

1 H.317

2 Introduced by Representatives McCullough of Williston and Webb of

3 Shelburne

4 Referred to Committee on

5 Date:

6 Subject: Conservation and development; agriculture; transportation;

7 pesticides; water quality

8 Statement of purpose of bill as introduced: This bill proposes to prohibit the  
9 application of pesticides in proximity to surface waters, culverts, signage, and  
10 ditches under a right-of-way permit issued by the Agency of Agriculture, Food  
11 and Markets.

12 An act relating to the prohibition of pesticide application under right-of-way  
13 permits in proximity to surface waters, culverts, signage, and ditches

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

15 Sec. 1. 6 V.S.A. § 1101 is amended to read:

16 § 1101. DEFINITIONS

17 As used in this chapter ~~unless the context clearly requires otherwise:~~

18 (1) "Secretary" shall have the meaning stated in subdivision 911(4) of  
19 this title.

1           (2) “Cumulative” when used in reference to a substance means that the  
2 substance so designated has been demonstrated to increase twofold or more in  
3 concentration if ingested or absorbed by successive life forms.

4           (3) “Dealer or pesticide dealer” means any person who regularly sells  
5 pesticides in the course of business, but not including a casual sale.

6           (4) “Economic poison” shall have the meaning stated in subdivision  
7 911(5) of this title.

8           (5) “Pest” means any insect, rodent, nematode, fungus, weed, or any  
9 other form of terrestrial or aquatic plant or animal life or virus, bacteria, or  
10 other micro-organisms, ~~which that the secretary~~ Secretary declares as being  
11 injurious to health or environment. Pest shall not mean any viruses, bacteria,  
12 or other micro-organisms on or in living ~~man~~ humans or other living animals.

13           (6) “Pesticide” for the purposes of this chapter shall be used  
14 interchangeably with “economic ~~poison~~”; poison.”

15           (7) “Right-of-way” means an interest in real property, above, on, or  
16 below the ground, which entitles the holder of the interest to pass over the land  
17 for the purpose of carrying, transmitting, or transporting liquids, gases,  
18 electricity, communications, vehicles, or people. For the purpose of this  
19 chapter, it is immaterial whether the right-of-way is owned, leased, or an  
20 easement. The term “right-of-way” includes properties owned or leased by  
21 utilities where that property is used as a right-of-way.

1       Sec. 2. 6 V.S.A. § 1113 is added to read:

2       § 1113. PERMITS; RIGHT-OF-WAY

3           A permit issued under this chapter for the application of pesticides in a  
4       right-of-way shall prohibit the application of pesticides within 50 feet of either  
5       side of any surface water, within 50 feet of any culvert, at the base of any  
6       signage post, or in any roadside ditches.

7       Sec. 3. EFFECTIVE DATE

8           This act shall take effect on passage.