

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

H.205

Introduced by Representatives Troiano of Stannard, Sheldon of Middlebury,
Ancel of Calais, Anthony of Barre City, Austin of Colchester,
Bartholomew of Hartland, Birong of Vergennes, Bock of
Chester, Briglin of Thetford, Browning of Arlington, Brumsted
of Shelburne, Burke of Brattleboro, Campbell of St. Johnsbury,
Carroll of Bennington, Chesnut-Tangerman of Middletown
Springs, Christensen of Weathersfield, Christie of Hartford,
Cina of Burlington, Coffey of Guilford, Colburn of Burlington,
Colston of Winooski, Conlon of Cornwall, Cordes of Lincoln,
Dolan of Waitsfield, Donovan of Burlington, Durfee of
Shaftsbury, Forguites of Springfield, Gannon of Wilmington,
Gardner of Richmond, Gonzalez of Winooski, Haas of
Rochester, Hill of Wolcott, Hooper of Randolph, Hooper of
Burlington, Houghton of Essex, Howard of Rutland City,
Jessup of Middlesex, Killacky of South Burlington, LaLonde of
South Burlington, Lanpher of Vergennes, Lefebvre of Newark,
Macaig of Williston, Masland of Thetford, McCarthy of St.
Albans City, McCormack of Burlington, McCullough of
Williston, Mrowicki of Putney, Noyes of Wolcott, O'Brien of
Tunbridge, Ode of Burlington, Pajala of Londonderry, Patt of

1 Worcester, Potter of Clarendon, Ralph of Hartland, Redmond of
2 Essex, Rogers of Waterville, Scheu of Middlebury, Squirrell of
3 Underhill, Sullivan of Burlington, Till of Jericho, Townsend of
4 South Burlington, Walz of Barre City, White of Hartford,
5 Yacovone of Morristown, and Yantachka of Charlotte

6 Referred to Committee on

7 Date:

8 Subject: Agriculture; pollinator protection; neonicotinoid pesticides

9 Statement of purpose of bill as introduced: This bill proposes to regulate the
10 sale and application of neonicotinoid pesticides in order to protect pollinator
11 populations. The bill requires the Secretary of Agriculture, Food and Markets
12 to register as a restricted use pesticide any neonicotinoid pesticide labeled as
13 approved for outdoor use that is distributed, sold, or offered for sale in the
14 State. Certain products, including treated article seed and pet products, would
15 be exempt from the requirement to register as a restricted use pesticide. The
16 registration fees for a neonicotinoid pesticide would be used to provide
17 educational services, technical assistance, and increased inspection services
18 related to neonicotinoid pesticides and pollinator health. The bill would also
19 require owners of bees, apiaries, colonies, or hives to register with the
20 Secretary of Agriculture, Food and Markets annually. In addition, new owners

1 of bees, apiaries, colonies, or hives would be required to be certified by the
2 Secretary of Agriculture, Food and Markets.

3 An act relating to the regulation of neonicotinoid pesticides

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

5 ~~Sec. 1. 6 V.S.A. § 911 is amended to read:~~

6 § 911. DEFINITIONS

7 As used in this chapter:

8 * * *

9 (4) "Secretary" means the Secretary of Agriculture, Food and Markets.

10 (5) "Economic poison" means:

11 (A) any substance produced, distributed, or used for preventing,
12 destroying, or repelling any insects, rodents, nematodes, fungi, weeds, or other
13 forms of plant or animal life or viruses, except viruses on or in living man
14 humans or other animals, which the Secretary shall declare to be a pest;

15 (B) any substance produced, distributed, or used as a plant regulator,
16 defoliant, or desiccant.

17 * * *

18 (7) "Fungicide" means any substance or mixture of substances intended
19 ~~for preventing, destroying, repelling, or mitigating any fungi~~

1 ~~(8) "Herbicide" means any substance or mixture of substances intended~~
2 ~~for preventing, destroying, repelling, or mitigating any weed.~~

3 * * *

4 (12) "Insecticide" means any substance or mixture of substances
5 intended for preventing, destroying, repelling, or mitigating any insects ~~which~~
6 that may be present in any environment whatsoever.

