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H.706

Introduced by Representatives Chesnut-Tangerman of Middletown Springs,
Anthony of Barre City, Bartholomew of Hartland, Berbeco of
Winooski, Bongartz of Manchester, Buss of Woodstock,
Campbell of St. Johnsbury, Carpenter of Hyde Park, Christie of
Hartford, Cina of Burlington, Cole of Hartford, Cordes of
Lincoln, Dolan of Waitsfield, Headrick of Burlington, Leavitt of
Grand Isle, Logan of Burlington, Masland of Thetford, McGill
of Bridport, Morris of Springfield, Mrowicki of Putney, Nugent
of South Burlington, O'Brien of Tunbridge, Ode of Burlington,
Page of Newport City, Patt of Worcester, Rice of Dorset,
Satcowitz of Randolph, Scheu of Middlebury, Sheldon of
Middlebury, Squirrel of Underhill, Stebbins of Burlington,
Surprenant of Barnard, Templeman of Brownington, Torre of
Moretown, Troiano of Stannard, White of Bethel, and Williams
of Barre City

Referred to Committee on

Date:

Subject: Agriculture; pesticides; neonicotinoid pesticides; prohibition

Statement of purpose of bill as introduced: This bill proposes to prohibit the
sale, offer for sale or use, distribution, or use of any neonicotinoid treated

1 article seed for soybeans or for any crop in the cereal grains crop group. The
2 bill would also prohibit the application or treatment with a neonicotinoid
3 pesticide for multiple other uses.

4 An act relating to banning the use of neonicotinoid pesticides

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

6 Sec. 1. FINDINGS

7 The General Assembly finds that:

8 (1) Wild and managed pollinators are essential to the health and vitality
9 of Vermont's agricultural economy, environment, and ecosystems. According
10 to the Department of Fish and Wildlife (DFW), between 60 and 80 percent of
11 the State's wild plants depend on pollinators to reproduce.

12 (2) Vermont is home to thousands of pollinators, including more than
13 300 native bee species. Many pollinator species are in decline or have
14 disappeared from Vermont, including three bee species that the State lists as
15 endangered. The Vermont Center for Ecostudies and DFW's State of Bees
16 2022 Report concludes that at least 55 of Vermont's native bee species need
17 significant conservation action.

18 (3) Neonicotinoids are a class of neurotoxic, systemic insecticides that
19 are extremely toxic to bees and other pollinators. Neonicotinoids are the most
20 widely used class of insecticides in the world and include imidacloprid,

1 clothianidin, thiamethoxam, acetamiprid, dinotefuran, thiacloprid, and
2 nithiazine.

3 (4) Among other uses, neonicotinoids are commonly applied to crop
4 seeds as a prophylactic treatment. More than 90 percent of neonicotinoids
5 applied to treated seeds move into soil, water, and nontarget plants. According
6 to the Agency of Agriculture, Food and Markets, at least 1197.66 tons of seeds
7 sold in Vermont in 2022 were treated with a neonicotinoid product.

8 (5) Integrated pest management is a pest management technique that
9 protects public health, the environment, and agricultural productivity by
10 prioritizing nonchemical pest management techniques. Under integrated pest
11 management, pesticides are a measure of last resort. According to the
12 European Academies Science Advisory Council, neonicotinoid seed treatments
13 are incompatible with integrated pest management.

14 (6) A 2020 Cornell University report that analyzed more than 1,100
15 peer-reviewed studies found that neonicotinoid corn and soybean seed
16 treatments pose substantial risks to bees and other pollinators but provide no
17 overall net income benefits to farms. DFW similarly recognizes that
18 neonicotinoid use contributes to declining pollinator populations.

19 (7) A 2014 peer-reviewed study conducted by the Harvard School of
20 Public Health and published in the journal Bulletin of Insectology concluded

1 that sublethal exposure to neonicotinoids is likely to be the main culprit for the
2 occurrence of colony collapse disorder in honey bees.

3 (8) A 2020 peer-reviewed study published in the journal Nature
4 Sustainability found that increased neonicotinoid use in the United States
5 between 2008 and 2014 led to statistically significant reductions in bird
6 biodiversity, particularly among insectivorous and grassland birds.

7 (9) A 2022 peer-reviewed study published in the journal Environmental
8 Science and Technology found neonicotinoids in 95 percent of the 171
9 pregnant women who participated in the study. Similarly, a 2019 peer-
10 reviewed study published in the journal Environmental Research found that
11 49.1 percent of the U.S. general population had recently been exposed to
12 neonicotinoids.

13 (10) The European Commission and the provinces of Quebec and
14 Ontario have implemented significant prohibitions on the use of
15 neonicotinoids.

16 (11) The New York General Assembly passed legislation that prohibits
17 the sale or use of corn, soybean, and wheat seed treated with imidacloprid,
18 clothianidin, thiamethoxam, dinotefuran, or acetamiprid. The same legislation
19 prohibits the nonagricultural application of imidacloprid, clothianidin,
20 thiamethoxam, dinotefuran, or acetamiprid to outdoor ornamental plants and
21 turf.

1 Sec. 2. 6 V.S.A. § 1101 is amended to read:

2 § 1101. DEFINITIONS

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

4 (1) “Secretary” ~~shall have~~ has the same meaning stated in subdivision
5 911(4) of this title.

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

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

11 (4) “Economic poison” ~~shall have~~ has the same meaning stated in
12 subdivision 911(5) of this title.

13 (5) “Pest” means any insect, rodent, nematode, fungus, weed, or any
14 other form of terrestrial or aquatic plant or animal life or ~~virus~~ viruses,
15 bacteria, or other microorganisms that the Secretary declares as being injurious
16 to health or environment. “Pest shall” does not mean any viruses, bacteria, or
17 other microorganisms on or in living humans or other living animals.

18 (6) “Pesticide” for the purposes of this chapter ~~shall be~~ is used
19 interchangeably with “economic poison.”

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

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

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

8 (10) “Agricultural commodity” means any food in its raw or natural
9 state, including all fruits or vegetables that are washed, colored, or otherwise
10 treated in their unpeeled natural form prior to marketing.

11 (11) “Agricultural emergency” means an occurrence of any pest that
12 presents an imminent risk of significant harm, injury, or loss to agricultural
13 crops.

14 (12) “Bloom” means the period from the onset of flowering or
15 inflorescence until petal fall is complete.

16 (13) “Crop group” means the groupings of agricultural commodities
17 specified in 40 C.F.R. § 180.41(c) (2023).

18 (14) “Environmental emergency” means an occurrence of any pest that
19 presents a significant risk of harm or injury to the environment, or significant
20 harm, injury, or loss to agricultural crops, including any exotic or foreign pest
21 that may need preventative quarantine measures to avert or prevent that risk, as

1 determined by the Secretary in consultation with the Secretary of Natural
2 Resources.

3 (15) “Ornamental plants” mean perennials, annuals, and groundcover
4 purposefully planted for aesthetic reasons.

5 (16) “Turf” means land planted in closely mowed, managed grasses,
6 including residential and commercial property and publicly owned land, parks,
7 and recreation areas. “Turf” does not include pasture, cropland, land used to
8 grow sod, or any other land used for agricultural production.

9 Sec. 3. 6 V.S.A. § 1105b is added to read:

10 § 1105b. USE AND SALE OF NEONICOTINOID TREATED ARTICLE

11 SEEDS

12 (a) No person shall sell, offer for sale or use, distribute, or use any
13 neonicotinoid treated article seed for soybeans or for any crop in the cereal
14 grains crop group (crop groups 15, 15-22, 16, and 16-22).

15 (b) The Secretary of Natural Resources, in consultation with the Secretary
16 of Agriculture, Food and Markets, may issue a written exemption order to
17 suspend the provisions of subsection (a) of this section. Such written
18 exemption order shall not be valid for more than one year.

19 (c) A written exemption order issued under subsection (b) of this section
20 shall:

1 (1) specify the types of neonicotinoid treated article seeds to which the
2 exemption order applies, the date on which the exemption order takes effect,
3 the exemption order’s duration, and the exemption order’s geographic scope;

4 (2) provide a detailed evaluation of the agricultural seed market,
5 including a determination either that the purchase of seeds that comply with
6 subsection (a) of this section would cause agricultural producers undue
7 financial hardship or that there is an insufficient amount of commercially
8 available seed not treated with neonicotinoid pesticides to supply agricultural
9 producers; and

10 (3) provide a detailed evaluation of the exemption order’s anticipated
11 effect on pollinator populations, bird populations, ecosystem health, and public
12 health, including a determination that the exemption order will not cause undue
13 harm to pollinator populations, bird populations, ecosystem health, and public
14 health.

15 (d) A written exemption order issued under subsection (b) of this section
16 may:

17 (1) establish restrictions related to the use of neonicotinoid treated
18 article seeds to which the exemption order applies to minimize harm to
19 pollinator populations, bird populations, ecosystem health, and public health;

20 or

1 (2) establish other restrictions related to the use of neonicotinoid treated
2 article seeds to which the exemption order applies that the Secretary of Natural
3 Resources considers necessary.

4 (e) Upon issuing a written exemption order under subsection (b) of this
5 section, the Secretary of Natural Resources shall submit a copy of the
6 exemption order to the Senate Committees on Natural Resources and Energy
7 and on Agriculture; the House Committees on Environment and Energy and on
8 Agriculture, Food Resiliency, and Forestry; and the Agricultural Innovation
9 Board.

10 (f) The Secretary of Natural Resources, in consultation with the Secretary
11 of Agriculture, Food and Markets, may rescind a written exemption order
12 issued under subsection (b) of this section at any time. Such rescission shall
13 come into effect not sooner than 30 days after its issuance and shall not apply
14 to neonicotinoid treated article seeds planted or sown before such rescission
15 comes into effect.

16 Sec. 4. 6 V.S.A. § 1105c is added to read:

17 § 1105c. NEONICOTINOID PESTICIDES; PROHIBITED USES

18 (a) The following uses of neonicotinoid pesticides are prohibited:

19 (1) the outdoor application of neonicotinoid pesticides to any crop
20 during bloom;

1 (2) the outdoor application of neonicotinoid pesticides to any crop
2 between heading or tassel emergence and harvest;

3 (3) the outdoor application of neonicotinoid pesticides to crops in the
4 leafy vegetables, brassica, bulb vegetables, herbs and spices, and stalk, stem,
5 and leaf petiole vegetables crop groups (crop groups 3, 3-07, 4, 4-16, 5, 5-16,
6 19, 22, 25, and 26) harvested after bloom;

7 (4) the application of neonicotinoid pesticides to ornamental plants; and

8 (5) the application of neonicotinoid pesticides to turf grass.

9 (b) The Secretary of Natural Resources, in consultation with the Secretary
10 of Agriculture, Food and Markets, may issue a written exemption order to
11 suspend the provisions of subsection (a) of this section. Such written
12 exemption order shall not be valid for more than one year.

13 (c) A written exemption order issued under subsection (b) of this section
14 shall:

15 (1) specify the neonicotinoid pesticides, uses, and crops to which the
16 exemption order applies; the date on which the exemption order takes effect;
17 the exemption order's duration; and the exemption order's geographic scope;

18 (2) provide a detailed evaluation determining that an agricultural
19 emergency or an environmental emergency exists;

20 (3) provide a detailed evaluation of reasonable responses available to
21 address the agricultural emergency or the environmental emergency, including

1 a determination that the use of the neonicotinoid pesticides to which the
2 exemption order applies would be effective in addressing the emergency and a
3 determination that there is no other less harmful pesticide or pest management
4 practice that would be effective in addressing the emergency; and

5 (4) provide a detailed evaluation of the exemption order's anticipated
6 effects on pollinator populations, bird populations, ecosystem health, and
7 public health, including a determination that the exemption order will not
8 cause undue harm to pollinator population, bird populations, ecosystem health,
9 and public health.

10 (d) A written exemption order issued under subsection (b) of this section
11 may:

12 (1) establish restrictions related to the use of neonicotinoid pesticides to
13 which the exemption order applies to minimize harm to pollinator populations,
14 bird populations, ecosystem health, and public health; or

15 (2) establish other restrictions related to the use of neonicotinoid
16 pesticides to which the exemption order applies that the Secretary of Natural
17 Resources considers necessary.

18 (e) Upon issuing a written exemption order under subsection (b) of this
19 section, the Secretary of Natural Resources shall submit a copy of the
20 exemption order to the Senate Committees on Natural Resources and Energy
21 and on Agriculture, the House Committees on Environment and Energy and on

1 Agriculture, Food Resiliency, and Forestry; and the Agricultural Innovation
2 Board.

3 (f) The Secretary of Natural Resources, in consultation with the Secretary
4 of Agriculture, Food and Markets, may rescind any written exemption order
5 issued under subsection (b) of this section at any time. Such rescission shall
6 come into effect not sooner than 15 days after its issuance.

7 Sec. 5. 6 V.S.A. § 918 is amended to read:

8 § 918. REGISTRATION

9 (a) Every economic poison that is distributed, sold, or offered for sale
10 within this State or delivered for transportation or transported in intrastate
11 commerce or between points within this State through any point outside this
12 State shall be registered in the Office of the Secretary, and such registration
13 shall be renewed annually, provided that products that have the same formula
14 are manufactured by the same person, the labeling of which contains the same
15 claims, and the labels of which bear a designation identifying the product as
16 the same economic poison may be registered as a single economic poison, and
17 additional names and labels shall be added by supplemental statements during
18 the current period of registration. It is further provided that any economic
19 poison imported into this State, which is subject to the provisions of any
20 federal act providing for the registration of economic poisons and that has been
21 duly registered under the provisions of this chapter, may, in the discretion of

1 the Secretary, be exempted from registration under this chapter when sold or
2 distributed in the unbroken immediate container in which it was originally
3 shipped. The registrant shall file with the Secretary a statement including:

4 * * *

5 (f) The Secretary shall register as a restricted use pesticide any
6 neonicotinoid pesticide labeled as approved for outdoor use that is distributed,
7 sold, sold into, or offered for sale within the State or delivered for
8 transportation or transported in intrastate commerce or between points within
9 this State through any point outside this State, provided that the Secretary shall
10 not register the following products as restricted use pesticides unless classified
11 under federal law as restricted use products:

12 (1) pet care products used for preventing, destroying, repelling, or
13 mitigating fleas, mites, ticks, heartworms, or other insects or organisms;

14 (2) personal care products used for preventing, destroying, repelling, or
15 mitigating lice or bedbugs; and

16 (3) indoor pest control products used for preventing, destroying,
17 repelling, or mitigating insects indoors; ~~and~~

18 ~~(4) treated article seed.~~

1 Sec. 6. 6 V.S.A. § 912 is amended to read:

2 § 912. ADMINISTRATION

3 ~~Jurisdiction~~ Unless otherwise provided by statute, jurisdiction in all matters
4 pertaining to the distribution, sale, and transportation of economic poisons is
5 by this chapter vested exclusively in the Secretary.

6 Sec. 7. 6 V.S.A. § 1103(a) is amended to read:

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

14 Sec. 8. REPEAL; BEST MANAGEMENT PRACTICES; NEONICOTINOID
15 TREATED ARTICLE SEEDS

16 6 V.S.A. § 1105a(c) and any rules adopted under that subsection regarding
17 the best management practices for use of neonicotinoid treated article seeds
18 shall be repealed on January 1, 2027.

19 Sec. 9. EFFECTIVE DATES

20 (a) This section and Secs. 1 (findings), 2 (definitions), 5 (registration), and
21 8 (prospective repeal of BMP rules) shall take effect on passage.

- 1 (b) Sec. 4 (prohibited use; neonicotinoid pesticides) and Secs. 6 and 7
2 (authority of the Secretary of Agriculture, Food and Markets) shall take effect
3 on July 1, 2025.
- 4 (c) Sec. 3 (treated article seed) shall take effect on January 1, 2027.