to:

- 1 (1) enhance the economic viability of farms in Vermont;
- 2 (2) improve the health and productivity of the soils of Vermont;
- 3 (3) encourage farmers engaged in conventional farming to transition to
4 regenerative farming practices;
- 5 (4) reduce the amount of agricultural waste entering the waters of
6 Vermont;
- 7 (5) enhance crop resilience to rainfall fluctuations and mitigate water
8 damage to crops, land, and surrounding infrastructure;
- 9 (6) promote cost-effective farming practices;
- 10 (7) reinvigorate the rural economy; and
- 11 (8) help the next generation of Vermont farmers learn regenerative
12 farming practices so that Vermont families may continue to farm in the State.

13 § 4962. DEFINITIONS

14 As used in this subchapter:

- 15 (1) “Agency” means the Agency of Agriculture, Food and Markets.
- 16 (2) “Conventional farming” means farming, as that term is defined in
17 10 V.S.A. § 6001(22)(A), that adds synthetic inputs to the soil.

18 § 4963. ESTABLISHMENT OF VERMONT REGENERATIVE

19 AGRICULTURE PROGRAM

20 The Secretary of Agriculture, Food and Markets shall establish a program
21 called the “Vermont Regenerative Agriculture Program” within the Agency to

1 certify land in the State as regenerative and to encourage the use of
2 regenerative agricultural practices within the State. The certification shall
3 include a seal indicating that the Secretary certified agricultural land or a farm
4 as a whole as a member of the Vermont Regenerative Agriculture Program.

5 § 4964. DIRECTOR OF REGENERATIVE AGRICULTURE

6 (a) The position of Director of Regenerative Agriculture is established
7 within the Agency.

8 (b) The individual filling the position shall possess the following
9 qualifications:

10 (1) general knowledge of soil management and agricultural practices in
11 Vermont, including the economics of farming and the dairy industry; and

12 (2) experience working with landowners and farmers engaged in soil
13 management practices.

14 (c) The Director of Regenerative Agriculture shall administer the
15 certification under the Vermont Regenerative Agriculture Program and may
16 promote the creation of the following programs:

17 (1) crop insurance, technical assistance, or financial assistance programs
18 for farmers transitioning to regenerative agricultural practices; and

19 (2) a marketing program for food, fuel, and fiber that is produced by
20 operations certified under section 4965 of this title.

1 § 4965. CERTIFICATION UNDER THE VERMONT REGENERATIVE
2 AGRICULTURE PROGRAM

3 (a) Standards for certification. The Director of Regenerative Agriculture
4 shall certify agricultural land as regenerative if an applicant for certification
5 demonstrates one of the following criteria over a three-year period:

6 (1) topsoil on the applicant's land increased in each successive year;

7 (2) the applicant's farming methods are sequestering carbon in each
8 successive year; or

9 (3) soil on the applicant's land contains an increasing percentage of
10 organic material in each successive year.

11 (b) Standard testing.

12 (1) The Director of Regenerative Agriculture shall conduct over a three-
13 year period the following annual tests on the agricultural land of an applicant's
14 farm in order to obtain the initial certification under this section:

15 (A) a total soil carbon test;

16 (B) nitrogen tests at three soil levels from an amalgamation of eight
17 sample points within a specified plot of land;

18 (C) a test for the presence or absence of inorganic carbon;

19 (D) a test of soil for water infiltration times;

20 (E) a test for bulk soil density;

1 (F) a test for the presence of pesticides, herbicides, and petrochemical
2 fertilizers;

3 (G) a test for percentage of bare ground cover within a specified plot
4 of land; and

5 (H) a test for diversity of ground cover within a specified plot of
6 land.

7 (2) Upon certification of a farm under this section, the Secretary
8 annually shall conduct the tests required under subdivision (b)(1) of this
9 subsection on the farm.

10 (c) Term. Certification under this section shall be for a period of three
11 years.

12 (d) Certification; marketing. Upon determination by the Director of
13 Regenerative Agriculture that an applicant demonstrated compliance with one
14 or more of the criteria in subsection (a) of this section over a three-year period,
15 the Director shall certify the applicant's agricultural land as regenerative.

16 Upon certification, the Director shall authorize the applicant to use the seal of
17 the Vermont Regenerative Agriculture Program in the marketing and sale of
18 agricultural products produced on the agricultural land certified as
19 regenerative.

20 (e) Testing fees. An applicant for certification under this section shall pay
21 to the Director of Regenerative Agriculture a fee of \$500.00 for each three year

1 period of certification for which the Director conducts the standard testing
2 required under subsection (b) of this section. The Secretary of Agriculture,
3 Food and Markets shall deposit fees collected under this subsection in the
4 Vermont Regenerative Agriculture Program Fund.

5 (f) Noncompliance. A farm certified under this section shall remain
6 certified until:

7 (1) the farm's tested agricultural land no longer meets at least one of the
8 criteria of subsection (a) of this section twice in any three-year period; or

9 (2) the Program participant chooses to withdraw from the Program.

10 § 4966. VERMONT REGENERATIVE AGRICULTURE PROGRAM FUND

11 (a) There is created a special fund known as the Vermont Regenerative
12 Agriculture Program Fund to be administered by the Secretary of Agriculture,
13 Food and Markets. The Fund shall consist of:

14 (1) fees collected under this subchapter, including testing fees;

15 (2) other gifts, donations, and bequests, public or private, dedicated for
16 deposit into the Fund; and

17 (3) funds that may be appropriated by the General Assembly.

18 (b) The Secretary shall use monies deposited in the Fund for the
19 Secretary's implementation of the Vermont Regenerative Agriculture Program,
20 including to pay the Director of Regenerative Agriculture to administer the
21 Program, and to pay Agency staff or contractors to conduct the testing required

1 under subsection 4965(b) of this title.

2 (c) Notwithstanding the requirements of 32 V.S.A. § 588(3) and (4),
3 interest earned by the Fund and the balance of the Fund at the end of the fiscal
4 year shall be carried forward in the Fund and shall not revert to the General
5 Fund.

6 Sec. 2. VERMONT REGENERATIVE AGRICULTURE PROGRAM;

7 REPORT

8 On or before January 15, 2022, the Secretary of Agriculture, Food and
9 Markets shall submit a written report to the Senate Committee on Agriculture
10 and House Committee on Agriculture and Forestry containing a
11 recommendation as to whether to continue the Vermont Regenerative
12 Agriculture Program. The report shall include the basis for the
13 recommendation. If the Secretary recommends continuation of the Vermont
14 Regenerative Agriculture Program, the report shall include any suggested
15 changes to the program.

16 Sec. 3. AGENCY OF AGRICULTURE, FOOD AND MARKETS'

17 WORKING GROUP ON REGENERATIVE AGRICULTURE

18 (a) Formation. On or before July 1, 2017, the Secretary of Agriculture,
19 Food and Markets shall establish a working group of interested parties and
20 parties with expertise in the State to evaluate future economic viability of the
21 farming industry in Vermont. The working group shall:

1 (1) study consumer demand for Vermont dairy products that are
2 produced by operations that improve the health of soils in the State by
3 engaging in regenerative agriculture practices, and evaluate how farmers can
4 meet consumer demand;

5 (2) evaluate how regenerative agriculture certification under 6 V.S.A.
6 § 4965 supports the market for organic products from the State;

7 (3) recommend practices or programs that establish and market to
8 consumers the Vermont regenerative agricultural brand as supporting
9 economically viable farms, clean water, clean air, carbon sequestration, and
10 healthy soils;

11 (4) recommend actions the Agency of Agriculture, Food and Markets
12 can take to promote regenerative practices for dairy, meat, and vegetable
13 production;

14 (5) recommend incentives to help Vermont farmers and foresters shift
15 toward environmentally sustainable practices, such as providing monetary
16 payments to farmers and foresters whose practices sequester carbon in soil;

17 (6) recommend how to increase emphasis on regenerative agriculture
18 and dairy sustainability at public educational institutions in this State,
19 including the University of Vermont's Vermont Agricultural Experiment
20 Station and other agricultural programs of the University;

1 (7) evaluate whether the dairy farm at Vermont Technical College
2 should change to organic farming practices; and

3 (8) evaluate how the State can act to support the “4/1000 Soils for Food
4 Security and Climate” initiative, which recognizes the role agriculture plays in
5 combatting climate change.

6 (b) Report. The working group shall submit a report to the House
7 Committee on Agriculture and Forestry and the Senate Committee on
8 Agriculture with its findings and recommendations on or before January 15,
9 2018. The report shall include a summary of the working group’s activities;
10 recommendations for legislative, regulatory, or other action; and proposals for
11 possible sources of funding for the recommendation in subdivisions (a)(3) and
12 (4) of this section.

13 Sec. 4. EFFECTIVE DATE

14 This act shall take effect on passage.