

H.434

An act relating to establishing the Agricultural Innovation Board

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

Sec. 1. 6 V.S.A. chapter 215, subchapter 7A is amended to read:

Subchapter 7A. ~~Regenerative Farming~~ Regenerative and Innovative
Agriculture

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§ 4964. AGRICULTURAL INNOVATION BOARD

(a) Creation. There is created the Agricultural Innovation Board that shall:

(1) Review and make recommendations for prioritizing and coordinating the implementation of the recommendations of the Soil Health and Payment for Ecosystem Services Working Group, the Vermont Climate Council, and other relevant recommendations.

(2) Recommend practices that reduce the use of and exposure to pesticides and synthetic fertilizers in order to protect soil biology, human health, and environmental health.

(3) Advise the Executive Branch and the General Assembly with respect to legislation concerning the use of agricultural pest control measures and integrated pest management.

(4) Recommend to the Secretary of Agriculture, Food and Markets policies, proposed rules, or legislation for the regulation of the use of treated

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

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

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

(5) Recommend practices to reduce the use and generation of waste associated with plastic in farming.

(6) Incentivize farming practices that are looking to reduce the use and dependence on pesticides in their practices.

(7) Advise the Agency with regard to the regulation of biostimulants.

(8) Recommend studies necessary for the performance of its functions as established under this section.

(9) Explore developing standards for a Vermont Agricultural Marketing program the sets standards for carbon capture, plastics use, and organic product selection.

(b) Organization of the Board.

(1) The Secretary of Agriculture, Food and Markets shall convene the Agricultural Innovation Board. Members of the Board who are not serving in an ex officio capacity shall be appointed by the Secretary of Agriculture, Food

and Markets, and the Secretary shall designate a chair from among the members of the Board. The Agricultural Innovation Board shall consist of the following 14 members:

(A) the Secretary of Agriculture, Food and Markets or designee;

(B) a member of the farming community who practices organic agriculture;

(C) a member from the University of Vermont Center for Sustainable Agriculture;

(D) the Director of the Agency of Agriculture, Food and Markets, Agrichemical Program or designee;

(E) the Director of the Agency of Agriculture, Food and Markets, Water Quality Program or designee;

(F) the Commissioner of Health or designee;

(G) the Secretary of Natural Resources or designee;

(H) a soil biologist or certified crop consultant;

(I) a member of the public representing the dairy industry in Vermont;

(J) a member of the public representing fruit and vegetable production in Vermont;

(K) a member of the public representing grass-based, non-dairy livestock farming in Vermont;

(L) a member of the public knowledgeable in agricultural water management;

(M) a representative from an organization involved in land conservation; and

(N) a representative from an environmental advocacy organization.

(2) Members of the Agricultural Innovation Board shall be appointed for terms of three years, except initially, appointments shall be made such that one member shall serve for a term of one year and one for a term of two years.

Members other than ex officio members shall be allowed to serve not more than three consecutive terms.

(3) Members of the Agricultural Innovation Board other than ex officio members and those compensated for their participation on the Board shall be entitled to per diem compensation authorized under 32 V.S.A. § 1010(b) for each day spent in the performance of their duties, and each member shall be reimbursed for his or her actual and necessary expenses incurred in carrying out his or her duties. These payments shall be made from the Pesticide Monitoring Revolving Fund under 6 V.S.A. § 929.

(c) Powers and Duties of the Board. The Agricultural Innovation Board shall:

(1) issue a report annually to the General Assembly on or before January 15 that recommends policy solutions to assist farmers in:

- (A) reducing the use of and exposure to pesticides; and
- (B) the use of innovative or alternative practices;
- (2) propose an annual budget report that provides ideas for funding sources for any new programs created in the annual report; and
- (3) survey farmers from every county in the State to help better understand the current agricultural landscape, as well as current challenges for farmers in Vermont in order to better inform recommendations to be provided in the annual report required under subdivision (1) of this subsection.

Sec. 2. REPEAL; PESTICIDE ADVISORY COUNCIL

6 V.S.A. § 1102 (Pesticide Advisory Council) is repealed.

Sec. 3. 6 V.S.A. § 1083(a)(5) is amended to read:

(5) Issue or deny permits to any person for the use of larvicides or pupacides for mosquito control in the waters of the State pursuant to procedures adopted under 3 V.S.A. chapter 25. Such procedures shall include provisions regarding an opportunity for public review and comment on permit applications. Persons applying for a permit shall apply on a form provided by the Agency. The Secretary shall seek the advice of the ~~Vermont Pesticide Advisory Council~~ Agricultural Innovation Board when designating acceptable control products and methods for their use, and when adopting or amending procedures for implementing this subsection. Before issuing a permit under this subsection, the Secretary shall find, after consultation with the Secretary of

the Agency of Natural Resources, that there is acceptable risk to the nontarget environment and that there is negligible risk to public health.

Sec. 4. 6 V.S.A. § 1103(a) is amended to read:

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

Sec. 5. 6 V.S.A. § 1104 is amended to read:

§ 1104. POWERS OF SECRETARY

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

* * *

(6) Require pesticide dealers and applicators to keep records of the sale and use of pesticides deemed particularly toxic or hazardous by the ~~Pesticide Advisory Council~~ Agricultural Innovation Board and to have such records available for examination by the Secretary or his or her agents at his or her request; the accounting for kinds and amounts of such economic poisons, to whom sold, and where and when used, and the reporting of incidents resulting

from accidental contamination or misapplication of pesticides ~~which~~ that present a hazard to humans, animals, or the environment, may be required.

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

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

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

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

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

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(3) requirements for the examination or inspection of treated articles the use of which the ~~Pesticide Advisory Council~~ Agricultural Innovation Board

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

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

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

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

Sec. 7. IMPLEMENTATION; TRANSITION

The Secretary of Agriculture, Food and Markets shall appoint those members of the Agricultural Innovation Board under 6 V.S.A. § 4964 on or

before January 1, 2022 so that the Agricultural Innovation Board can fulfill its functions and duties.

Sec. 8. EFFECTIVE DATES

This act shall take effect on January 1, 2022, except that the authority of the Secretary of Agriculture, Food and Markets to appoint members of the Agricultural Innovation Board under 6 V.S.A. § 4964(b)(1) shall take effect on July 1, 2021.