

1 H.434

2 Introduced by Committee on Agriculture and Forestry

3 Date:

4 Subject: Agriculture; pesticides; Agricultural Innovation Board

5 Statement of purpose of bill as introduced: This bill proposes to
6 establish the Agricultural Innovation Board to replace the Pesticide Advisory
7 Council. The Agricultural Innovation Board would make recommendations to
8 the Governor and the General Assembly for prioritizing and coordinating the
9 implementation of the recommendations of the Soil Health and Payment for
10 Ecosystem Services Working Group, the Vermont Climate Council, and other
11 relevant recommendations. The Agricultural Innovation Board would also
12 recommend practices that reduce the use of and exposure to pesticides and
13 synthetic fertilizers in order to protect soil biology, human health, and
14 environmental health. In addition, the Board would advise the Executive
15 Branch and the General Assembly with respect to legislation concerning the
16 use of agricultural pest control measures and integrated pest management.

17 An act relating to establishing the Agricultural Innovation Board

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

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

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

5 * * *

6 § 4964. AGRICULTURAL INNOVATION BOARD

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

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

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

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

18 (4) Recommend to the Secretary of Agriculture, Food and Markets
19 policies, proposed rules, or legislation for the regulation of the use of treated
20 articles when the Board determines that use of a treated article will have a
21 hazardous or long-term deleterious effect on the environment in Vermont,

1 presents a likely risk to human health, or is dangerous. In developing
2 recommendations under this subdivision, the Board shall review:

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

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

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

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

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

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

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

16 (b) Organization of the Board.

17 (1) The Secretary of Agriculture, Food and Markets shall convene the
18 Agricultural Innovation Board. Members of the Board who are not serving in
19 an ex officio capacity shall be appointed by the Secretary of Agriculture, Food
20 and Markets, and the Secretary shall designate a chair from among the

1 members of the Board. The Agricultural Innovation Board shall consist of the
2 following ~~15~~14 members:

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

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

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

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

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

12 (F) the Commissioner of Health or designee;

13 (G) the Secretary of Natural Resources or designee;

14 (H) a soil biologist or certified crop consultant;

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

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

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

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

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

5 (N) a representative from an environmental advocacy organization.

6 (2) Members of the Agricultural Innovation Board shall be appointed
7 for terms of three years, except initially, appointments shall be made such that
8 one member shall serve for a term of one year and one for a term of two years.
9 Members other than ex officio members shall be allowed to serve not more
10 than three consecutive terms.

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

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

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

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

9 Sec. 2. REPEAL; PESTICIDE ADVISORY COUNCIL

10 6 V.S.A. § 1102 (Pesticide Advisory Council) is repealed.

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

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

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

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

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

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

12 § 1104. POWERS OF SECRETARY

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

14 * * *

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

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

3 * * *

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

7 * * *

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

9 § 1105a. TREATED ARTICLES; POWERS OF SECRETARY; BEST
10 MANAGEMENT PRACTICES

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

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

19 * * *

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

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

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

13 (b) At least 30 days prior to prefiling a rule authorized under subsection (a)
14 of this section with the Interagency Committee on Administrative Rules under
15 3 V.S.A. § 837, the Secretary shall submit a copy of the draft rule to the Senate
16 Committee on Agriculture and the House Committee on Agriculture and
17 Forestry for review.

18 Sec. 7. IMPLEMENTATION; TRANSITION

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

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

3 Sec. 8. EFFECTIVE DATES

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