

1 TO THE HONORABLE SENATE:

2 The Committee on Agriculture to which was referred House Bill No. 434
3 entitled “An act relating to establishing the Agricultural Innovation Board”
4 respectfully reports that it has considered the same and recommends that the
5 Senate propose to the House that the bill be amended by striking out all after
6 the enacting clause and inserting in lieu thereof the following:

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

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

10 * * *

11 § 4964. AGRICULTURAL INNOVATION BOARD

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

13 (1) Review historic recommendations for pesticide reduction in the State
14 and coordinate with existing work groups to avoid submitting to the General
15 Assembly conflicting policy recommendations on the regulation of pesticides
16 and farming.

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

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

4 (4) Recommend to the Secretary of Agriculture, Food and Markets
5 policies, proposed rules, or legislation for the regulation of the use of treated
6 articles when the Board determines that use of a treated article will have a
7 hazardous or long-term deleterious effect on the environment in Vermont,
8 presents a likely risk to human health, or is dangerous.

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

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

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

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

17 (9) Explore methods and standards for transitioning farmers to
18 alternative practices that reduce pesticide usage.

19 (10) Review the seed traits of a new genetically engineered seed
20 proposed for sale, distribution, or use in the State.

21 (b) Organization of the Board.

1 (1) The Secretary of Agriculture, Food and Markets shall convene the
2 Agricultural Innovation Board. Members of the Board who are not serving in
3 an ex officio capacity shall be appointed by the Secretary of Agriculture, Food
4 and Markets, and the Secretary shall designate a chair from among the
5 members of the Board. The Agricultural Innovation Board shall consist of the
6 following 13 members:

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

8 (B) a member of an organization representing the organic farming
9 community;

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

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

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

16 (F) the Commissioner of Health or designee;

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

18 (H) a certified crop consultant;

19 (I) a member of an organization representing the dairy industry in
20 Vermont;

1 (J) a member of an organization representing fruit and vegetable
2 farmers in Vermont;

3 (K) a member of an organization representing grass-based, non-dairy
4 livestock farming in Vermont;

5 (L) a soil biologist; and

6 (M) a member of an environmental organization that advocates for
7 policy regarding the management or reduction of toxic substances in the State.

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

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

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

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

3 (A) reducing the use of and exposure to pesticides; and

4 (B) the use of innovative or alternative practices;

5 (2) propose an annual budget report that provides ideas for funding
6 sources for any new programs created in the annual report; and

7 (3) survey farmers from every county in the State to help better
8 understand how agricultural inputs, such as pesticides, synthetic fertilizers, and
9 plastics, are currently used, as well as current challenges farmers face in
10 reducing these inputs in order to better inform recommendations to be provided
11 in the annual report required under subdivision (1) of this subsection.

12 (d) Seed Review. Prior to sale, distribution, or use in the State of a new
13 genetically engineered seed, a majority of the Agricultural Innovation Board
14 shall approve of the sale, distribution, or use of the seed. In order to ensure the
15 appropriate use or traits of a new genetically engineered seed in the State, the
16 Agricultural Innovation Board may propose to the Secretary limits or
17 conditions on the sale, distribution, or use of a seed or recommend a limited
18 period of time for sale of the seed.

19 Sec. 2. REPEAL; PESTICIDE ADVISORY COUNCIL

20 6 V.S.A. § 1102 (Pesticide Advisory Council) is repealed.

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

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

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

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

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

2 § 1104. POWERS OF SECRETARY

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

4 * * *

5 (6) Require pesticide dealers and applicators to keep records of the sale
6 and use of pesticides deemed particularly toxic or hazardous by the ~~Pesticide~~
7 ~~Advisory Council~~ Agricultural Innovation Board and to have such records
8 available for examination by the Secretary or his or her agents at his or her
9 request; the accounting for kinds and amounts of such economic poisons, to
10 whom sold, and where and when used, and the reporting of incidents resulting
11 from accidental contamination or misapplication of pesticides ~~which~~ that
12 present a hazard to humans, animals, or the environment, may be required.

