

1 TO THE HONORABLE SENATE:

2 The Committee on Agriculture to which was referred House Bill No. 626
3 entitled “An act relating to the sale, use, or application of neonicotinoid
4 pesticides” respectfully reports that it has considered the same and
5 recommends that the Senate propose to the House that the bill be amended by
6 striking out all after the enacting clause and inserting in lieu thereof the
7 following:

8 Sec. 1. 6 V.S.A. § 1101 is amended to read:

9 § 1101. DEFINITIONS

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

11 (1) “Secretary” shall have the meaning stated in subdivision 911(4) of
12 this title.

13 (2) “Cumulative” when used in reference to a substance means that the
14 substance so designated has been demonstrated to increase twofold or more in
15 concentration if ingested or absorbed by successive life forms.

16 (3) “Dealer or pesticide dealer” means any person who regularly sells
17 pesticides in the course of business, but not including a casual sale.

18 (4) “Economic poison” shall have the meaning stated in subdivision
19 911(5) of this title.

20 (5) “Pest” means any insect, rodent, nematode, fungus, weed, or any
21 other form of terrestrial or aquatic plant or animal life or virus, bacteria, or

1 other microorganisms, which the Secretary declares as being injurious to health
2 or environment. Pest shall not mean any viruses, bacteria, or other
3 microorganisms on or in living humans or other living animals.

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

6 (7) “Treated article” means a pesticide or class of pesticides exempt
7 under 40 C.F.R. § 152.25(a) from regulation under the Federal Insecticide,
8 Fungicide, and Rodenticide Act, 7 U.S.C. § 136-136y.

9 (8) “Neonicotinoid pesticide” means any economic poison containing a
10 chemical belonging to the neonicotinoid class of chemicals.

11 (9) “Neonicotinoid treated article seeds” are treated article seeds that are
12 treated or coated with a neonicotinoid pesticide.

13 Sec. 2. 6 V.S.A. § 1105a is amended to read:

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

16 (a) The Secretary of Agriculture, Food and Markets, upon the
17 recommendation of the Agricultural Innovation Board, may adopt by rule:

18 (1) best management practices (BMPs), standards, procedures, and
19 requirements relating to the sale, use, storage, or disposal of treated articles the
20 use of which the Agricultural Innovation Board has determined will have a

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

10 (4) requirements for persons selling treated articles to keep or make
11 available to the Secretary records of sale of treated articles, and what
12 treatments were received, the use of which the Agricultural Innovation Board
13 has determined will have a hazardous or long-term deleterious effect on the
14 environment, presents a likely risk to human health, or is dangerous; or

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

20 (b) At least 30 days prior to prefiling a rule authorized under subsection (a)
21 or subsection (c) of this section with the Interagency Committee on

1 Administrative Rules under 3 V.S.A. § 837, the Secretary shall submit a copy
2 of the draft rule to the Senate Committee on Agriculture and the House
3 Committee on Agriculture and Forestry for review.

4 (c)(1) Under subsection (a) of this section, the Secretary of Agriculture,
5 Food and Markets, after consultation with the Agricultural Innovation Board,
6 shall adopt by rule BMPs for the use in the State of neonicotinoid treated
7 article seeds. In developing the rules with the Agricultural Innovation Board,
8 the Secretary shall address:

9 (A) establishment of threshold levels of pest pressure required prior
10 to use of neonicotinoid treated article seeds;

11 (B) availability of nontreated article seeds that are not neonicotinoid
12 treated article seeds;

13 (C) economic impact from crop loss as compared to crop yield when
14 neonicotinoid treated article seeds are used;

15 (D) relative toxicities of different neonicotinoid treated article seeds
16 and the effects of neonicotinoid treated article seeds on human health and the
17 environment;

18 (E) surveillance and monitoring techniques for in-field pest pressure;

19 (F) ways to reduce pest harborage from conservation tillage
20 practices; and

1 (G) criteria for a system of approval of neonicotinoid treated article
2 seeds.

3 (2) In implementing the rules required under this subsection, the
4 Secretary of Agriculture, Food and Markets shall work with farmers, seed
5 companies, and other relevant parties to ensure that farmers have access to
6 appropriate varieties and amounts of untreated seed or treated seed that are not
7 neonicotinoid treated article seeds.

8 Sec. 3. 6 V.S.A. § 3036 is added to read:

9 § 3036. MONITORING OF POLLINATOR HEALTH

10 The Secretary of Agriculture, Food and Markets shall monitor managed
11 pollinator health to establish pollinator health benchmarks for Vermont,
12 including:

13 (1) presence of pesticides in hives;

14 (2) mite pressure;

15 (3) disease pressure;

16 (4) mite control methods;

17 (5) genetic influence on survival;

18 (6) winter survival rate; and

19 (7) forage availability.

20 Sec. 4. IMPLEMENTATION; REPORT; RULEMAKING

1 (a) On or before March 1, 2024, the Secretary of Agriculture, Food, and
2 Markets shall submit to the Senate Committee on Agriculture and the House
3 Committee on Agriculture and Forestry a copy of the proposed rules required
4 to be adopted under 6 V.S.A. § 1105a.

5 (b) The Secretary of Agriculture shall not file the final proposal of the rules
6 required by 6 V.S.A. § 1105a under 3 V.S.A. § 841 until at least 90 days from
7 submission of the proposed rules to the General Assembly under subsection (a)
8 of this section or July 1, 2024, which ever shall occur first.

9 Sec. 5. REVIEW AND REPORT ON BMPS FOR TREATED ARTICLE

10 SEEDS

11 On or before February 15, 2023, the Agricultural Innovation Board shall
12 submit to the Senate Committee on Agriculture and the House Committee on
13 Agriculture and Forestry a written report regarding whether best management
14 practices (BMPs) should be adopted for the use of treated article seeds that are
15 not neonicotinoid treated article seeds. The report shall include:

16 (1) a summary of the Agricultural Innovation Board’s review of treated
17 article seeds that are not neonicotinoid treated article seeds, including
18 identification of treated article seeds that may have adverse effects on human
19 health or the environment;

1 (2) a recommendation of whether BMPs for treated article seeds that are
2 not neonicotinoid treated article seeds should be adopted and whether they
3 should be adopted by rule; and

4 (3) proposed BMPs for treated article seeds that are not neonicotinoid
5 treated article seeds.

6 Sec. 6. EFFECTIVE DATE

7 This act shall take effect on July 1, 2022.

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14 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE