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# Resilience from the Ground Up: New England Soil Health and Policy Action Update

A policy update from Karen Nordstrom, Policy Program Co-Director, Food Solutions New England

“All our landscapes hold the potential to become more resilient and to even mitigate climate change. Soils are the world’s second-largest active store of carbon after oceans, and the amount of carbon that they can store is influenced by human management. With coordinated action, the capacity of soils to store carbon, infiltrate water, store water, and resist erosion can be protected and increased, providing a critical buffer against climate impacts.” – Caro Roszell, American Farmland Trust

Visionary, regional policy is a critical avenue for achieving climate resilience in the face of the multiple, intersecting crises impacting the food system and world. These are crises spurred by the negative impacts of an industrialized food system that hoards land and capital, spreads toxins across the landscape, and touts economies of scale as the answer to feeding the world. Soil health, in particular, is linked to these and many other concerns affecting the health of people and the environment. Healthy soil has far-reaching social and environmental ramifications for our regional food systems – community food security and nutrition, farmer livelihoods, farm worker health, and more. As federal funding flows into the region through the Inflation Reduction Act, the Justice40 Initiative, and other legislative and administrative actions, state soil health policy and action for regional climate resilience is more important than ever. We hope that this update serves to bridge awareness of policy and action taking place across New England as it pertains to supporting the building of healthy soils.

## Background

### ***National Scope***

Across the country, 23 states have passed healthy soils resolutions and laws. These states include 48.8% of U.S. farm acreage (439,636,645 of 900,217,576 acres, based upon 2017 National Agricultural Statistics Service Agricultural Census), and 54% of U.S. state population (179,840,873 of 330,759,736 people, based upon 2020 Census). All the New England states, except Rhode

Island, have enacted healthy soils legislation, and Connecticut and Vermont have proposed additional legislation in 2023 that includes soil health. For more detail, see this State Healthy Soil Policy Map and Land Core's Federal Soil Health Bill Tracker.

### ***PFAS Contamination***

Per- and polyfluoroalkyl substances (PFAS) are a group of chemicals with long-lasting negative impacts on human and environmental health, affecting farmers and food consumers alike. They enter agricultural soils in numerous ways, including through biosolids from municipal sewage and contaminated irrigation water, and through wastewater from households and industrial activities. PFAS contamination is then taken up by plants and animals, showing up in food such as milk and meat products.

The Environmental Protection Agency (EPA) issued a PFAS Strategic Roadmap (Oct. 2021), which sets timelines by which EPA plans to take specific actions and commits to new policies to safeguard public health, protect the environment, and hold polluters accountable. The actions described in the PFAS Strategic Roadmap focus on research, restrictions, and remediation, each representing important and meaningful steps to safeguard communities from PFAS contamination.

The Relief for Farmers Hit With PFAS Act is a marker bill introduced by a Maine congressional delegation – U.S. Senators Susan Collins and Angus King and Representatives Chellie Pingree and Jared Golden. The bill, co-sponsored by Senator Shaheen (D-NH) and Representative Leger Fernandez (D-NM), would authorize grants to provide financial assistance to farmers impacted by PFAS contamination—to expand monitoring and testing, to remediate, or to relocate.

## **Healthy Soils and PFAS Regional Policy Overview**

### ***Connecticut***

Connecticut's Soil Health Initiative is supported by the Connecticut Resource Conservation and Development Area (CT RC&D), which hosts workshops, demonstration events, and educational programs to promote healthy soils education and practice. For more information on improving soil health in Connecticut, see Connecticut's NRCS Soil Health Strategy 2020-2024, this fact sheet by the CT Council on Soil and Water Conservation, and this soil health page on the Connecticut Department of Agriculture website.

HJ013/HJ037 [LS/LS] **Resolution Proposing An Amendment To The State Constitution To Provide For An Environmental Rights Amendment** has been introduced by the Environment Committee and by Rep. Mary Ann Mushinsky, 85th Dist.; The bill includes "individual right to clean and healthy air, water, soil and environment; a stable climate; and self-sustaining ecosystems; for the benefit of public health, safety and the general welfare."

To stay connected to Connecticut's policy initiatives, and to advocate for a just, sustainable food system, join the Connecticut Food System Alliance and make sure to plug in with the Working Land Alliance, a project of American Farmland Trust.

### ***Maine***

The Maine Healthy Soils Program was established in law in 2021. The program is designed to improve the health, yield, and profitability of Maine's soils and agricultural commodities; to protect native biological and microbiological soil activity; to promote agricultural practices based on indigenous knowledge; and to promote and expand the use of soil health best practices. According to Tom Gordon, Soil & Water Conservation Coordinator for Maine DACF, the legislature has provided \$1.5 million in funding for the program for 2023-24 and an ongoing \$500,000 appropriation for 2024-25 and beyond.

