

1 TO THE HOUSE OF REPRESENTATIVES:

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

7 Sec. 1. 6 V.S.A. § 1105a is amended to read:

8 § 1105a. TREATED ARTICLES; POWERS OF SECRETARY; BEST
9 MANAGEMENT PRACTICES

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

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

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

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

18 (c)(1) Under subsection (a) of this section, the Secretary of Agriculture,
19 Food and Markets, after consultation with the Agricultural Innovation Board,
20 shall adopt by rule BMPs for the use of treated article seeds in the State. In

1 developing the rules with the Agricultural Innovation Board, the Secretary
2 shall address:

3 (A) establishment of threshold levels of pest pressure required prior
4 to use of treated article seeds;

5 (B) availability of nontreated article seeds;

6 (C) economic impact from crop loss as compared to crop yield when
7 treated article seeds are used;

8 (D) relative toxicities of different treated article seeds and effects of
9 treated article seeds on human health and the environment;

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

11 (F) ways to reduce pest harborage from conservation tillage
12 practices; and

13 (G) criteria for a system of approval of treated article seeds.

14 (2) In implementing the rules required under this subsection, the
15 Secretary of Agriculture, Food and Markets shall work with farmers, seed
16 companies, and other relevant parties to ensure that farmers have access to
17 appropriate varieties and amounts of untreated seed or treated seed that has not
18 been treated with a neonicotinoid pesticide.

19 Sec. 2. 6 V.S.A. § 3036 is added to read:

20 § 3036. MONITORING OF POLLINATOR HEALTH

1 The Secretary of Agriculture, Food and Markets shall monitor managed
2 pollinator health to establish pollinator health benchmarks for Vermont,
3 including:

4 (1) presence of pesticides in hives;

5 (2) mite pressure;

6 (3) disease pressure;

7 (4) mite control methods;

8 (5) genetic influence on survival;

9 (6) winter survival rate; and

10 (7) forage availability.

11 Sec. 3. IMPLEMENTATION; RULEMAKING

12 The Secretary of Agriculture, Food and Markets shall adopt the rules
13 required under 6 V.S.A. § 1105a for the use of treated article seeds on or
14 before July 1, 2024.

15 Sec. 4. AGENCY OF AGRICULTURE, FOOD AND MARKETS;

16 RESIDUALS MANAGEMENT POSITIONS

17 Two new permanent classified positions at the Agency of Agriculture, Food
18 and Markets are authorized in fiscal year 2023 for the purpose of staffing the
19 Agency's Residuals Management Program, supporting the Agricultural
20 Innovation Board, and enforcing and reviewing the use of treated article
21 pesticides in the State. The two positions shall be transferred and converted

1 from existing vacant positions in the Executive Branch. The two positions
2 shall be funded from the revenue raised from the registration of soil
3 amendments under 6 V.S.A. chapter 28 and the registration of dosage form
4 animal health products and feed supplements under 6 V.S.A. chapter 26.

5 Sec. 5. EFFECTIVE DATE

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

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9 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE