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H.229

Introduced by Representatives Sheldon of Middlebury, Graham of
Williamstown, McCullough of Williston, Partridge of
Windham, and Webb of Shelburne

Referred to Committee on

Date:

Subject: Agriculture; pesticides; treated articles; pollinator protection

Statement of purpose of bill as introduced: This bill proposes to require the
Secretary of Agriculture, Food and Markets to adopt by rule best management
practices, standards, procedures, and requirements relating to the sale, use,
storage, or disposal of treated articles that will have a hazardous or long-term
deleterious effect on the environment, present a likely risk to human health, or
are dangerous. The bill would require that the rules be based, in part, on the
recommendation of the State Pollinator Protection Committee.

An act relating to regulation of treated article pesticides

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

2 Sec. 1. 6 V.S.A. § 1105a is amended to read:

3 § 1105a. TREATED ARTICLES; POWERS OF SECRETARY; BEST
4 MANAGEMENT PRACTICES

5 (a) The Secretary of Agriculture, Food and Markets, ~~upon the~~
6 ~~recommendation of~~ after consultation with the Pesticide Advisory Council,
7 ~~may~~ shall adopt by rule:

8 (1) best management practices, standards, procedures, and requirements
9 relating to the sale, use, storage, or disposal of treated articles ~~the use of which~~
10 ~~the Pesticide Advisory Council has determined~~ that will have a hazardous or
11 long-term deleterious effect on the environment, ~~presents~~ present a likely risk
12 to human health, or ~~is~~ are dangerous;

13 (2) requirements for the response to or corrective actions for exigent
14 circumstances or contamination from a treated article that presents a threat to
15 human health or the environment;

16 (3) requirements by the Secretary for the examination or inspection of
17 treated articles ~~the use of which the Pesticide Advisory Council has determined~~
18 that will have a hazardous or long-term deleterious effect on the environment,
19 ~~presents~~ present a likely risk to human health, or ~~is~~ are dangerous;

20 (4) requirements for persons selling treated articles to keep or make
21 available to the Secretary records of sale of treated articles ~~the use of which the~~

1 ~~Pesticide Advisory Council has determined~~ that will have a hazardous or
2 long-term deleterious effect on the environment, ~~presents~~ present a likely risk
3 to human health, or ~~is~~ are dangerous; or

4 (5) requirements for reporting of incidents resulting from accidental
5 contamination from or misuse of treated articles ~~the use of which the Pesticide~~
6 ~~Advisory Council has determined~~ that will have a hazardous or long-term
7 deleterious effect on the environment, ~~presents~~ present a likely risk to human
8 health, or ~~is~~ are dangerous.

9 (b) At least 30 days prior to prefiling a rule authorized under subsection (a)
10 of this section with the Interagency Committee on Administrative Rules under
11 3 V.S.A. § 837, the Secretary shall submit a copy of the draft rule to the Senate
12 Committee on Agriculture and the House Committee on Agriculture and ~~Forest~~
13 ~~Products~~ Forestry for review.

14 Sec. 2. TREATED ARTICLE RULEMAKING; COMMENCEMENT;

15 COMPLETION

16 (a) On or before September 1, 2017, the Secretary of Agriculture, Food and
17 Markets shall commence the rulemaking required under 6 V.S.A § 1105a
18 regarding the regulation of treated articles.

19 (b) The Secretary of Agriculture, Food and Markets shall adopt the final
20 rule under 6 V.S.A. § 1105a regarding the regulation of treated articles on or
21 before September 1, 2018.

1 (c) Prior to commencing rulemaking under 6 V.S.A. § 1105a, the Secretary
2 of Agriculture, Food and Markets shall consult the report of the Pollinator
3 Protection Committee (Committee) required under 2016 Acts and Resolves
4 No. 83, Sec. 1 and shall propose in the rules required under 6 V.S.A. § 1105a
5 requirements to implement the recommendations of the Committee, including
6 any recommended best management practices for application of neonicotinoid
7 pesticides in a manner that avoids harm to pollinators.

8 Sec. 3. EFFECTIVE DATE

9 This act shall take effect on passage.