

H.758

Introduced by Representative Satcowitz of Randolph

Referred to Committee on

Date:

Subject: Agriculture; fish and wildlife; rodenticides

Statement of purpose of bill as introduced: This bill proposes to prohibit the use by any person of first- and second-generation anticoagulant rodenticides and all nonanticoagulant rodenticides in the State, including use by commercial applicators. The bill also would ban the sale, including internet sales, of first- and second-generation anticoagulant rodenticides and all nonanticoagulant rodenticides in the State. This bill also would authorize exemptions to these prohibitions when needed to control pests for an agricultural emergency, environmental emergency, or significant public health risk when no other pest control method would be effective.

An act relating to banning the use of rodenticides

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

Sec. 1. FINDINGS

The General Assembly finds that:

1 (1) Between 2017 and 2021, the Centers for Disease Control and
2 Prevention reported 40,808 poisonings of humans from rodenticides, most of
3 whom were children under five years of age.

4 (2) In 2024, the American Society for the Prevention of Cruelty to
5 Animals' Animal Poison Control Center reported that 31,570 domestic animals
6 in the United States suffered rodenticide poisoning, and that first-generation,
7 second-generation, and nonanticoagulant rodenticides were the seventh most
8 common toxin poisoning domestic animals.

9 (3) Wildlife such as raptors, fishers, foxes, coyotes, bobcats, and lynx
10 help regulate and control rodent populations and are essential to Vermont's
11 ecosystems. From 2018 through 2022, the Vermont Department of Fish and
12 Wildlife tested fisher carcasses for rodenticide exposure and all had exposure
13 to at least one or more rodenticides. From 2021 through 2022, the Department
14 tested bobcat carcasses and found anticoagulant rodenticide exposure in 21 out
15 of 29 carcasses tested.

16 (4) Components of rodenticides can bioaccumulate in fish and wildlife,
17 aggregately and indirectly affecting species that are not the target of the
18 rodenticides.

19 (5) First- and second-generation anticoagulant rodenticides and
20 nonanticoagulant rodenticides can poison, harm, and kill rodents' natural

1 predators, thereby counteracting the regulation and control that natural
2 predators of rodents provide.

3 (6) The State of Vermont holds fish and wildlife in the State in trust for
4 the benefit of the citizens of Vermont pursuant to 10 V.S.A. § 4081.

5 Sec. 2. 6 V.S.A. § 911 is amended to read:

6 § 911. DEFINITIONS

7 As used in this chapter:

8 * * *

9 (4) “Secretary” means the Secretary of Agriculture, Food and Markets.

10 (5) “Economic poison” means:

11 (A) any substance produced, distributed, or used for preventing,
12 destroying, or repelling any insects, rodents, nematodes, fungi, weeds, or other
13 forms of plant or animal life or viruses, except viruses on or in living humans
14 or other animals, that the Secretary shall declare to be a pest; or

15 (B) any substance produced, distributed, or used as a plant regulator,
16 defoliant, or desiccant.

17 * * *

18 (18) “Rodenticide” means any substance or mixture of substances
19 intended for preventing, destroying, repelling, or mitigating rodents or any
20 other vertebrate animal that the Secretary shall declare to be a pest.

21 * * *

1 (29) “Second-generation anticoagulant rodenticide” means any
2 rodenticide containing any one of the following active ingredients:
3 brodifacoum, bromadiolone, difenacoum, or difethialone.

4 (30) “First-generation anticoagulant rodenticide” means any rodenticide
5 containing any one of the following active ingredients: chlorophacinone,
6 diphacinone, or warfarin.

7 (31) “Nonanticoagulant rodenticide” means any rodenticide containing
8 any one of the following active ingredients: bromethalin, cholecalciferol, or
9 zinc phosphide.

10 Sec. 3. 6 V.S.A. § 918 is amended to read:

11 § 918. REGISTRATION

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

1 poison imported into this State, which is subject to the provisions of any
2 federal act providing for the registration of economic poisons and that has been
3 duly registered under the provisions of this chapter, may, in the discretion of
4 the Secretary, be exempted from registration under this chapter when sold or
5 distributed in the unbroken immediate container in which it was originally
6 shipped. The registrant shall file with the Secretary a statement including:

7 * * *

8 (g) ~~The~~ Unless the use or sale of a rodenticide is otherwise prohibited, the
9 Secretary shall register as a restricted use pesticide any first-generation
10 anticoagulant rodenticide, second-generation anticoagulant rodenticide, and
11 nonanticoagulant rodenticide that is distributed, sold, sold into, or offered for
12 sale within the State or delivered for transportation or transported in intrastate
13 commerce or between points within this State through any point outside this
14 State.

15 Sec. 4. 6 V.S.A. § 1101 is amended to read:

16 § 1101. DEFINITIONS

17 As used in this chapter ~~unless context clearly requires otherwise~~:

18 * * *

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

* * *

(14) “Environmental emergency” means an occurrence of any pest that presents a significant risk of harm or injury to the environment, or significant harm, injury, or loss to agricultural crops, including any exotic or foreign pest that may need preventative quarantine measures to avert or prevent that risk, as determined by the Secretary of Agriculture, Food and Markets.

* * *

(16) “Significant public health risk” means a public health risk of such magnitude that the Secretary or local health officer has reason to believe that it must be mitigated.

(17) “Environmentally sensitive area” means those areas that:

(A) are significant wetlands as defined in 10 V.S.A. § 902(11);

(B) are necessary wildlife habitat as defined in 10 V.S.A.

§ 6001(12); or

(C) contain endangered or threatened species or are critical habitat as defined in 10 V.S.A. § 5401.

(18) “Second-generation anticoagulant rodenticide” has the same meaning as in subdivision 911(29) of this title.

(19) “First-generation anticoagulant rodenticide” has the same meaning as in subdivision 911(30) of this title.

1 (20) “Nonanticoagulant rodenticide” has the same meaning as in
2 subdivision 911(31) of this title.

3 Sec. 5. 6 V.S.A. § 1114 is added to read:

4 § 1114. RODENTICIDE PESTICIDES; PROHIBITED USES

5 (a) No person shall sell, offer for sale or use, distribute, or use any first- or
6 second-generation anticoagulant rodenticide or nonanticoagulant rodenticide.

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

11 (1) a valid environmental emergency, agricultural emergency, or
12 significant public health risk exists;

13 (2) the pesticide would be effective in addressing the environmental
14 emergency, agricultural emergency, or significant public health risk;

15 (3) no other, less harmful pesticide or pest management practice would
16 be effective in addressing the environmental emergency, agricultural
17 emergency, or significant public health risk; and

18 (4) any significant adverse effects to nontarget wildlife and
19 environmentally sensitive areas are mitigated to the greatest extent practicable.

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

1 (1) not be valid for more than six months;

2 (2) specify the rodenticides and uses of the rodenticides to which the
3 exemption order applies; the date on which the exemption order takes effect;
4 the exemption order's duration; and the exemption order's geographic scope,
5 which may include specific farms, fields, or properties;

6 (3) provide a detailed evaluation determining that an agricultural
7 emergency, environmental emergency, or significant public health risk exists;
8 and

9 (4) establish restrictions related to the use of the rodenticides to which
10 the exemption order applies to minimize harm to environmentally sensitive
11 areas, nontarget mammals, bird populations, and public health.

12 (d) A written exemption order issued under subsection (b) of this section
13 may establish other restrictions related to the use of the rodenticides to which
14 the exemption order applies that the Secretary of Agriculture, Food and
15 Markets considers necessary.

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

1 Board. The General Assembly shall post the written exemption order to the
2 website of the General Assembly.

3 (f) The Secretary of Agriculture, Food and Markets, after consultation with
4 the Secretary of Natural Resources, 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 earlier than 15 days after its issuance.

7 Sec. 6. 6 V.S.A. § 1114a is added to read:

8 § 1114a. RULEMAKING; RODENTICIDE

9 On or before January 1, 2027, the Secretary of Agriculture, Food and
10 Markets shall adopt rules to ensure that the use of first-generation
11 anticoagulant rodenticides, second-generation anticoagulant rodenticides, and
12 nonanticoagulant rodenticides by certified pesticide applicators shall not result
13 in significant adverse effects to nontarget wildlife and environmentally
14 sensitive areas. As used in this section, “significant adverse effect” means a
15 direct or indirect activity that negatively affects the health or viability of a
16 wildlife population or that damages or threatens wildlife habitat or another
17 environmentally sensitive area.

18 Sec. 7. EFFECTIVE DATE

19 This act shall take effect on January 1, 2027.