13 * * *

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

17 * * *

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

19 § 1105a. TREATED ARTICLES; POWERS OF SECRETARY; BEST

20 MANAGEMENT PRACTICES

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

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

9 * * *

10 (3) requirements for the examination or inspection of treated articles the
11 use of which the ~~Pesticide Advisory Council~~ Agricultural Innovation Board
12 has determined will have a hazardous or long-term deleterious effect on the
13 environment, presents a likely risk to human health, or is dangerous;

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

19 (5) requirements for reporting of incidents resulting from accidental
20 contamination from or misuse of treated articles the use of which the ~~Pesticide~~
21 ~~Advisory Council~~ 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 (b) At least 30 days prior to prefiling a rule authorized under subsection (a)
4 of this section with the Interagency Committee on Administrative Rules under
5 3 V.S.A. § 837, the Secretary shall submit a copy of the draft rule to the Senate
6 Committee on Agriculture and the House Committee on Agriculture and
7 Forestry for review.

8 Sec. 7. 6 V.S.A. § 642 is amended to read:

9 § 642. DUTIES AND AUTHORITY OF THE SECRETARY

10 (a) The Secretary shall enforce and carry out the provisions of this
11 subchapter, including:

12 (1) Sampling, inspecting, making analysis of, and testing seeds subject
13 to the provisions of this subchapter that are transported, sold, or offered or
14 exposed for sale within the State for sowing purposes. The Secretary shall
15 notify promptly a person who sells, offers, or exposes seeds for sale and, if
16 appropriate, the person who labels or transports seeds, of any violation and
17 seizure of the seeds, or order to cease sale of the seeds under section 643 of
18 this title.

19 (2) Making or providing for purity and germination tests of seed for
20 farmers and dealers on request and to fix and collect charges for the tests made.

1 (3) Cooperating with the U.S. Department of Agriculture and other
2 agencies in seed law enforcement.

3 (4) Prior to sale, distribution, or use of a new genetically engineered
4 seed in the State and after consultation with a seed review committee convened
5 under subsection (c) of this section, review the traits of the new genetically
6 engineered seed. The Secretary may prohibit, restrict, condition, or limit the
7 sale, distribution, or use of the seed in the State when determined necessary to
8 prevent an adverse effect on agriculture in the State.

9 (b) The Secretary shall establish rules to carry out the provisions of this
10 subchapter, including those governing the methods of sampling, inspecting,
11 analyzing, testing, and examining seeds and reasonable standards for seed.

12 ~~(c)(1) The Secretary shall convene a seed review committee to review the~~
13 ~~seed traits of a new genetically engineered seed proposed for sale, distribution,~~
14 ~~or use in the State.~~

15 ~~(2) A seed review committee convened under this subsection shall be~~
16 ~~composed of the Secretary of Agriculture, Food and Markets or designee and~~
17 ~~the following members appointed by the Secretary:~~

18 ~~(A) a certified commercial agricultural pesticide applicator;~~

19 ~~(B) an agronomist or relevant crop specialist from the University of~~
20 ~~Vermont or Vermont Technical College;~~

21 ~~(C) a licensed seed dealer; and~~

1 ~~(D) a member of a farming sector affected by the new genetically~~
2 ~~engineered seed.~~

3 ~~(3) A majority of the seed review committee must approve of the sale,~~
4 ~~distribution, or use of a new genetically engineered seed prior to sale,~~
5 ~~distribution, or use in the State. In order to ensure the appropriate use or traits~~
6 ~~of a new genetically engineered seed in the State, a seed review committee~~
7 ~~may propose to the Secretary limits or conditions on the sale, distribution, or~~
8 ~~use of a seed or recommend a limited period of time for sale of the seed.~~

9 ~~[Repealed.]~~

10 Sec. 8. IMPLEMENTATION; TRANSITION

11 The Secretary of Agriculture, Food and Markets shall appoint those
12 members of the Agricultural Innovation Board under 6 V.S.A. § 4964 on or
13 before January 1, 2022 so that the Agricultural Innovation Board can fulfill its
14 functions and duties.

15 Sec. 9. EFFECTIVE DATES

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

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4 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE