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**Testimony on Draft Neonicotinoid Rules (Act 182 Implementation)**  
**Vermont House Committee on Agriculture, Food Resiliency, and Forestry**  
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**Summary of Testimony on Draft Neonicotinoid Rules (Act 182 Implementation)**

Act 182, the Pollinator Protection Act, was passed in response to considerable evidence that neonicotinoid insecticides contribute to pollinator declines and pose serious risks to aquatic ecosystems, birds, and even human health. In Vermont, neonicotinoid seed treatments are the largest contributor to insecticide use across the state. These are long-lasting, systemic insecticides that are often used prophylactically - without evidence of pest pressure - and can persist in water, soil, plants, and pollen for months after application. The law provided a multi-year timeline to allow growers, researchers, agencies, and seed suppliers time to adapt.

The Vermont Agency of Agriculture, Food and Markets (AAFM) is tasked with developing enforceable best management practices (BMPs) for any agricultural use of neonicotinoids that continues in Vermont—including for seed treatments prior to the 2029 prohibition, uses allowed under exemption, or agricultural uses not otherwise prohibited after July 1, 2025. AAFM is also required to work with farmers and seed companies to ensure that untreated seed options are available, and to develop a process for issuing exemptions for prohibited uses.

Act 182 lays out specific requirements for granting exemptions. For treated seed, these include IPM training, pest risk assessments, and written exemption orders tied to specific properties. For neonicotinoid pesticide uses prohibited as of July 1st, such as applications to blooming crops, ornamentals, or soybeans, the law further requires a determination that an agricultural or environmental emergency exists and that no other, less harmful pesticide or pest management practice would be effective. These requirements are designed to ensure that exemptions are grounded in science and tied to a documented need.

The current draft rule does not fully meet the intent or requirements of Act 182. The rule is written in entirely voluntary language, but enforceable language is warranted in several places. While it provides guidance on seed treatment practices, it does not clearly address other relevant uses of neonicotinoids, including the high-risk uses that may occur under exemption, such as applications to blooming crops or ornamental plants.

**Key points:**

- **Correct the date for implementation.** Act 182 clearly prohibits the sale and use of neonic-treated seed starting January 1, 2029, unless exempted by the Secretary. The draft rule incorrectly states 2031 for implementation of these rules. That should be corrected.

- **Use enforceable language where appropriate.** The draft consistently uses “should,” even when referring to statutory requirements such as disposal, drift, and pollinator protection. While not every BMP must be mandatory, some practices need to be clearly enforceable to meet the intent of the law.
- **Strengthen and clarify guidance on disposal of leftover treated seed.** If left on the surface, they can harm birds and other wildlife. If buried improperly, they can contaminate water. The rule should require that any disposal occur a specified distance away from wells, wetlands, and other sensitive areas. More than 4 in 10 Vermont households source their water from private wells. Vermont’s rules should clearly outline how to protect drinking water and other resources when disposal takes place on the farm.
- **Include best practices for high-risk uses beyond seed treatments.** Although the draft rule includes language stating that BMPs apply to neonicotinoid pesticide uses under exemption or uses not otherwise prohibited after July 1, 2025, it does not actually provide clear or enforceable practices for those scenarios. Nearly all of the specific practices in the rule are focused on treated seeds. It does not meaningfully consider or address other high-risk uses that were prohibited under, such as applications to blooming crops or ornamental plants. If those uses continue under an exemption, there must be a distinct and protective set of best practices that reflect the high level of risk to pollinators - including, but not limited to, advance notification of nearby beekeepers before use of a neonic under exemption. This should include clarifying how the rule addresses high-risk uses in nursery production.
- **Prohibit aerial application of neonics.** Aerial application is a high-drift scenario, and a 50-foot buffer from pollinator habitat is not sufficient for these highly toxic insecticides.
- **Clarify what IPM practices are expected under an exemption.** Exemptions should only be granted when pest pressure or risk is clearly documented and IPM practices are actively used. The BMPs for exempted uses should go beyond encouraging learning about IPM practices.

For exemptions for pesticide uses prohibited as of July 1st, Act 182 requires the agency to determine whether less harmful pesticides or pest management practices would be effective before approving the use of a neonic. While that specific standard does not apply to treated seed exemptions, the agency is required to consider relative toxicity, environmental and human health impacts, and develop criteria for a system of approval. Those requirements point to a similar need to evaluate whether a less harmful option could be used before granting an exemption for treated seed.

Thank you for the opportunity to testify.

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