

1 TO THE HONORABLE SENATE:

2 The Committee on Agriculture to which was referred House Bill No. 706  
3 entitled “An act relating to banning the use of neonicotinoid pesticides”  
4 respectfully reports that it has considered the same and recommends that the  
5 Senate propose to the House that the bill be amended as follows:

6 First: In Sec. 2, 6 V.S.A. § 1101, in subdivision (14), after “loss to  
7 agricultural crops” and before “, including any exotic” by striking out “or turf”  
8 and by striking out subdivision 16 (definition of “turf”) in its entirety

9 Second: By striking out Secs. 3 and 4 in their entirety and inserting in lieu  
10 thereof new Secs. 3 and 4 to read as follows:

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

12 § 1105b. USE AND SALE OF NEONICOTINOID TREATED ARTICLE

13 SEEDS

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

17 (b) The Secretary of Agriculture, Food and Markets, after consultation with  
18 the Secretary of Natural Resources, may issue a written exemption order to  
19 suspend the provisions of subsection (a) of this section, only if the following  
20 conditions are met:

1           (1) the person seeking the exemption order shall complete an integrated  
2 pest management training, provided by the Secretary or an approved third  
3 party;

4           (2) the person seeking the exemption order shall complete a pest risk  
5 assessment and submit a pest risk assessment report to the Secretary;

6           (3) any seeds authorized for use under the exemption order shall be  
7 planted only on the property or properties identified in the pest risk assessment  
8 report; and

9           (4) the persons seeking the exemption order shall maintain current  
10 records of the pest risk assessment report and records of when treated seeds are  
11 planted, both of which shall be subject to review upon request by the Secretary.

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

14           (1) not be valid for more than one year; and

15           (2) specify the types of neonicotinoid treated article seeds to which the  
16 exemption order applies, the date on which the exemption order takes effect,  
17 and the exemption order's duration.

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

20           (1) establish restrictions related to the use of neonicotinoid treated  
21 article seeds to which the exemption order applies to minimize harm to

1 pollinator populations, bird populations, ecosystem health, and public health;

2 and

3 (2) establish other restrictions related to the use of neonicotinoid treated  
4 article seeds to which the exemption order applies that the Secretary of  
5 Agriculture, Food and Markets considers necessary.

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

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

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

20 § 1105c. NEONICOTINOID PESTICIDES; PROHIBITED USES

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

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

3           (2) the outdoor application of neonicotinoid pesticides to soybeans or  
4           any crop in the cereal grains crop group (crop groups 15, 15-22, 16, and 16-  
5           22);

6           (3) the outdoor application of neonicotinoid pesticides to crops in the  
7           leafy vegetables; brassica; bulb vegetables; herbs and spices; and stalk, stem,  
8           and leaf petiole vegetables crop groups (crop groups 3, 3-07, 4, 4-16, 5, 5-16,  
9           19, 22, 25, and 26) harvested after bloom; and

10           (4) the application of neonicotinoid pesticides to ornamental plants.

11           (b) The Secretary of Agriculture, Food and Markets, after consultation with  
12           the Secretary of Natural Resources, may issue a written exemption order to  
13           suspend the provisions of subsection (a) of this section if the Secretary  
14           determines that:

15           (1) a valid environmental emergency or agricultural emergency exists;

16           (2) the pesticide would be effective in addressing the environmental  
17           emergency or the agricultural emergency; and

18           (3) no other, less harmful pesticide or pest management practice would  
19           be effective in addressing the environmental emergency or the agricultural  
20           emergency.

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

3           (1) not be valid for more than one year;

4           (2) specify the neonicotinoid pesticides, uses, and crops, plants, or turf  
5       to which the exemption order applies; the date on which the exemption order  
6       takes effect; the exemption order’s duration; and the exemption order’s  
7       geographic scope, which may include specific farms, fields, or properties; and

8           (3) provide a detailed evaluation determining that an agricultural  
9       emergency or an environmental emergency exists.

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  
17       Agriculture, Food and Markets considers necessary.

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

1 Energy and on Agriculture, Food Resiliency, and Forestry; and the  
2 Agricultural Innovation Board. The General Assembly shall post the written  
3 exemption order to the website of the General Assembly.

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

8 Third: By striking out Sec. 8, effective dates, in its entirety and inserting in  
9 lieu thereof a new Sec. 8 and a Sec. 9 to read as follows:

10 Sec. 8. CONTINGENT REPEAL

11 (a) 6 V.S.A. §1105b (use and sale of neonicotinoid treated article seeds;  
12 prohibition) shall be repealed if the prohibition on the use of neonicotinoid  
13 treated article seed in New York under N.Y. Environmental Conservation Law  
14 § 37-1101(1) is repealed.

15 (b) 6 V.S.A. § 1105c (neonicotinoid pesticides; prohibited uses) shall be  
16 repealed if the prohibition on the use of neonicotinoid pesticides on ornamental  
17 plants in New York under N.Y. Environmental Conservation Law § 37-  
18 1101(2) is repealed.

