

1 Sec. 1. 6 V.S.A. § 1102 is amended to read:

2 § 1102. ~~PESTICIDE ADVISORY COUNCIL~~ REGENERATIVE
3 AGRICULTURE ADVISORY BOARD; ESTABLISHED

4 (a) ~~The Pesticide Advisory Council~~ Regenerative Agriculture Advisory Board
5 is established and attached to the Agency of Agriculture, Food and Markets.
6 ~~Members of the Council, except those public members appointed by the~~
7 ~~Governor, shall be qualified individuals who, by experience and training, are~~
8 ~~knowledgeable in one or more areas associated with pest control. The~~
9 ~~Secretary, or Commissioner as the case may be, shall represent each~~
10 ~~Department or Agency on the Council~~ Board shall consist of:

11 (1) ~~The Department of Fish and Wildlife~~ A member of the farming
12 community that practices regenerative agriculture.

13 (2) ~~The Department of Environmental Conservation~~ A member from the
14 University of Vermont Center for Sustainable Agriculture.

15 (3) ~~The~~ An employee of the Agency of Agriculture, Food and Markets
16 agrichemical program, to be appointed by the Secretary.

17 (4) ~~The Department of Forests, Parks and Recreation~~ An employee of
18 the Agency of Agriculture, Food and Markets water quality program, to be
19 appointed by the Secretary.

20 (5) ~~The Department of Health~~ A certified crop consultant.

1 ~~(6) The Agency of Transportation~~ A member representing the Vermont
2 dairy industry, to be appointed by ?.

3 ~~(7) One physician from the College of Medicine of the University of~~
4 ~~Vermont nominated by its dean~~ A member representing Vermont fruit and
5 vegetable production, to be appointed by ?.

6 ~~(8) One representative in the area of entomology, plant pathology, or~~
7 ~~weed control from the University of Vermont Extension to be named by the~~
8 ~~Director~~ A member knowledgeable in water management in agriculture, to be
9 appointed by ?.

10 ~~(9) One representative in the area of pesticide research from the~~
11 ~~Vermont Agricultural Experiment Station named by the Dean of the College of~~
12 ~~Agriculture and Life Sciences of the University of Vermont~~ A member from an
13 organization involved in land conservation, to be appointed by ?.

14 ~~(10) Two members appointed by the Governor. In choosing these~~
15 ~~members, the Governor shall consider people who have knowledge and~~
16 ~~qualities that could be useful in pursuing the goals and functions of the~~
17 ~~Council. One of these members shall have practical experience in commercial~~
18 ~~agricultural production and shall be appointed in consultation with the~~
19 ~~Secretary.~~ [Repealed.]

20 ~~(b) Each State or university member of the Council shall serve until his or~~
21 ~~her resignation or until his or her successor is appointed or otherwise~~

1 ~~designated in accordance with this chapter. Public members~~ Members of the
2 ~~Pesticide Advisory Council~~ Regenerative Agriculture Advisory Board shall be
3 appointed for terms of three years, except initially, appointments shall be made
4 such that one member shall serve for a term of one year and one for a term of
5 two years.

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

9 (d) The functions of the ~~Council~~ Board are to:

10 (1) ~~To review insect, plant disease, weed, nematode, rodent, noxious~~
11 ~~wildlife, and other pest control programs within the State and to assess the~~
12 ~~effect of such programs on human health and comfort, natural resources, water,~~
13 ~~wildlife, and food and fiber production and, where necessary, make~~
14 ~~recommendations for greater safety and efficiency~~ Recommend farming
15 principles and practices that increase biodiversity, enrich soils, improve
16 watersheds, and enhance ecosystem services. Practices and principals shall
17 include the ability to capture carbon in soil and aboveground biomass,
18 reversing current global trends of atmospheric accumulation, while achieving
19 the goals of increased yields, resilience to climate instability, and higher health
20 and vitality for farming and ranching communities.

1 (2) ~~To serve as the advisory group to State agencies having~~
2 responsibilities for the use of pesticides as well as to other State agencies and
3 departments Recommend practices that reduce reliance on pesticides and
4 fertilizers and build healthy soils.

5 (3) ~~To advise~~ Advise the General Assembly and the Executive Branch
6 of State government with respect to legislation concerning the use of various
7 pest control measures.

8 (4) ~~To suggest~~ Suggest programs, policies, and legislation for ~~wise and~~
9 effective pesticide use that lead to an overall reduction in the use of pesticides
10 in Vermont consistent with sound pest or vegetative management practices
11 incentivizing farms to shift toward more sustainable agricultural practices.