Maine Farmland Trust (MFT), Maine Organic Farmers and Gardeners Association (MOFGA), and others have been working tirelessly on the issue of PFAS contamination in Maine soils. Eight bills, now passed or in committee, are focused on addressing PFAS contamination in Maine. Collectively, these bills address PFAS prevention, testing, reporting, state purchase of

contaminated farms, support for manufacturers, health insurance to cover blood testing, and establishing maximum contaminant levels.

1. LD 1488: An Act to Expand Testing for Perfluoroalkyl and Polyfluoroalkyl Substances to Private Drinking Water Wells
2. LD 289: An Act to Require the State to Purchase Farms Contaminated with Perfluoroalkyl and Polyfluoroalkyl Substances
3. LD 217: An Act to Support Manufacturers Whose Products Contain Perfluoroalkyl and Polyfluoroalkyl Substances
4. LD 277: An Act Regarding Perfluoroalkyl and Polyfluoroalkyl Substances carried over
5. LD 132: An Act to Require Health Insurance Carriers to Provide Coverage for Blood Testing for Perfluoroalkyl and Polyfluoroalkyl Substances
6. LD 75: An Act to Establish Maximum Contaminant Levels Under the State's Drinking Water Rules to Prohibit Certain Perfluoroalkyl and Polyfluoroalkyl Substances
7. LD 1960: An Act to Support Farming in Maine by Extending the Deadline for Manufacturers of Products Containing Perfluoroalkyl and Polyfluoroalkyl Substances to Report on Those Products
8. LD 1537: An Act to Amend the Laws Relating to the Prevention of Perfluoroalkyl and Polyfluoroalkyl Substances Pollution and to Provide Additional Funding

For more information, see PFAS in Maine Agriculture on MFT's website and MOFGA PFAS Resources page.

### **Massachusetts**

The long-awaited **Massachusetts Healthy Soils Action Plan** was released in January, 2023, as part of the state's Resilient Lands Initiative. This monumental effort marks Massachusetts as a national leader in advancing soil health practices by becoming the first state to commission a statewide plan which covers all land uses and soil types. It is the result of the participation and support of a broad coalition of stakeholders and presents a roadmap for policymakers and land managers to scale out climate-smart soil practices.

As outlined in this writeup by Caro Roszell, Soil Health Specialist at American Farmland Trust in a blog post titled "An Action Plan for Healthy Soils in Massachusetts" (Feb 24th, 2023):

The Healthy Soils Action Plan provides evidence-based recommendations that help people better protect, restore, and manage the soils of Forests, Wetlands, Agriculture, Recreational and Ornamental Landscapes, and Impervious and Urbanized Land. The Plan's recommendations provide pathways for:

1. Protecting the diversity and productivity of the Commonwealth's natural and working lands
2. Assisting cities and towns in building resilience to natural hazards and climate change
3. Achieving the ambitious and necessary goals of Massachusetts' Global Warming Solutions Act

Among the Plan's topline recommendations are conserving forest parcels, updating forest management practices to protect forest soils, enrolling existing agricultural production acres in soil health management planning, funding a statewide Soil Health Program, and developing post-construction soil performance standards for development sites.

The Massachusetts State Legislature negotiated for \$1.02 million in the 2024 state budget to scale out implementation of the recommendations made in the Healthy Soils Action Plan. (For more information on the budget, see the "Massachusetts Food System Collaborative's 2024 State Budget includes significant funding for the food system.")

Bill H.2197 **An Act To Protect Massachusetts Public Health from PFAS**. This bill establishes a PFAS Remediation Trust Fund, which "shall be expended to mitigate the impacts of PFAS contamination in drinking water, groundwater, and soil in the commonwealth, including, but not limited to, assisting municipalities, private well owners, and public water systems with the cost of

PFAS remediation projects.”

You can find more information on this bill, and on other legislative activity, via the Massachusetts Food System Collaborative website. See the Current Legislative Activity project page.

### ***New Hampshire***

HB199: **Including soil health and soil conservation in the state soil conservation plan** (passed August 3, 2021) was sponsored by State Representative Peter Bixby. Additional content on the bill may be found [here](#).

HB 398: **relative to notice of PFAS and other groundwater contamination prior to the sale of real property** (as introduced); indicates that PFAS “are common groundwater contaminants in New Hampshire that occur at unhealthy levels in well water in many areas of the state.” Buyers are “encouraged to consult the NH Department of Environmental Services private well testing recommendations to ensure a safe water supply if the property is served by a private well.” This bill was introduced 1/05/23 to the House and referred to the Resources, Recreation, and Development Committee. The bill is currently retained in committee.

