

1 H.877

2 Introduced by Committee on Agriculture, Food Resiliency, and Forestry

3 Date:

4 Subject: Agriculture; water quality; weights and measures; pesticide
5 certification; fertilizer

6 Statement of purpose of bill as introduced: This bill proposes to make multiple
7 miscellaneous changes to agricultural statutes. The bill would amend
8 eligibility requirements for the Farm Agronomic Practices Program. The bill
9 would adopt additional national standards under the weights and measures
10 standards. In addition, the bill would amend how training can be provided for
11 certified pesticide applicators. The bill would also amend provisions related to
12 mosquito control and provisions related to the regulation of fertilizer, limes,
13 plant amendment, plant biostimulants, and soil amendments.

14 An act relating to miscellaneous agricultural subjects

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

16 * * * Agricultural Water Quality * * *

17 Sec. 1. 6 V.S.A. § 4832 is amended to read:

18 § 4832. FARM AGRONOMIC PRACTICES PROGRAM

19 The Farm Agronomic Practices Program is created in the Agency of
20 Agriculture, Food and Markets to ~~provide the farms of Vermont with State~~

1 ~~financial assistance for the implementation, including through education,~~
2 ~~training, or instruction, of soil-based practices that improve soil quality and~~
3 ~~nutrient retention, increase crop production, minimize erosion potential, and~~
4 ~~reduce agricultural waste discharges. The following practices may be eligible~~
5 ~~for assistance to farms under the Grant Program~~ promote soil-based practices
6 that improve soil quality and nutrient retention, increase crop production,
7 minimize erosion potential, and reduce agricultural waste discharges.
8 Financial assistance for related education, training, or instruction may be
9 available under the Program to Vermont farms, agricultural service providers,
10 and agricultural nonprofit organizations. Vermont farms may also receive
11 financial assistance for the following eligible practices:
12 (1) conservation crop rotation;
13 (2) cover cropping;
14 (3) strip cropping;
15 (4) cross-slope tillage;
16 (5) zone or no-tillage;
17 (6) pre-sidedress nitrate tests; and
18 (7) additional soil-based practices that improve soil quality and nutrient
19 retention, increase crop production, minimize erosion potential, and reduce
20 agricultural waste discharges.

1 are not reasonably permanent in their adjustment or will not repeat their
2 indications correctly-₂ or (3) that facilitate the perpetration of fraud.

3 (b) The specifications, tolerances, and other technical requirements for
4 commercial, law enforcement, data gathering, and other weighing and
5 measuring devices, as adopted by the National Conference on Weights and
6 Measures and published in National Institute of Standards and Technology
7 Handbook 44, “Specifications, Tolerances, and other Technical Requirements
8 for Weighing and Measuring Devices,” and supplements thereto, or revisions
9 thereof, shall apply to weighing and measuring devices in the State, except
10 insofar as modified or rejected by regulation.

11 (c) The uniform regulation for packaging and labeling, the uniform
12 regulation for unit pricing, the uniform regulation for national type evaluation,
13 and the uniform regulation for the method of sale of commodities, except for
14 bread, as adopted by the National Conference on Weights and Measures, and
15 published by the National Institute of Standards and Technology Handbook
16 130, “Uniform Laws and Regulations,” together with amendments,
17 supplements, and revisions thereto, are adopted as part of this chapter except as
18 modified or rejected by ~~regulation~~ rule.

19 * * * Contagious Diseases and Animal Movement * * *

20 Sec. 3. 6 V.S.A. § 1459 is amended to read:

21 § 1459. DEFINITIONS

1 As used in this chapter:

2 (1) “Commercial slaughter facility” ~~shall have~~ has the same meaning as
3 “commercial slaughterhouse” set forth in section 3302 of this title.

4 (2) “Livestock” ~~shall have~~ has the same meaning as set forth in section
5 ~~3302~~ 761 of this title.

6 (3) “Offloaded” means removed or otherwise taken off or away from the
7 conveyance of transport.

8 (4) “Poultry” ~~shall have the same meaning as set forth in section 3302 of~~
9 ~~this title~~ means any domesticated bird.

10 (5) “Reactor” means livestock or poultry that test positive to a test
11 required under this chapter.

12 (6) “Suspect” means livestock or poultry that are tested under a
13 requirement in this chapter and are not classified as testing positive or
14 negative.