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

14 (6) ~~To recommend targets with respect to the State goal of achieving an~~
15 overall reduction in the use of pesticides consistent with sound pest or
16 vegetative management practices and to measure the State's progress in
17 reaching those targets and attaining that goal. The targets should be designed to
18 enable evaluation of multiple measures of pesticide usage, use patterns, and
19 associated risks. ~~Targets should take into consideration at a minimum the~~
20 following:

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

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

2 ~~(C) increasing the acreage managed by means of integrated pest~~
3 ~~management techniques;~~

4 ~~(D) decreasing, within each level of comparable risk, the quantity of~~
5 ~~pesticides applied per acre; and~~

6 ~~(E) making recommendations regarding the implementation of other~~
7 ~~management practices that result in decreased pesticide use.~~

8 ~~(7)~~ To recommend to the Secretary policies, proposed rules, or
9 legislation for the regulation of the use of a treated article when the Council
10 determines that use of the treated article will have a hazardous or long-term
11 deleterious effect on the environment in Vermont, presents a likely risk to
12 human health, or is dangerous. In developing recommendations under this
13 subdivision, the Council shall review:

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

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

17 ~~(7)~~ Set set standards for a Vermont organic brand that also include
18 health and environmental criteria.

19 (e) The Council Board shall meet ~~semiannually, once in the fall and once in~~
20 ~~the spring~~ at least quarterly. Meetings at other times may be called by the
21 Governor, by the Chair, or by a member of the Council Board. ~~Attendance at~~

1 ~~Council meetings shall not be required of the commissioners of departments~~
2 ~~within the Agency of Natural Resources or their designees; however, at least~~
3 ~~one of these commissioners or the commissioner's designee shall attend each~~
4 ~~meeting of the Council.~~ The Council's proceedings shall be open to the public
5 and its deliberations shall be recorded and made available to the public, along
6 with its work product.

7 Sec. 2. 6 V.S.A. § 1103(a) is amended to read:

8 (a) General authority. The Secretary shall have responsibility for
9 regulating and controlling the sale, use, storage, treatment, and disposal of
10 pesticides and pesticide wastes, in order to promote the public health, safety,
11 and welfare and protect agricultural and natural resources. In the performance
12 of such duties the Secretary shall act upon the advice of the ~~Pesticide Advisory~~
13 ~~Council~~ Regenerative Agriculture Advisory Board, and subject to the approval
14 of the Governor.

15 Sec. 3. 6 V.S.A. § 1104 is amended to read:

16 § 1104. POWERS OF SECRETARY

17 The Secretary in furtherance of the purposes of this chapter may:

18 * * *

19 (6) Require pesticide dealers and applicators to keep records of the sale
20 and use of pesticides deemed particularly toxic or hazardous by the ~~Pesticide~~
21 ~~Advisory Council~~ Regenerative Agriculture Advisory Board, and to have such

1 records available for examination by the Secretary or his or her agents at his or
2 her request; the accounting for kinds and amounts of such economic poisons,
3 to whom sold, and where and when used, and the reporting of incidents
4 resulting from accidental contamination or misapplication of pesticides which
5 present a hazard to humans, animals, or the environment, may be required.

6 * * *

7 (9) Make, adopt, revise, and amend reasonable rules as he or she deems
8 necessary with the advice of the ~~Pesticide Advisory Council~~ Regenerative
9 Agriculture Advisory Board, in order to carry out the provisions of this
10 chapter.

11 * * *

12 Sec. 4. 6 V.S.A. § 1105a is amended to read:

13 § 1105a. TREATED ARTICLES; POWERS OF SECRETARY; BEST
14 MANAGEMENT PRACTICES

15 (a) The Secretary of Agriculture, Food and Markets, upon the
16 recommendation of the ~~Pesticide Advisory Council~~ Regenerative Agriculture
17 Advisory Board, may adopt by rule:

18 (1) best management practices, standards, procedures, and requirements
19 relating to the sale, use, storage, or disposal of treated articles the use of which
20 the ~~Pesticide Advisory Council~~ Regenerative Agriculture Advisory Board has

1 determined will have a hazardous or long-term deleterious effect on the
2 environment, presents a likely risk to human health, or is dangerous;

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

6 (3) requirements for the examination or inspection of treated articles the
7 use of which the ~~Pesticide Advisory Council~~ Regenerative Agriculture
8 Advisory Board has determined will have a hazardous or long-term deleterious
9 effect on the environment, presents a likely risk to human health, or is
10 dangerous;

11 (4) requirements for persons selling treated articles to keep or make
12 available to the Secretary records of sale of treated articles the use of which the
13 ~~Pesticide Advisory Council~~ Regenerative Agriculture Advisory Board has
14 determined will have a hazardous or long-term deleterious effect on the
15 environment, presents a likely risk to human health, or is dangerous; or

16 (5) requirements for reporting of incidents resulting from accidental
17 contamination from or misuse of treated articles the use of which the ~~Pesticide~~
18 ~~Advisory Council~~ Regenerative Agriculture Advisory Board has determined
19 will have a hazardous or long-term deleterious effect on the environment,
20 presents a likely risk to human health, or is dangerous.

1 (b) At least 30 days prior to prefiling a rule authorized under subsection (a)
2 of this section with the Interagency Committee on Administrative Rules under
3 3 V.S.A. § 837, the Secretary shall submit a copy of the draft rule to the Senate
4 Committee on Agriculture and the House Committee on Agriculture and
5 Forestry for review