7 * * *

8 (16) "Person" means any individual, partnership, association,
9 corporation, or organized group of persons whether incorporated or not.

10 (17) "Registrant" means the person registering any economic poison
11 pursuant to the provisions of this chapter.

12 (18) "Rodenticide" means any substance or mixture of substances
13 intended for preventing, destroying, repelling, or mitigating rodents or any
14 other vertebrate animal ~~which~~ that the Secretary shall declare to be a pest.

15 (19) "Weed" means any plant ~~which~~ that grows where not wanted.

16 (20) "Nematocide" means any substance produced, distributed, or used
17 for preventing, destroying, or repelling nematodes.

18 (21) "Plant regulator" means any substance produced, distributed, or
19 used for the purposes of accelerating or retarding the rate of growth or rate of
20 maturation, or otherwise altering the behavior of plants but shall not include

1 ~~substances produced, distributed, or used for plant nutrients, trace elements,~~
2 nutritional chemicals, plant inoculants, and soil amendments.

3 (22) “Defoliant” means any substance produced, distributed, or used for
4 causing the foliage to drop from a plant, with or without causing abscission.

5 (23) “Desiccant” means any substance produced, distributed, or used for
6 artificially accelerating the drying of plant tissues.

7 * * *

8 (25) “Agricultural seed” has the same meaning as in section 641 of this
9 title.

10 (26) “Neonicotinoid pesticide” means any economic poison containing a
11 chemical belonging to the neonicotinoid class of chemicals, including:

12 (A) imidacloprid;

13 (B) nithiazine;

14 (C) acetamiprid;

15 (D) clothianidin;

16 (E) dinotefuran;

17 (F) thiacloprid;

18 (G) thiamethoxam; and

19 (H) any other chemical designated by the Secretary by rule.

20 (27) “Treated article” or “treated article pesticide” shall have the same
21 meaning as “treated article” in section 1101 of this title.

1 ~~(28) "Treated article seed" means an agricultural seed, flower seed, or~~
2 ~~vegetable seed that is a treated article pesticide.~~

3 Sec. 2. 6 V.S.A. § 918 is amended to read:

4 § 918. REGISTRATION

5 (a) Every economic poison ~~which~~ that is distributed, sold, or offered for
6 sale within this State or delivered for transportation or transported in intrastate
7 commerce or between points within this State through any point outside this
8 State shall be registered in the Office of the Secretary, and such registration
9 shall be renewed annually; provided that products ~~which~~ that have the same
10 formula are manufactured by the same person, the labeling of which contains
11 the same claims, and the labels of which bear a designation identifying the
12 product as the same economic poison may be registered as a single economic
13 poison; and additional names and labels shall be added by ~~supplement~~
14 supplemental statements during the current period of registration. It is further
15 provided that any economic poison imported into this State, which is subject to
16 the provisions of any federal act providing for the registration of economic
17 poisons and which has been duly registered under the provisions of this
18 chapter, may, in the discretion of the Secretary, be exempted from registration
19 under this chapter, when sold or distributed in the unbroken immediate
20 container in which it was originally shipped. The registrant shall file with the
21 ~~Secretary a statement including:~~

1 ~~(1) The name and address of the registrant and the name and address of~~
2 the person whose name will appear on the label, if other than the registrant.

3 (2) The name of the economic poison.

4 (3) A complete copy of the labeling accompanying the economic poison
5 and a statement of all claims to be made for it, including directions for use.

6 (4) If requested by the Secretary, a full description of the tests made and
7 the results thereof upon which the claims are based. In the case of renewal of
8 registration, a statement shall be required only with respect to information
9 ~~which~~ that is different from that furnished when the economic poison was
10 registered or last reregistered.

11 (b) The registrant shall pay an annual fee of ~~\$175.00~~ \$200.00 for each
12 product registered, and \$160.00 of that amount shall be deposited in the
13 special fund created in section 929 of this title, of which \$5.00 from each
14 product registration shall be used for an educational program related to the
15 proper purchase, application, and disposal of household pesticides, and \$5.00
16 from each product registration shall be used to collect and dispose of obsolete
17 and unwanted pesticides. Of the registration fees collected under this
18 subsection, \$15.00 of the amount collected shall be deposited in the
19 Agricultural Water Quality Special Fund under section 4803 of this title. Of
20 the registration fees collected under this subsection, \$25.00 of the amount
21 collected shall be used to offset the additional costs of inspection and to

1 ~~provide educational services and technical assistance to the general public and~~
2 beekeepers in the State. The annual registration year shall be from December
3 1 to November 30 of the following year.

4 * * *

5 (f) The Secretary shall register as a restricted use pesticide any
6 neonicotinoid pesticide labeled as approved for outdoor use that is distributed,
7 sold, or offered for sale within this State or delivered for transportation or
8 transported in intrastate commerce or between points within this State through
9 any point outside this State, provided that the Secretary shall not register the
10 following products as restricted use pesticides, unless classified under federal
11 law as restricted use products:

12 (1) pet care products used for preventing, destroying, repelling, or
13 mitigating fleas, mites, ticks, heartworms, or other insects or organisms;

14 (2) personal care products used for preventing, destroying, repelling, or
15 mitigating lice or bedbugs;

16 (3) indoor pest control products used for preventing, destroying,
17 repelling, or mitigating insects indoors; and

18 ~~(4) treated article seed~~

1 ~~Sec. 3. 6 V.S.A. § 3023 is amended to read:~~

2 ~~§ 3023. DUTIES TO REGISTRATION; REPORT~~

3 ~~(a) It shall be the duty of any Registration. A person who is the owner of~~
4 ~~any bees, apiary, colony, or hive to report to in the State shall register with the~~
5 ~~Secretary in writing.~~

6 ~~(b) Report. Annually the owner of any bees, apiary, colony, or hive~~
7 ~~registered under subsection (a) of this section shall submit a report to the~~
8 ~~Secretary that includes all of the following information:~~

9 ~~(1) the The location of all such apiaries and number of colonies that the~~
10 ~~person owns. The location of an apiary shall become its registered location;~~

11 ~~(2) the change of Whether the location of any apiary will change within~~
12 ~~two weeks of the date that the report is submitted unless the change of location~~
13 ~~is to provide pollination services and the colonies will be returned to a~~
14 ~~registered apiary. Hives from a registered apiary may be moved to another~~
15 ~~registered apiary without reregistering;~~

16 ~~(3) the discovery of Whether a serious disease was discovered within~~
17 ~~any of his or her colonies; registered colony.~~

18 ~~(4) the transportation Whether the owner transported into this the State~~
19 ~~of any colonies or used equipment, except as noted in authorized under~~
20 ~~subsection 3032(c) of this title; and.~~

1 ~~(5) the fact that he or she Whether the owner is engaged in the rearing~~
2 ~~of queen bees or any other bees for sale, if applicable.~~

3 ~~(6) A current varroa mite and pest mitigation plan for each registered~~
4 ~~colony.~~

5 ~~(7) Proof of certification, if required, under section 3023a of this title.~~

6 Sec. 4. 6 V.S.A. § 3023a is added to read:

7 § 3023a. CERTIFIED BEEKEEPER

8 (a) The Secretary shall establish by procedure requirements for the training
9 of a person to own bees, apiaries, colonies, or hives in the State. The
10 requirements shall address the requirements for competent beekeeping,
11 including:

12 (1) bee health;

13 (2) varroa mite identification and control;

14 (3) identification of common diseases or pests;

15 (4) proper maintenance of hives;

16 (5) State laws regarding beekeeping and pesticide application; and

17 (6) continued education requirements.

18 (b) A person who completes the training required under subsection (a) shall
19 be certified by the Secretary as a Vermont certified beekeeper.

1 ~~(c) A person registered with the Secretary on July 1, 2010 as the owner of~~
2 ~~any bees, apiary, colony, or hive is exempt from the certification required by~~
3 ~~this section.~~

4 Sec. 5. 6 V.S.A. § 3032 is amended to read:

5 § 3032. TRANSPORTATION OF BEES OR USED EQUIPMENT INTO
6 THE STATE

7 (a) No bees, used equipment, or colonies shall be brought into the State of
8 Vermont unless approved by the Secretary by permit. The Secretary shall not
9 approve the import of bees, used equipment, or colonies from out of state
10 unless accompanied by a valid certificate of inspection within the previous ten
11 months from the state or country of origin stating that the bees, used
12 equipment, or bee colonies are free from bee disease.

13 (b) Any person, other than a common carrier, who knowingly transports or
14 causes to be transported used equipment or colonies to a point within this State
15 shall provide the ~~secretary~~ Secretary with a copy of the certificate of
16 inspection not more than 72 hours after entry into this State.

17 (c) This section shall not apply to a shipment of bees, equipment, or
18 colonies which originated outside the state State and is destined for another
19 point that is also located outside this State

1 ~~Sec. 6. 6 V.S.A. § 3030 is amended to read:~~

2 ~~§ 3030. RULES~~

3 ~~The Secretary may adopt and enforce such rules which may provide for to~~
4 ~~implement the requirements of this chapter, including rules regarding:~~

5 ~~(1) inspection, disinfection, seizure, destruction, or other disposition of~~
6 ~~bees, equipment, or bee products capable of carrying or transmitting any~~
7 ~~disease;~~

8 ~~(2) importation of bees, equipment, or bee products capable of carrying~~
9 ~~or transmitting any disease;~~

10 ~~(3) certification of beekeepers; or~~

11 ~~(4) registration and reporting by persons owning bees, an apiary, a~~
12 ~~colony, or a hive.~~

13 Sec. 7. EFFECTIVE DATE

14 ~~This act shall take effect on July 1, 2019.~~

Sec. 1. 6 V.S.A. § 911 is amended to read:

§ 911. DEFINITIONS

As used in this chapter:

** * **

(4) “Secretary” means the Secretary of Agriculture, Food and Markets.

(5) “Economic poison” means:

(A) any substance produced, distributed, or used for preventing, destroying, or repelling any insects, rodents, nematodes, fungi, weeds, or other forms of plant or animal life or viruses, except viruses on or in living ~~man~~ humans or other animals, which the Secretary shall declare to be a pest;

(B) any substance produced, distributed, or used as a plant regulator, defoliant, or desiccant.

* * *

(7) “Fungicide” means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any fungi.

(8) “Herbicide” means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any weed.

* * *

(12) “Insecticide” means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects ~~which~~ that may be present in any environment whatsoever.

* * *

(16) “Person” means any individual, partnership, association, corporation, or organized group of persons whether incorporated or not.

(17) “Registrant” means the person registering any economic poison pursuant to the provisions of this chapter.

(18) “Rodenticide” means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating rodents or any other vertebrate animal ~~which~~ that the Secretary shall declare to be a pest.

(19) “Weed” means any plant ~~which~~ that grows where not wanted.

(20) “Nematocide” means any substance produced, distributed, or used for preventing, destroying, or repelling nematodes.

(21) “Plant regulator” means any substance produced, distributed, or used for the purposes of accelerating or retarding the rate of growth or rate of maturation, or otherwise altering the behavior of plants but shall not include substances produced, distributed, or used for plant nutrients, trace elements, nutritional chemicals, plant inoculants, and soil amendments.

(22) “Defoliant” means any substance produced, distributed, or used for causing the foliage to drop from a plant, with or without causing abscission.

(23) “Desiccant” means any substance produced, distributed, or used for artificially accelerating the drying of plant tissues.

* * *

(25) “Agricultural seed” has the same meaning as in section 641 of this title.

(26) “Neonicotinoid pesticide” means any economic poison containing a chemical belonging to the neonicotinoid class of chemicals, including:

(A) imidacloprid;

(B) nithiazine;

(C) acetamiprid;

(D) clothianidin;

(E) dinotefuran;

(F) thiacloprid;

(G) thiamethoxam; and

(H) any other chemical designated by the Secretary by rule.

(27) “Treated article” or “treated article pesticide” shall have the same meaning as “treated article” in section 1101 of this title.

(28) “Treated article seed” means an agricultural seed, flower seed, or vegetable seed that is a treated article pesticide.

Sec. 2. 6 V.S.A. § 918 is amended to read:

§ 918. REGISTRATION

(a) Every economic poison ~~which~~ that is distributed, sold, or offered for sale within this State or delivered for transportation or transported in intrastate commerce or between points within this State through any point outside this State shall be registered in the Office of the Secretary, and such registration shall be renewed annually; provided that products ~~which~~ that have the same formula are manufactured by the same person, the labeling of which contains the same claims, and the labels of which bear a designation

identifying the product as the same economic poison may be registered as a single economic poison; and additional names and labels shall be added by supplement supplemental statements during the current period of registration.

It is further provided that any economic poison imported into this State, which is subject to the provisions of any federal act providing for the registration of economic poisons and which has been duly registered under the provisions of this chapter, may, in the discretion of the Secretary, be exempted from registration under this chapter, when sold or distributed in the unbroken immediate container in which it was originally shipped. The registrant shall file with the Secretary a statement including:

(1) The name and address of the registrant and the name and address of the person whose name will appear on the label, if other than the registrant.

(2) The name of the economic poison.

(3) A complete copy of the labeling accompanying the economic poison and a statement of all claims to be made for it, including directions for use.

(4) If requested by the Secretary, a full description of the tests made and the results thereof upon which the claims are based. In the case of renewal of registration, a statement shall be required only with respect to information ~~which~~ that is different from that furnished when the economic poison was registered or last reregistered.

(b) The registrant shall pay an annual fee of ~~\$175.00~~ \$200.00 for each product registered, and ~~\$160.00~~ \$185.00 of that amount shall be deposited in the special fund created in section 929 of this title, of which \$5.00 from each product registration shall be used for an educational program related to the proper purchase, application, and disposal of household pesticides, and \$5.00 from each product registration shall be used to collect and dispose of obsolete and unwanted pesticides. Of the registration fees collected under this subsection, \$15.00 of the amount collected shall be deposited in the Agricultural Water Quality Special Fund under section 4803 of this title. Of the registration fees collected under this subsection, \$25.00 of the amount collected shall be used to offset the additional costs of inspection and to provide educational services and technical assistance to the general public and beekeepers in the State. The annual registration year shall be from December 1 to November 30 of the following year.

** * **

(f) The Secretary shall register as a restricted use pesticide any neonicotinoid pesticide labeled as approved for outdoor use that is distributed, sold, or offered for sale within this State or delivered for transportation or transported in intrastate commerce or between points within this State through any point outside this State, provided that the Secretary shall not register the

following products as restricted use pesticides, unless classified under federal law as restricted use products:

(1) pet care products used for preventing, destroying, repelling, or mitigating fleas, mites, ticks, heartworms, or other insects or organisms;

(2) personal care products used for preventing, destroying, repelling, or mitigating lice or bedbugs;

(3) indoor pest control products used for preventing, destroying, repelling, or mitigating insects indoors; and

(4) treated article seed.

Sec. 3. 6 V.S.A. § 3023 is amended to read:

§ 3023. DUTIES TO REGISTRATION; REPORT

(a) ~~It shall be the duty of any~~ Registration. A person who is the owner of any bees, apiary, colony, or hive ~~to report to~~ in the State shall register with the Secretary in writing.