15 * * * Pesticide Application * * *

16 Sec. 4. 6 V.S.A. § 1112 is amended to read:

17 § 1112. LICENSING PESTICIDE APPLICATORS; PESTICIDE

18 COMPANIES; DEALERS

19 (a) The Secretary may adopt rules requiring persons selling Class A and B
20 pesticides to be licensed under this chapter. In addition, the Secretary may
21 adopt rules requiring companies that hire applicators or conduct pesticide

1 applications to be licensed and applicators who use pesticides to be certified
2 under this chapter. The Secretary may establish reasonable requirements for
3 obtaining licenses and certificates. The fees for dealers, licensed companies,
4 and applicator certificates under this chapter shall be as follows:

5 (1) Class A Dealer License—\$50.00;

6 (2) Class B Dealer License—\$50.00;

7 (3) Pesticide Company License—\$75.00;

8 (4) Commercial and Noncommercial Applicator Certification fee—
9 \$30.00 per category or subcategory with a maximum of \$120.00;

10 (5) second and third time examination fee for dealer licenses and
11 applicator certification—\$25.00;

12 (6) Private Applicator—\$25.00; and

13 (7) State Government, Municipal, and Public Education Institution
14 Applicators—\$30.00.

15 (b) All license and certification fees shall be for one year or any part
16 thereof for each dealer, licensed pesticide applicator company, or certified
17 commercial and noncommercial applicator. The license and certification
18 period shall be January 1 to December 31.

19 (c) Notwithstanding the fees provided in subsection (a) of this section, the
20 Secretary shall exempt the federal government and its agencies and
21 instrumentalities from license and certification fees.

1 (d) The Secretary may charge an additional fee to applicants who prefer to
2 utilize an electronic or alternate testing service for their pesticide certification
3 or licensing examinations. The Secretary may contract with a vendor to
4 administer examinations and may charge applicants a fee that is reasonably
5 related to the cost of the contracted services. The Secretary shall continue to
6 administer in-person examinations that do not include any additional fee for an
7 electronic or alternate testing service.

8 * * * Fertilizer and Lime * * *

9 Sec. 5. 6 V.S.A. § 361 is amended to read:

10 § 361. TITLE

11 This chapter shall be known as the “Fertilizer ~~and~~, Lime, Plant Amendment,
12 Plant Biostimulant, and Soil Amendment Law of 1986.”

13 Sec. 6. 6 V.S.A. § 363(3) is amended to read:

14 (3) “Distribute” means to import, consign, manufacture, produce,
15 compound, mix, ~~or blend fertilizer or to~~, offer for sale, sell, barter, or otherwise
16 supply a fertilizer, a plant amendment, a plant biostimulant, a soil amendment,
17 or lime in this State through any means, including sales outlets, catalogues, the
18 telephone, the internet, or any electronic means. ~~“Distribute” shall include~~
19 ~~online sales.~~

1 Sec. 7. 6 V.S.A. § 365(c) is amended to read:

2 (c) If the Secretary finds that a requirement for expressing calcium and
3 magnesium in elemental form would not impose an economic hardship on
4 distributors and users of agricultural liming materials by reason of conflicting
5 label requirements among states, ~~he or she~~ the Secretary may require by rule
6 that the minimum percent of calcium oxide and magnesium oxide or calcium
7 carbonate and magnesium carbonate, or both, shall be expressed in the
8 following terms:

9 * * *

10 Sec. 8. 6 V.S.A. § 375 is amended to read:

11 § 375. CANCELLATION OF REGISTRATION

12 The Secretary is authorized to cancel or suspend the registration of any
13 fertilizer, plant amendment, plant biostimulant, soil amendment, or lime or
14 refuse a registration application if ~~he or she finds that~~ the provisions of this
15 chapter or the rules adopted under this chapter have been violated, provided
16 that no registration shall be revoked or refused without a hearing before the
17 Secretary.

18 Sec. 9. 6 V.S.A. § 376(a) is amended to read:

19 (a) Withdrawal from distribution orders. When the Secretary has
20 reasonable cause to believe any lot of fertilizer, plant amendment, plant
21 biostimulant, soil amendment, or lime is being distributed in violation of any

1 of the provisions of this chapter or any of the rules under this chapter, ~~he or she~~
2 the Secretary may issue and enforce a written or printed “withdrawal from
3 distribution” order, warning the distributor not to dispose of the lot of fertilizer,
4 plant amendment, plant biostimulant, soil amendment, or lime in any manner
5 until written permission is given by the Secretary or the court. The Secretary
6 shall release the lot of fertilizer, plant amendment, plant biostimulant, soil
7 amendment, or lime withdrawn when this chapter and rules have been
8 complied with. If compliance is not obtained within 30 days, the Secretary
9 may begin, or upon request of the distributor or registrant shall begin,
10 proceedings for condemnation.

11 * * * Effective Date * * *

12 Sec. 10. EFFECTIVE DATE

13 This act shall take effect on July 1, 2024.