

1 H.877

2 An act relating to miscellaneous agricultural subjects

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

4 * * * Agricultural Water Quality * * *

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

6 § 4832. FARM AGRONOMIC PRACTICES PROGRAM

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

20 (1) conservation crop rotation;

21 (2) cover cropping;

- 1 (3) strip cropping;
- 2 (4) cross-slope tillage;
- 3 (5) zone or no-tillage;
- 4 (6) pre-sidedress nitrate tests; and
- 5 (7) additional soil-based practices that improve soil quality and nutrient
- 6 retention, increase crop production, minimize erosion potential, and reduce
- 7 agricultural waste discharges.

8 * * * Weights and Measures * * *

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

10 § 2633. SPECIFIC POWERS AND DUTIES OF SECRETARY;

11 REGULATIONS RULES

12 (a) The Secretary shall issue from time to time reasonable ~~regulations~~ rules

13 for the enforcement of this chapter, which ~~regulations~~ rules shall have the force

14 and effect of law. ~~These regulations~~ The rules may include (1) standards of net

15 weight, measure, or count, and reasonable standards of fill, for any commodity

16 in package form, (2) rules governing the technical and reporting procedures to

17 be followed and the report and record forms and marks of approval and

18 rejection to be used by inspectors of weights and measures in the discharge of

19 their official duties, (3) exemptions from the sealing or marking requirements

20 of section 2639 of this title with respect to weights and measures of such

21 character or size that such sealing or marking would be inappropriate,

1 impracticable, or damaging to the apparatus in question. These ~~regulations~~
2 rules shall include specifications, tolerances, and other technical requirements
3 for weights and measures of the character of those specified in section 2635 of
4 this title, designed to eliminate from use, without prejudice to apparatus that
5 conforms as closely as practicable to the official standards, those (1) that are
6 not accurate, (2) that are of such construction that they are faulty², that is, that
7 are not reasonably permanent in their adjustment or will not repeat their
8 indications correctly², or (3) that facilitate the perpetration of fraud.

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

17 (c) The uniform regulation for packaging and labeling, the uniform
18 regulation for unit pricing, the uniform regulation for national type evaluation,
19 and the uniform regulation for the method of sale of commodities, except for
20 bread, as adopted by the National Conference on Weights and Measures, and
21 published by the National Institute of Standards and Technology Handbook

1 130, “Uniform Laws and Regulations,” together with amendments,
2 supplements, and revisions thereto, are adopted as part of this chapter except as
3 modified or rejected by ~~regulation~~ rule.

4 * * * Contagious Diseases and Animal Movement * * *

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

6 § 1459. DEFINITIONS

7 As used in this chapter:

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

10 (2) “Livestock” ~~shall have~~ has the same meaning as set forth in section
11 ~~3302~~ 761 of this title.

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

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

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

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

* * * Pesticide Application * * *

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

§ 1112. LICENSING PESTICIDE APPLICATORS; PESTICIDE
COMPANIES; DEALERS

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

(1) Class A Dealer License—\$50.00;

(2) Class B Dealer License—\$50.00;

(3) Pesticide Company License—\$75.00;

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

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

(6) Private Applicator—\$25.00; and

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

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

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

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

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

15 CERTIFICATION

16 On or before December 15, 2024, the Secretary of Agriculture, Food and
17 Markets shall submit to the House Committee on Ways and Means and the
18 Senate Committee on Finance a proposed fee for the electronic administration
19 of pesticide certification examinations based on the costs of the contract that
20 the Secretary enters with a vendor for the administration of the examinations.

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

2 § 375. CANCELLATION OF REGISTRATION

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

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

10 (a) Withdrawal from distribution orders. When the Secretary has
11 reasonable cause to believe any lot of fertilizer, plant amendment, plant
12 biostimulant, soil amendment, or lime is being distributed in violation of any
13 of the provisions of this chapter or any of the rules under this chapter, ~~he or she~~
14 the Secretary may issue and enforce a written or printed “withdrawal from
15 distribution” order, warning the distributor not to dispose of the lot of fertilizer,
16 plant amendment, plant biostimulant, soil amendment, or lime in any manner
17 until written permission is given by the Secretary or the court. The Secretary
18 shall release the lot of fertilizer, plant amendment, plant biostimulant, soil
19 amendment, or lime withdrawn when this chapter and rules have been
20 complied with. If compliance is not obtained within 30 days, the Secretary

