

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, including:

11 (A) imidacloprid;

12 (B) nithiazine;

13 (C) acetamiprid;

14 (D) clothianidin;

15 (E) dinotefuran;

16 (F) thiacloprid;

17 (G) thiamethoxam; and

18 (H) any other chemical designated by the Secretary by rule.

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

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

1 § 1105a. TREATED ARTICLES; POWERS OF SECRETARY; BEST  
2 MANAGEMENT PRACTICES

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

5 (1) best management practices (BMPs), standards, procedures, and  
6 requirements relating to the sale, use, storage, or disposal 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 (2) requirements for the response to or corrective actions for exigent  
11 circumstances or contamination from a treated article that presents a threat to  
12 human health or the environment;

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

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

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

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

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

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

18                (B) availability of nontreated article seeds that are not neonicotinoid  
19                treated article seeds;

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

1           (D) relative toxicities of different neonicotinoid treated article seeds  
2           and the effects of neonicotinoid treated article seeds on human health and the  
3           environment;

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

5           (F) ways to reduce pest harborage from conservation tillage  
6           practices; and

7           (G) criteria for a system of approval of neonicotinoid treated article  
8           seeds.

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

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

15          § 3036. MONITORING OF POLLINATOR HEALTH

16          The Secretary of Agriculture, Food and Markets shall monitor managed  
17          pollinator health to establish pollinator health benchmarks for Vermont,

18          including:

19                 (1) presence of pesticides in hives;

20                 (2) mite pressure;

21                 (3) disease pressure;

- 1           (4) mite control methods;
- 2           (5) genetic influence on survival;
- 3           (6) winter survival rate; and
- 4           (7) forage availability.

5           Sec. 4. IMPLEMENTATION; **REPORT**; RULEMAKING

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

10          (b) The Secretary of Agriculture, Food and Markets shall adopt the rules  
11          required under 6 V.S.A. § 1105a for the use of neonicotinoid treated article  
12          seeds on or before July 1, 2024, provided that the Secretary of Agriculture  
13          shall not file the final proposal of rules under 3 V.S.A. § 841 until at least 30  
14          days from submission of the proposed rules to the General Assembly under  
15          subsection (a) of this section.

16          Sec. 5. REVIEW AND REPORT ON BMPS FOR TREATED ARTICLE  
17                  SEEDS

18          On or before January 15, 2023, the Agricultural Innovation Board shall  
19          submit to the Senate Committee on Agriculture and the House Committee on  
20          Agriculture and Forestry a written report regarding whether best management

1 practices (BMPs) should be adopted for the use of treated article seeds that are  
2 not neonicotinoid treated article seeds. The report shall include:

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

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

10 (3) proposed BMPs for treated article seeds that are not neonicotinoid  
11 treated article seeds.

12 Sec. 6. EFFECTIVE DATE

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

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20 (Committee vote: \_\_\_\_\_)

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Senator \_\_\_\_\_

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FOR THE COMMITTEE