(b) Report. Annually the owner of any bees, apiary, colony, or hive registered under subsection (a) of this section shall submit a report to the Secretary that includes all of the following information:

(1) ~~the~~ The location of all ~~such~~ apiaries and number of colonies ~~that the person owns~~. The location of an apiary shall become its registered location;

(2) ~~the change of~~ Whether the location of any apiary will change within two weeks of the date that the report is submitted unless the change of location

is to provide pollination services and the colonies will be returned to a registered apiary. Hives from a registered apiary may be moved to another registered apiary without reregistering;

(3) ~~the discovery of~~ Whether a serious disease was discovered within any of his or her colonies; registered colony.

(4) ~~the transportation~~ Whether the owner transported into this the State of any colonies or used equipment, except as ~~noted in~~ authorized under subsection 3032(c) of this title; and.

(5) ~~the fact that he or she~~ Whether the owner is engaged in the rearing of queen bees or any other bees for sale, if applicable.

(6) A current varroa mite and pest mitigation plan for each registered colony.

Sec. 4. 6 V.S.A. § 3023a is added to read:

§ 3023a. VERMONT BEEKEEPER CERTIFICATE

(a) The Secretary shall establish an educational program to train a person who owns bees, apiaries, colonies, or hives in the State. The educational program shall address:

(1) bee health;

(2) varroa mite identification and control;

(3) identification of common diseases or pests;

(4) proper maintenance of hives;

(5) State laws regarding beekeeping and pesticide application; and

(6) continued education opportunities.

(b) The Secretary shall award a certificate to a person who completes the Vermont beekeeper training program under subsection (a) of this section.

Sec. 5. 6 V.S.A. § 3032 is amended to read:

§ 3032. *TRANSPORTATION OF BEES OR USED EQUIPMENT INTO
THE STATE*

(a) ~~No~~ Except as provided under subsections (c) and (d) of this section, bees, used equipment, or colonies shall not be brought into the State of Vermont unless approved by the Secretary by permit. The Secretary shall not approve the import of bees, used equipment, or colonies from out of state unless accompanied by a valid certificate of inspection within the previous ~~ten months~~ 90 days from the state or country of origin stating that the bees, used equipment, or bee colonies are free from bee disease.

(b) Any person, other than a common carrier, who knowingly transports or causes to be transported used equipment or colonies to a point within this State shall provide the ~~secretary~~ Secretary with a copy of the certificate of inspection not more than 72 hours after entry into this State.

(c) This section shall not apply to a shipment of bees, equipment, or colonies which originated outside the ~~state~~ State and is destined for another point that is also located outside this State.

(d) The Secretary shall not require an import permit or a valid certificate of inspection under subsection (a) for bees, used equipment, or colonies that:

(1) are registered in Vermont;

(2) were transported no more than 75 miles from the registered location of the owner of the bees or colonies; and

(3) are imported back into the State within 90 days of the date of original transport.

Sec. 6. 6 V.S.A. § 3030 is amended to read:

§ 3030. RULES

The Secretary may adopt and enforce such rules which may provide for to implement the requirements of this chapter, including rules regarding:

(1) inspection, disinfection, seizure, destruction, or other disposition of bees, equipment, or bee products capable of carrying or transmitting any disease;

(2) importation of bees, equipment, or bee products capable of carrying or transmitting any disease; or

(3) registration and reporting by persons owning bees, an apiary, a colony, or a hive.

Sec. 6a. POSITIONS; POLLINATOR SPECIALIST; PESTICIDE

ENFORCEMENT

The establishment of the following new classified, full-time positions is authorized in fiscal year 2020:

(1) In the Agency of Agriculture, Food and Markets – pollinator specialist.

(2) In the Agency of Agriculture, Food and Markets – enforcement specialist.

Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2019.