

1 TO THE HONORABLE SENATE:

2 The Committee on Agriculture to which was referred Senate Bill No. 180
3 entitled “An act relating to prohibiting the use and application of the pesticide
4 chlorpyrifos” respectfully reports that it has considered the same and
5 recommends that the bill be amended by striking out all after the enacting
6 clause and inserting in lieu thereof the following:

7 Sec. 1. 6 V.S.A. § 1114 is added to read:

8 § 1114. USE OF CHLORPYRIFOS

9 (a) Definition. As used in this section, “chlorpyrifos” means a pesticide
10 with the chemical name O,O-diethyl O-(3,5,6-trichloro-2-pyridinyl)-
11 phosphorothioate.

12 (b) Prohibition. No person shall use or apply chlorpyrifos in the State.

13 Sec. 2. 6 V.S.A. § 1101 is amended to read:

14 § 1101. DEFINITIONS

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

16 (1) “Secretary” ~~shall have~~ has the same meaning stated as in subdivision
17 911(4) of this title.

18 * * *

19 (4) “Economic poison” ~~shall have~~ has the same meaning stated as in
20 subdivision 911(5) of this title.

1 (5) “Pest” means any insect, rodent, nematode, fungus, weed, or any
2 other form of terrestrial or aquatic plant or animal life or virus, bacteria, or
3 other microorganisms, which the Secretary declares as being injurious to health
4 or environment. Pest shall not mean any viruses, bacteria, or other
5 microorganisms on or in living humans or other living animals.

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

8 * * *

9 (8) “Integrated pest management” means an ecosystem-based strategy
10 that focuses on long-term prevention of pests or their damage through a
11 combination of techniques such as biological control, habitat manipulation,
12 modification of cultural practices, and use of resistant varieties. Under
13 integrated pest management, pesticides are used only after monitoring
14 indicates they are needed according to established guidelines, and pesticide
15 treatments are made with the goal of removing only the target organism. Pest
16 control materials are selected and applied in a manner that minimizes risks to
17 human health, beneficial and nontarget organisms, and the environment.

18 Sec. 3. 6 V.S.A. § 1102 is amended to read:

19 § 1102. PESTICIDE ADVISORY COUNCIL ESTABLISHED

20 (a) The Pesticide Advisory Council is established and attached to the
21 Agency of Agriculture, Food and Markets. Members of the Council, ~~except~~

1 ~~those public members appointed by the Governor,~~ shall be qualified
2 individuals who, by experience and training, are knowledgeable in ~~one or more~~
3 areas associated with pest control or in the goals or functions of the Council.

4 ~~The Secretary, or Commissioner as the case may be, shall represent each~~
5 ~~Department or Agency on the Council~~ Council shall comprise the following
6 members:

7 (1) ~~The Department of Fish and Wildlife.~~

8 (2) ~~The Department~~ Commissioner of Environmental Conservation; or
9 designee;

10 (3)(2) ~~The Agency~~ Secretary of Agriculture, Food and Markets; or
11 designee;

12 (4) ~~The Department of Forests, Parks and Recreation.~~

13 (5)(3) ~~The Department~~ Commissioner of Health; or a designee with
14 expertise in public health;

15 (6) ~~The Agency of Transportation.~~

16 (7) ~~One physician from the College of Medicine of the University of~~
17 ~~Vermont nominated by its dean.~~

18 (8)(4) One representative ~~in the area of~~ with expertise in agronomy,
19 entomology, or plant pathology, or weed control from the University of
20 Vermont Extension to be named by the Director, appointed by the Secretary.

1 ~~(9)~~(5) One representative in the area of pesticide research from the
2 Vermont Agricultural Experiment Station named by the Dean of the College of
3 Agriculture and Life Sciences of the University of Vermont.

4 ~~(10)~~(6) Two members appointed by the Governor. In choosing these
5 members, the Governor shall consider people who have knowledge and
6 qualities that could be useful in pursuing the goals and functions of the
7 Council. One of these members shall have practical experience in commercial
8 agricultural production and shall be appointed in consultation with the
9 Secretary. One of these members shall have practical knowledge or experience
10 in environmental or public health issues in Vermont.

11 (7) One representative with expertise in farming in Vermont to be
12 appointed by the Secretary.

13 (8) One representative with expertise in the area of environmental
14 consequences of pesticide and other contaminants in the environment named
15 by the Dean of the Rubenstein School of Environment and Natural Resources.

16 (9) One representative with expertise in Integrated Pest Management
17 (IPM) and managing land while minimizing or avoiding the use of pesticides
18 in Vermont to be appointed by the Secretary.

19 ~~(b) Each State or university member of the Council shall serve until his or~~
20 ~~her resignation or until his or her successor is appointed or otherwise~~
21 ~~designated in accordance with this chapter. Public members~~ member of the

1 Pesticide Advisory Council, ~~except those members serving ex officio~~, shall be
2 appointed for terms of three years, except initially, appointments shall be made
3 such that one member shall serve for a term of one year and one for a term of
4 two years.

5 ~~(c) The Chair of the Council shall be designated by the Governor and serve~~
6 ~~as his or her personal representative and~~ The Council shall select a chair from
7 among its members, and the chair shall coordinate activities on the Council.

8 (d) ~~The functions of the Council are~~ shall:

9 (1) ~~To review~~ Review insect, plant disease, weed, nematode, rodent,
10 noxious wildlife, and other pest control programs within the State and to assess
11 the effect of such programs on human health and comfort, natural resources,
12 water, wildlife, and food and fiber production and, where necessary, make
13 recommendations for greater safety and efficiency.

14 (2) ~~To serve~~ Serve as the advisory group to State agencies having
15 responsibilities for the use of pesticides as well as to other State agencies and
16 departments.

17 (3) ~~To advise~~ Advise the Executive Branch of State government with
18 respect to legislation concerning the use of various pest control measures.

19 (4) ~~To suggest~~ Recommend programs, policies, and legislation for wise
20 and effective pesticide use that lead to an overall reduction in the use of

1 pesticides in Vermont consistent with sound pest or vegetative management
2 practices.

3 (5) ~~To recommend~~ Recommend studies necessary for the performance
4 of its functions as established under this section.

5 (6) ~~To recommend~~ Recommend targets to the General Assembly with
6 respect to the State statutory goal of achieving an overall reduction in the use
7 of pesticides ~~consistent with sound pest or vegetative management practices~~
8 ~~and to measure the State's progress in reaching those targets and attaining that~~
9 ~~goal~~. The targets should be designed to enable evaluation of multiple measures
10 of pesticide usage, use patterns, and associated risks. Targets should take into
11 consideration at a minimum the following:

12 (A) reducing the amount of acreage where pesticides are used;

13 (B) reducing the risks associated with the use of pesticides;

14 (C) increasing the acreage managed by means of integrated pest
15 management techniques;

16 (D) decreasing, within each level of comparable risk, the quantity of
17 pesticides applied per acre; and

18 (E) making recommendations regarding the implementation of other
19 management practices that result in decreased pesticide use.

20 (7) ~~To recommend~~ Recommend to the Secretary and the General
21 Assembly policies, proposed rules, or legislation for the regulation of the use

1 of a treated article when the Council determines that use of the treated article
2 will have a hazardous or long-term deleterious effect on the environment in
3 Vermont, presents a likely risk to human health, or is dangerous. In
4 developing recommendations under this subdivision, the Council shall review:

5 (A) alternatives available to a user of a treated article; and

6 (B) the potential effects on the environment or risks to human health
7 from use of the available alternatives to a treated article.

8 (e) The Council shall meet ~~semiannually, once in the fall and once in the~~
9 ~~spring~~ at least quarterly. Meetings at other times may be called by the
10 Governor, by the Chair, or by a member of the Council. Attendance at Council
11 meetings shall not be required of the commissioners of departments within the
12 Agency of Natural Resources or their designees; however, at least one of these
13 commissioners or the commissioner's designee shall attend each meeting of
14 the Council. The Council's proceedings shall be open to the public and its
15 deliberations shall be recorded and made available to the public, along with its
16 work product.

17 (f) On or before February 1, 2021 and annually thereafter, the Council shall
18 submit to the Senate Committee on Agriculture and the House Committee on
19 Agriculture and Forestry a report regarding the specific actions and activities
20 accomplished by the Council in the previous calendar year to reduce risk to
21 humans and the environment from pesticide use and to reduce the amount of

1 pesticides used within each category of pesticide use in Vermont. The report
2 also shall include all recommendations by the Council to the General
3 Assembly under subdivisions (d)(6) and (7) of this section regarding targets for
4 achieving an overall reduction in the use of pesticides. All recommendations
5 to the General Assembly under subdivisions (d)(6) and (7) of this section shall
6 be publicly posted, noticed for public comment, and posted to and regularly
7 updated on the website of the Agency of Agriculture, Food and Markets.

8 Sec. 4. TRANSITIONAL PROVISION; REVISION OF MEMBERSHIP OF
9 PESTICIDE ADVISORY COUNCIL

10 (a) The terms of the members of the Pesticide Advisory Council
11 established under 6 V.S.A. § 1102 in effect immediately prior to the effective
12 date of Sec. 3 of this act shall expire on July 1, 2020.

13 (b) On or before July 1, 2020, the appointing authorities of the Pesticide
14 Advisory Council set forth in 6 V.S.A. § 1102 as amended in Sec. 3 of this act
15 shall appoint the members of the Pesticide Advisory Council as amended in
16 Sec. 3 of this act, and the terms of those new members shall begin on July 1,
17 2020.

18 Sec. 5. HERBICIDE USE ON FIELD CORN; BEST PRACTICES

19 On or before May 1, 2021, the Secretary of Agriculture, Food and Markets
20 shall develop by procedure best practices in addition to the Vermont
21 Regulations for the Control of Pesticides that farmers using herbicides on field

1 corn should implement to reduce the amount of herbicides used on corn fields
2 and to avoid or mitigate potential harms to public health or the environment.

3 Sec. 6. EFFECTIVE DATES

4 (a) This section and Secs. 1 (chlorpyrifos prohibition) and 4 (transitional
5 provision; Pesticide Advisory Council) shall take effect on passage.

6 (b) All other sections shall take effect July 1, 2020.

7 and that after passage the bill be amended to read: “An act relating to the use
8 and application of pesticides”

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13 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE