

1 H.194

2 Introduced by Representatives Masland of Thetford, Browning of Arlington,
3 Buxton of Tunbridge, Cheney of Norwich, Christie of Hartford,
4 and Yantachka of Charlotte

5 Referred to Committee on

6 Date:

7 Subject: Pesticides; public service; utilities; poles; wood preservatives; notice

8 Statement of purpose of bill as introduced: This bill proposes to regulate the
9 application of wood preservatives to utility poles and the siting of utility poles
10 treated with wood preservatives in order to protect public health and sources of
11 drinking water.

12 An act relating to the siting and regulation of utility poles treated with wood
13 preservatives

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

15 Sec. 1. 6 V.S.A. § 1113 is added to read:

16 § 1113. PESTICIDE-TREATED UTILITY POLES

17 (a) Definitions. As used in this section:

18 (1) "Source of drinking water" means any source of water that would
19 constitute a potable water supply under 10 V.S.A. § 1972(6) or a public water
20 source under 10 V.S.A. § 1671(4).

1 (2) “Utility pole” means a pole on which telegraph, telephone, or
2 electric lines or wires are installed.

3 (3) “Wood preservative” means any pesticide for which a Class A or
4 Class B dealer license is required under section 1112 of this title and excludes
5 pesticides considered Class C under the regulations of the Agency of
6 Agriculture, Food and Markets.

7 (b) New poles. New or replacement utility poles treated with any wood
8 preservative shall not be sited within 200 feet of a source of drinking water.

9 (c) Existing poles. Existing utility poles sited within 200 feet of a source of
10 drinking water shall not be treated with any wood preservative. If the existing
11 utility pole is in need of repair or treatment with a wood preservative, the
12 person or corporation owning the utility pole shall replace or relocate the pole
13 as provided in subdivisions (d)(1) and (2) of this section.

14 (d) Relocation. On the written request of a person whose source of
15 drinking water is located within 200 feet of an existing utility pole treated at
16 any time with any wood preservative, the person or corporation owning the
17 utility pole shall, at its own expense:

18 (1) relocate the utility pole to a site greater than 200 feet away from the
19 source of drinking water; or

20 (2) replace the existing utility pole with a pole that does not require
21 treatment with any wood preservative.

1 (e) Public notice.

2 (1) Prior to the treatment of an installed utility pole with any wood
3 preservative, the person or corporation owning the utility pole shall provide
4 written notice by hand delivery, regular mail, or certified mail to:

5 (A) the landowner of the underlying property, if the utility pole is
6 located in a right-of-way for which the utility pole owner has an easement; or

7 (B) owners or occupiers of land immediately adjacent to the utility
8 pole, if the utility owns the right-of-way in fee.

9 (2) The notice shall include:

10 (A) a title at the beginning of the notice in no less than 15-point
11 boldface print which states, “Wood Preservative Use Notification”;

12 (B) the designation of the utility pole or poles to be treated;

13 (C) the chemical names and common names of the wood preservative
14 to be used;

15 (D) the name and contact information of the owner of the utility pole
16 and the contracting company, if any, completing the treatment; and

17 (E) the date treatment will commence and the number of days
18 treatment will continue.

