

1 H.35

2 Introduced by Representatives McCullough of Williston, Deen of Westminster
3 and Webb of Shelburne

4 Referred to Committee on

5 Date:

6 Subject: Conservation and development; public service corporations; water
7 quality; pesticides

8 Statement of purpose: This bill proposes to require a state discharge permit for
9 pesticide applications for: mosquito control, aquatic nuisance control, forest
10 canopy pest control, and control of pests within 50 feet of state water or
11 significant wetland. The bill would also require a discharge permit for
12 pesticide application to include a requirement for the implementation of
13 integrated pest management. In addition, the bill would require the public
14 service board to amend its rules to require utility companies to implement
15 integrated pest management for maintenance of utility lines and other
16 infrastructure.

17 An act relating to the use of pesticides in proximity to water and in utility
18 rights-of-way

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

1 Sec. 1. 10 V.S.A. § 1251 is amended to read:

2 § 1251. DEFINITIONS

3 Whenever used or referred to in this chapter, unless a different meaning
4 clearly appears from the context:

5 (1) "Board" means the natural resources board.

6 (2) "Department" means the department of environmental conservation.

7 (3) "Discharge" means the placing, depositing or emission of any
8 wastes, directly or indirectly, into an injection well or into the waters of the
9 state.

10 * * *

11 (12) "Waste" means effluent, sewage or any substance or material,
12 liquid, gaseous, solid or radioactive, including heated liquids or pesticides,
13 whether or not harmful or deleterious to waters; provided however, the term
14 "sewage" as used in this chapter shall not include the rinse or process water
15 from a cheese manufacturing process.

16 (13) "Waters" includes all rivers, streams, creeks, brooks, reservoirs,
17 ponds, lakes, springs and all bodies of surface waters, artificial or natural,
18 which are contained within, flow through or border upon the state or any
19 portion of it.

20 * * *

1 policy declared in joint house resolution 7 of the 1971 session of the general
2 assembly.

3 * * *

4 (j)(1) No person shall apply a pesticide, as that term is defined in 6 V.S.A.
5 § 911(5), for the following activities without first obtaining a permit under this
6 section from the secretary:

7 (A) mosquito and other flying insect control that requires aerial
8 application of a pesticide or pesticide application to waters;

9 (B) aquatic nuisance control. For purposes of this subsection,
10 “aquatic nuisance” shall have the same meaning as set forth in subdivision
11 1452(2) of this title;

12 (C) forest canopy pest control that utilizes aerial application of a
13 pesticide; and

14 (D) control of pests that requires land application of a pesticide
15 within 50 feet of a state water or significant wetland, as that term is defined in
16 subdivision 902(11) of this title.

17 (2) As part of a permit issued under this subsection, the permit applicant
18 shall be required to implement integrated pest management prior to the
19 application of a pesticide.

1 Sec. 3. 30 V.S.A. § 256 is added to read:

2 § 256. PEST MANAGEMENT OF COMPANY RIGHTS-OF-WAY

3 (a) As used in this section:

4 (1) “Integrated pest management” means an approach to pest
5 management that uses all appropriate technology and management practices in
6 a way that minimizes risks to public health, the environment, and the economy
7 by making maximum use of naturally occurring pest controls and by using
8 artificial controls, such as pesticides, only as required to prevent particular
9 pests from surpassing an intolerable population level.

10 (2) “Pesticide” shall have the same meaning as “economic poison,” as
11 that term is defined in 6 V.S.A. § 911(5).

12 (b) The public service board shall amend its rules to require companies to
13 utilize natural pest controls or integrated pest management in the maintenance
14 of a right-of-way, transmission line, pipeline, electric substation, hydroelectric
15 dam infrastructure, and other board-regulated infrastructure or buildings. In
16 adopting rules under this section, the public service board shall preserve the
17 right of a landowner whose property is traversed by a company’s right-of-way
18 to request that the company refrain from the use of pesticides.

19 Sec. 4. EFFECTIVE DATE

20 This act shall take effect upon passage.