### ***Rhode Island***

Healthy Soils, Healthy Seas Rhode Island (HSHSRI) is a grant funded initiative of Clean Ocean Access, an organization whose mission is *to inspire and educate the community to take action through environmentally responsible behaviors* in pursuit of their *vision for a clean, healthy ocean that is accessible to all*. This project focuses on composting as a waste management solution that has positive impacts on the land and water base, ensuring ongoing access to those resources. As a waste management solution, they use finished compost as a nutrient rich soil amendment, to improve watershed and ocean health, and contribute to better crop production, healthier foods, and less methane production from landfills.

HSHSRI supports two projects that are focused on composting in schools, restaurants, and with residents. A community science project involves residents in collecting household waste footprint data, to see how much food waste is being diverted from the waste stream through community composting efforts. A high school composting program was established through a senior project. The students record and track data on lunch waste, to show progress toward diverting food waste from the waste stream. The students divert thousands of pounds of food from the waste stream each year.

For an overview of the HSHSRI initiative, see this resource on the RI Food Policy Council website.

Despite 2022 legislative progress on measuring and controlling PFAS pollution, 2023 bills to create a more comprehensive ban on PFAS (Rep. Cortvriend and Sen. Kallman) were held in committee for further study. However, the legislature did pass S 0724 to extend the Effective Date of PFAS Ban in Food Packaging from January 1, 2024, until July 31, 2024.

### ***Vermont***

H.435 [LS] **An act relating to a regenerative economy** (as introduced); includes regional economy plans that shall “(3) Create incentives for the development of regenerative agriculture that engages and empowers farmers in building healthy soils and integrating solutions for reducing carbon emissions, creating zero waste, and cleaning up waterways.”

H.130 **An act relating to the management of biosolids** (as introduced); would require the Secretary of Natural Resources to manage all biosolids and domestic septage generated or imported into the State as Class B biosolids (sewage sludge derived from domestic wastes that have been subjected to a treatment process for the reduction of pathogens). The bill requires approval

by the Secretary for application to the land, adopting rules to establish a testing program for all biosolids and domestic septage prior to their use on land or prior to distribution and marketing of biosolids and domestic septage in liquid or solid form. Read in the House 1/31/23 and referred to the Committee on Environment and Energy.

**H.50 An act relating to prohibiting the labeling of consumer products that contain PFAS as compostable** (as introduced); “A person shall not sell, offer for sale, or distribute in the State a consumer product that is labeled with the term compostable if the product has a total organic fluorine concentration of greater than 100 parts per million or exceeds a standard established by the Secretary of Natural Resources by rule.” Read in the House on 1/13/2023 and referred to the Committee on Environment and Energy.

**S.82 An act relating to the development of a committee to study the impacts of PFAS in leachate from landfills in the State** (as introduced); creates a PFAS Substances in Landfills Study Committee “to study the impacts of PFAS from landfill leachate on Vermont’s natural resources, identify new methods for the disposal of PFAS in landfill leachate, and expands the options for solid waste management within the State.” Read in the Senate on 2/14/2023 and referred to the Committee on Natural Resources and Energy.

Rural Vermont supports the Protect Our Soils Coalition by gathering signatures for the Vermonters Endorse the PFAS Relief for Farmers Act. This Action Alert responds to the needs of farmers impacted by PFAS contamination. It further builds on Vermont’s PFAS Roadmap (2021). The Roadmap provides details on “State of Vermont Actions to Address PFAS,” and builds on work since 2016, when “the Vermont Department of Environmental Conservation (DEC) has partnered with other state and federal agencies to clean up existing per- and polyfluoroalkyl substances (PFAS) and mitigate current and future exposures.”

Rural Vermont’s 2023 Course of Action includes a focus on Payments for Ecosystem Services (PES). The three-year working group on PES came to consensus to “*enhance the Federal Conservation Stewardship program (CSP) with additional rewards for farms in Vermont.*” They continue to advocate for this “*CSP +*” proposal.

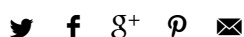
## Stay in touch with FSNE

Promoting soil health in New England is crucial for sustainable agriculture and environmental conservation in the region. The regional policies and initiatives foregrounded in this update are by no means comprehensive yet are reflective of the work of many policy advocacy groups and legislators working to build healthy soils for climate resilience. For up-to-date and region-specific information on soil health policies and programs, be sure to check with your state’s agricultural department and local conservation, food system, and other groups, businesses, and organizations working on these issues. If you’d like to discuss anything in this update, or point us toward additional resources, please reach out to FSNE Policy Program Co-Director, Karen Nordstrom, at [karen.nordstrom@unh.edu](mailto:karen.nordstrom@unh.edu).

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