

1 H.877

2 Introduced by Committee on Agriculture, Food Resiliency, and Forestry

3 Date:

4 Subject: Agriculture; water quality; weights and measures; pesticide  
5 certification; fertilizer

6 Statement of purpose of bill as introduced: This bill proposes to make  
7 multiple miscellaneous changes to agricultural statutes. The bill would amend  
8 eligibility requirements for the Farm Agronomic Practices Program. The bill  
9 would adopt additional national standards under the weights and measures  
10 standards. In addition, the bill would amend how training can be provided for  
11 certified pesticide applicators. The bill would also amend provisions related to  
12 mosquito control and provisions related to the regulation of fertilizer, limes,  
13 plant amendment, plant biostimulants, and soil amendments.

14 An act relating to miscellaneous agricultural subjects

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

16 \* \* \* Agricultural Water Quality \* \* \*

17 Sec. 1. 6 V.S.A. § 4832 is amended to read:

18 § 4832. FARM AGRONOMIC PRACTICES PROGRAM

1           The Farm Agronomic Practices Program is created in the Agency of  
2           Agriculture, Food and Markets to ~~provide the farms of Vermont with State~~  
3           ~~financial assistance for the implementation, including through education,~~  
4           ~~training, or instruction, of soil-based practices that improve soil quality and~~  
5           ~~nutrient retention, increase crop production, minimize erosion potential, and~~  
6           ~~reduce agricultural waste discharges. The following practices may be eligible~~  
7           ~~for assistance to farms under the Grant Program~~ promote soil-based practices  
8           that improve soil quality and nutrient retention, increase crop production,  
9           minimize erosion potential, and reduce agricultural waste discharges.  
10          Financial assistance for related education, training, or instruction may be  
11          available under the Program to Vermont farms, agricultural service providers,  
12          and agricultural nonprofit organizations. Vermont farms may also receive  
13          financial assistance for the following eligible practices:

- 14           (1) conservation crop rotation;
- 15           (2) cover cropping;
- 16           (3) strip cropping;
- 17           (4) cross-slope tillage;
- 18           (5) zone or no-tillage;
- 19           (6) pre-sidedress nitrate tests; and

1           (7) additional soil-based practices that improve soil quality and nutrient  
2 retention, increase crop production, minimize erosion potential, and reduce  
3 agricultural waste discharges.

4   \* \* \* Weights and Measures \* \* \*

5           Sec. 2. 9 V.S.A. § 2633 is amended to read:

6           § 2633. SPECIFIC POWERS AND DUTIES OF SECRETARY;

7   REGULATIONS RULES

8           (a) The Secretary shall issue from time to time reasonable ~~regulations~~ rules  
9 for the enforcement of this chapter, which ~~regulations~~ rules shall have the  
10 force and effect of law. ~~These regulations~~ The rules may include (1) standards  
11 of net weight, measure, or count, and reasonable standards of fill, for any  
12 commodity in package form, (2) rules governing the technical and reporting  
13 procedures to be followed and the report and record forms and marks of  
14 approval and rejection to be used by inspectors of weights and measures in the  
15 discharge of their official duties, (3) exemptions from the sealing or marking  
16 requirements of section 2639 of this title with respect to weights and measures  
17 of such character or size that such sealing or marking would be inappropriate,  
18 impracticable, or damaging to the apparatus in question. ~~These regulations~~  
19 rules shall include specifications, tolerances, and other technical requirements  
20 for weights and measures of the character of those specified in section 2635 of  
21 this title, designed to eliminate from use, without prejudice to apparatus that

1 conforms as closely as practicable to the official standards, those (1) that are  
2 not accurate, (2) that are of such construction that they are faulty<sup>2</sup>, that is, that  
3 are not reasonably permanent in their adjustment or will not repeat their  
4 indications correctly<sup>2</sup>, or (3) that facilitate the perpetration of fraud.

5 (b) The specifications, tolerances, and other technical requirements for  
6 commercial, law enforcement, data gathering, and other weighing and  
7 measuring devices, as adopted by the National Conference on Weights and  
8 Measures and published in National Institute of Standards and Technology  
9 Handbook 44, “Specifications, Tolerances, and other Technical Requirements  
10 for Weighing and Measuring Devices,” and supplements thereto, or revisions  
11 thereof, shall apply to weighing and measuring devices in the State, except  
12 insofar as modified or rejected by regulation.

13 (c) The uniform regulation for packaging and labeling, the uniform  
14 regulation for unit pricing, the uniform regulation for national type evaluation,  
15 and the uniform regulation for the method of sale of commodities, except for  
16 bread, as adopted by the National Conference on Weights and Measures, and  
17 published by the National Institute of Standards and Technology Handbook  
18 130, “Uniform Laws and Regulations,” together with amendments,  
19 supplements, and revisions thereto, are adopted as part of this chapter except  
20 as modified or rejected by ~~regulation~~ rule.

21 \* \* \* Contagious Diseases and Animal Movement \* \* \*

1 Sec. 3. 6 V.S.A. § 1459 is amended to read:

2 § 1459. DEFINITIONS

3 As used in this chapter:

4 (1) “Commercial slaughter facility” ~~shall have~~ has the same meaning as  
5 “commercial slaughterhouse” set forth in section 3302 of this title.

6 (2) “Livestock” ~~shall have~~ has the same meaning as set forth in section  
7 ~~3302~~ 761 of this title.

8 (3) “Offloaded” means removed or otherwise taken off or away from  
9 the conveyance of transport.

10 (4) “Poultry” ~~shall have the same meaning as set forth in section 3302~~  
11 ~~of this title~~ means any domesticated bird.

12 (5) “Reactor” means livestock or poultry that test positive to a test  
13 required under this chapter.

14 (6) “Suspect” means livestock or poultry that are tested under a  
15 requirement in this chapter and are not classified as testing positive or  
16 negative.

17 \* \* \* Pesticide Application \* \* \*

18 Sec. 4. 6 V.S.A. § 1112 is amended to read:

19 § 1112. LICENSING PESTICIDE APPLICATORS; PESTICIDE

20 COMPANIES; DEALERS

1 (a) The Secretary may adopt rules requiring persons selling Class A and B  
2 pesticides to be licensed under this chapter. In addition, the Secretary may  
3 adopt rules requiring companies that hire applicators or conduct pesticide  
4 applications to be licensed and applicators who use pesticides to be certified  
5 under this chapter. The Secretary may establish reasonable requirements for  
6 obtaining licenses and certificates. The fees for dealers, licensed companies,  
7 and applicator certificates under this chapter shall be as follows:

8 (1) Class A Dealer License—\$50.00;

9 (2) Class B Dealer License—\$50.00;

10 (3) Pesticide Company License—\$75.00;

11 (4) Commercial and Noncommercial Applicator Certification fee—  
12 \$30.00 per category or subcategory with a maximum of \$120.00;

13 (5) second and third time examination fee for dealer licenses and  
14 applicator certification—\$25.00;

15 (6) Private Applicator—\$25.00; and

16 (7) State Government, Municipal, and Public Education Institution  
17 Applicators—\$30.00.

18 (b) All license and certification fees shall be for one year or any part  
19 thereof for each dealer, licensed pesticide applicator company, or certified  
20 commercial and noncommercial applicator. The license and certification  
21 period shall be January 1 to December 31.

1 (c) Notwithstanding the fees provided in subsection (a) of this section, the  
2 Secretary shall exempt the federal government and its agencies and  
3 instrumentalities from license and certification fees.

4 ~~(d) The Secretary may charge an additional fee to applicants who prefer to  
5 utilize an electronic or alternate testing service for their pesticide certification  
6 or licensing examinations. The Secretary may contract with a vendor to  
7 administer examinations and may charge applicants a fee that is reasonably  
8 related to the cost of the contracted services. The Secretary shall continue to  
9 administer in-person examinations that do not include any additional fee for an  
10 electronic or alternate testing service.~~

*(d) The Secretary may charge a fee of up to \$75.00 to applicants who  
prefer to utilize an electronic or alternate testing service for their pesticide  
certification or licensing examinations. The Secretary may contract with a  
vendor to administer examinations. The Secretary shall continue to administer  
in-person examinations that do not include any additional fee for an electronic  
or alternate testing service.*

*Sec. 4a. REPORT ON FEE FOR ELECTRONIC PESTICIDE*

*CERTIFICATION*

*On or before December 15, 2024, the Secretary of Agriculture, Food and  
Markets shall submit to the House Committee on Ways and Means and the  
Senate Committee on Finance a proposed fee for the electronic administration*

*of pesticide certification examinations based on the costs of the contract that  
the Secretary enters with a vendor for the administration of the examinations.*

1   \* \* \* Fertilizer and Lime \* \* \*

2       Sec. 5. 6 V.S.A. § 361 is amended to read:

3       § 361. TITLE

4             This chapter shall be known as the “Fertilizer ~~and~~, Lime, Plant Amendment,  
5       Plant Biostimulant, and Soil Amendment Law ~~of 1986.~~”

6       Sec. 6. 6 V.S.A. § 363(3) is amended to read:

7             (3) “Distribute” means to import, consign, manufacture, produce,  
8       compound, mix, ~~or~~ blend fertilizer ~~or to~~, offer for sale, sell, barter, or  
9       otherwise supply a fertilizer, a plant amendment, a plant biostimulant, a soil  
10      amendment, or lime in this State through any means, including sales outlets,  
11      catalogues, the telephone, the internet, or any electronic means. ~~“Distribute”~~  
12      ~~shall include online sales.~~

13      Sec. 7. 6 V.S.A. § 365(c) is amended to read:

14             (c) If the Secretary finds that a requirement for expressing calcium and  
15      magnesium in elemental form would not impose an economic hardship on  
16      distributors and users of agricultural liming materials by reason of conflicting  
17      label requirements among states, ~~he or she~~ the Secretary may require by rule  
18      that the minimum percent of calcium oxide and magnesium oxide or calcium



1 carbonate and magnesium carbonate, or both, shall be expressed in the  
2 following terms:

3 \* \* \*

4 Sec. 8. 6 V.S.A. § 375 is amended to read:

5 § 375. CANCELLATION OF REGISTRATION

6 The Secretary is authorized to cancel or suspend the registration of any  
7 fertilizer, plant amendment, plant biostimulant, soil amendment, or lime or  
8 refuse a registration application if ~~he or she finds that~~ the provisions of this  
9 chapter or the rules adopted under this chapter have been violated, provided  
10 that no registration shall be revoked or refused without a hearing before the  
11 Secretary.

12 Sec. 9. 6 V.S.A. § 376(a) is amended to read:

13 (a) Withdrawal from distribution orders. When the Secretary has  
14 reasonable cause to believe any lot of fertilizer, plant amendment, plant  
15 biostimulant, soil amendment, or lime is being distributed in violation of any  
16 of the provisions of this chapter or any of the rules under this chapter, ~~he or~~  
17 ~~she~~ the Secretary may issue and enforce a written or printed “withdrawal from  
18 distribution” order, warning the distributor not to dispose of the lot of  
19 fertilizer, plant amendment, plant biostimulant, soil amendment, or lime in any  
20 manner until written permission is given by the Secretary or the court. The  
21 Secretary shall release the lot of fertilizer, plant amendment, plant

1 biostimulant, soil amendment, or lime withdrawn when this chapter and rules  
2 have been complied with. If compliance is not obtained within 30 days, the  
3 Secretary may begin, or upon request of the distributor or registrant shall  
4 begin, proceedings for condemnation.

5 \* \* \* Effective Date \* \* \*

6 Sec. 10. EFFECTIVE DATE

7 This act shall take effect on July 1, 2024.