

1 S.43

2 Introduced by Senators Campion, Bray, Clarkson, Pearson, Pollina, and Sears

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; soils; regenerative soil

6 Statement of purpose of bill as introduced: This bill proposes to require the  
7 Secretary of Natural Resources to establish a regenerative soils program whose  
8 purposes include increasing the carbon sequestration capability of Vermont  
9 soils, reducing the amount of sediment and waste entering the waters of the  
10 State, and promoting cost-effective and healthy soil management practices.

11 An act relating to establishing a regenerative soils program

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

13 Sec. 1. 10 V.S.A. chapter 30 is added to read:

14 CHAPTER 30. VERMONT REGENERATIVE SOILS PROGRAM

15 § 700. PURPOSE

16 The purposes of this chapter shall be to:

17 (1) improve the health and productivity of the soils of Vermont;

18 (2) increase the carbon sequestration capability of Vermont soils;

19 (3) encourage landowners, including farmers engaged in conventional

20 farming, to transition to regenerative soil practices;

1           (4) reduce the amount of sediment and agricultural waste entering the  
2           waters of Vermont;

3           (5) enhance crop resilience to rainfall fluctuations and mitigate water  
4           damage to crops, land, and surrounding infrastructure;

5           (6) promote cost-effective soil management and farming practices; and

6           (7) help the next generation of Vermont farmers learn regenerative soil  
7           practices so that Vermont families may continue to farm in the State.

8           § 700a. DEFINITIONS

9           As used in this chapter:

10           (1) “Agency” means Agency of Natural Resources.

11           (2) “Conventional farming” means farming, as that term is defined in  
12           subdivision 6001(22)(A) of this title, that adds synthetic inputs to the soil.

13           (3) “Secretary” means Secretary of Natural Resources.

14           § 700b. ESTABLISHMENT OF VERMONT REGENERATIVE

15           SOILS PROGRAM

16           The Secretary shall establish a program called the Vermont Regenerative  
17           Soils Program within the Agency to certify land in the State as regenerative  
18           and to encourage the use of regenerative soil practices within the State. The  
19           certification shall include a seal indicating that the Secretary certified land or a  
20           farm as a whole as a member of the Vermont Regenerative Soils Program.

1     § 700c. DIRECTOR OF REGENERATIVE SOILS

2           (a) The position of Director of Regenerative Soils is established within the  
3     Agency.

4           (b) The individual filling the position shall possess the following  
5     qualifications:

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

8           (2) experience working with landowners engaged in soil management  
9     practices, including farmers.

10          (c) The Director of Regenerative Soils shall administer the certification  
11     under the Vermont Regenerative Soils Program and may promote the creation  
12     of the following programs:

13          (1) crop insurance, technical assistance, or financial assistance programs  
14     for landowners and farmers transitioning to regenerative soil practices;

15          (2) a marketing program for food, fuel, and fiber produced by operations  
16     certified under section 700d of this title; and

17          (3) a child care grant program available to farmers who are engaged in  
18     operations certified under section 700d of this title.

19          (d) The Director of Regenerative Soils shall encourage landowners,  
20     including farmers, to engage in soil practices that satisfy the carbon

1 sequestration criterion set forth in subsection 700d(a)(2) of this title as a means  
2 of supporting energy transformation projects as defined in 30 V.S.A. § 8002.

3 § 700d. CERTIFICATION UNDER THE VERMONT REGENERATIVE  
4 SOILS PROGRAM

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

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

9 (2) the applicant's soil management methods are sequestering carbon in  
10 each successive year; or

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

13 (b) Standard testing. The Director of Regenerative Soils shall conduct over  
14 a three-year period the following tests on the land of an applicant for  
15 certification under this section:

16 (1) a total soil carbon test;

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

19 (3) a test for the presence or absence of inorganic carbon;

20 (4) a test of soil for water infiltration times;

21 (5) a test for bulk soil density;

1           (6) a test for the percentage of bare ground cover within a specified plot  
2 of land; and

3           (7) a test for diversity of ground cover within a specified plot of land.

4           (c) Certification; marketing. Upon determination by the Director of  
5 Regenerative Soils that an applicant demonstrated compliance with one or  
6 more of the criteria in subsection (a) of this section over a three-year period,  
7 the Director shall certify the applicant's land as regenerative. Upon  
8 certification, the Director shall authorize the applicant to use the seal of the  
9 Vermont Regenerative Soils Program in the marketing and sale of products  
10 produced on the land certified as regenerative.

11           (d) Testing fees. An applicant for certification under this section shall pay  
12 to the Director of Regenerative Soils a fee of \$500.00 for each year that the  
13 Director conducts the standard testing required under subsection (b) of this  
14 section. The Secretary shall deposit fees collected under this subsection in the  
15 Vermont Regenerative Soils Program Fund.

16           (e) Noncompliance. Land certified under this section shall remain certified  
17 until:

18           (1) the tested land no longer meets at least one of the criteria in  
19 subsection (a) of this section twice in any three-year period; or

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

1     § 700e. VERMONT REGENERATIVE SOILS PROGRAM FUND

2           (a) There is created a special fund to be known as the Vermont  
3     Regenerative Soils Program Fund to be administered by the Secretary. The  
4     Fund shall consist of:

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

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

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

9           (b) The Secretary shall use monies deposited in the Fund for the  
10    Secretary's implementation of the Vermont Regenerative Soils Program,  
11    including to pay the Director of Regenerative Soils to administer the Program,  
12    and to pay Agency staff or contractors to conduct the testing required under  
13    subsection 700d(b) of this title.

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

18    Sec. 2. VERMONT REGENERATIVE SOILS PROGRAM;

19            REPORT

20            On or before January 15, 2022, the Secretary of Natural Resources shall  
21    submit a written report to the Senate Committee on Natural Resources and

1 Energy, and the House Committees on Natural Resources, Fish and Wildlife,  
2 and on Energy and Technology containing a recommendation as to whether to  
3 continue the Vermont Regenerative Soils Program. The report shall include  
4 the basis for the recommendation. If the Secretary recommends continuation  
5 of the Vermont Regenerative Soils Program, the report shall include any  
6 suggested changes to the program.

7 Sec. 3. 30 V.S.A. § 8002 is amended to read:

8 § 8002. DEFINITIONS

9 As used in this chapter:

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11 (28) “Energy transformation project” means an undertaking that  
12 provides energy-related goods or services but does not include or consist of the  
13 generation of electricity and that results in a net reduction in fossil fuel  
14 consumption by the customers of a retail electricity provider and in the  
15 emission of greenhouse gases attributable to that consumption. Examples of  
16 energy transformation projects may include home weatherization or other  
17 thermal energy efficiency measures; air source or geothermal heat pumps; high  
18 efficiency heating systems; increased use of biofuels; biomass heating systems;  
19 support for transportation demand management strategies; support for electric  
20 vehicles or related infrastructure; support for soil management practices that  
21 increase carbon sequestration on land for which an applicant is seeking

