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H.759

Introduced by Representatives Troiano of Stannard, Anthony of Barre City,
Campbell of St. Johnsbury, Carroll of Bennington, Donovan of
Burlington, Gonzalez of Winooski, Hill of Wolcott, Jessup of
Middlesex, Lanpher of Vergennes, Lippert of Hinesburg,
Masland of Thetford, O'Brien of Tunbridge, Ode of Burlington,
Patt of Worcester, Sheldon of Middlebury, Till of Jericho,
Townsend of South Burlington, and White of Hartford

Referred to Committee on

Date:

Subject: Agriculture; pesticides; treated article seed; neonicotinoid pesticides

Statement of purpose of bill as introduced: This bill proposes to require a
person proposing to use neonicotinoid-treated article seed in the State to obtain
authorization to use the seed from the Secretary of Agriculture, Food and
Markets upon a showing of need.

An act relating to the use of neonicotinoid-treated article seed

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

Sec. 1. 6 V.S.A. chapter 35, subchapter 3 is added to read:

Subchapter 3. Neonicotinoid-Treated Article Seed

§ 661. DEFINITIONS

1 As used in this subchapter:

2 (1) “Neonicotinoid pesticide” or “neonicotinoid” has the same meaning
3 as in section 911 of this title.

4 (2) “Neonicotinoid-treated article seed” means an agricultural seed,
5 flower seed, or vegetable seed that is a treated article pesticide and that has
6 been treated with a neonicotinoid pesticide.

7 (3) “Treated article” or “treated article pesticide” has the same meaning
8 as “treated article” in section 1101 of this title.

9 § 662. APPROVAL OF USE; PROHIBITION

10 A person shall not use a neonicotinoid-treated article seed in the State
11 unless the Secretary of Agriculture, Food and Markets has authorized the use
12 of the neonicotinoid-treated article seed. The Secretary shall authorize the use
13 of a neonicotinoid-treated article seed upon a showing of need by the person
14 applying for authorization. To demonstrate need for the use of a
15 neonicotinoid-treated article seed, a person shall submit to the Secretary:

16 (1) a description of the proposed use of the neonicotinoid-treated article
17 seed;

18 (2) the location of the proposed use of the neonicotinoid-treated article
19 seed;

20 (3) when the neonicotinoid-treated article seed is proposed for use or
21 cultivation;

1 (4) the measures to be taken to mitigate the risks to public health or the
2 environment posed by the use of the neonicotinoid-treated article seed; and

3 (5) a demonstration that there is no alternative seed that is:

4 (A) functionally similar for the purpose of growing the relevant
5 flower, plant, or crop;

6 (B) economically feasible or cost-effective for production of the
7 proposed yield of the flower, plant, or crop;

8 (C) readily available from seed distributors in the State; and

9 (D) safer in that it poses a reduced threat to public health or the
10 environment.

11 § 663. AUTHORIZED EMERGENCY USE

12 The Secretary of Agriculture, Food and Markets may authorize the sale,
13 offer for sale, distribution, or use of a type or category of neonicotinoid-treated
14 article seed without a showing of need under section 662 of this title upon a
15 determination that a threat to Vermont crops exists that requires the use of the
16 type or category of neonicotinoid-treated article seed and no other pesticide or
17 class of pesticides would be effective in addressing the threat.

18 Sec. 2. 6 V.S.A. § 911 is amended to read:

19 § 911. DEFINITIONS

20 As used in this chapter:

21 * * *

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

3 (A) imidacloprid;

4 (B) nithiazine;

5 (C) acetamiprid;

6 (D) clothianidin;

7 (E) dinotefuran;

8 (F) thiacloprid;

9 (G) thiamethoxam; and

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

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

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

15 Sec. 3. 6 V.S.A. § 918(f) is amended to read:

16 (f) The Secretary shall register as a restricted use pesticide any
17 neonicotinoid pesticide labeled as approved for outdoor use that is distributed,
18 sold, sold into, or offered for sale within the State or delivered for
19 transportation or transported in intrastate commerce or between points within
20 this State through any point outside this State, provided that the Secretary shall

1 not register the following products as restricted use pesticides, unless classified
2 under federal law as restricted use products:

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

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

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

9 ~~(4) treated article seed.~~

10 Sec. 4. EFFECTIVE DATE

11 This act shall take effect on July 1, 2021.