

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Agriculture, Food Resiliency, and Forestry to which was
3 referred House Bill No. 758 entitled “An act relating to banning the use of
4 rodenticides” respectfully reports that it has considered the same and
5 recommends that the bill be amended by striking out all after the enacting
6 clause and inserting in lieu thereof the following:

7 Sec. 1. FINDINGS

8 The General Assembly finds that:

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

12 (2) In 2024, the American Society for the Prevention of Cruelty to
13 Animals’ Animal Poison Control Center reported that 31,570 domestic animals
14 in the United States suffered rodenticide poisoning, and that first-generation,
15 second-generation, and nonanticoagulant rodenticides were the seventh most
16 common toxin poisoning domestic animals.

17 (3) Wildlife such as raptors, fishers, foxes, coyotes, bobcats, and lynx
18 help regulate and control rodent populations and are essential to Vermont’s
19 ecosystems. From 2018 through 2022, the Vermont Department of Fish and
20 Wildlife tested fisher carcasses for rodenticide exposure and all had exposure
21 to at least one or more rodenticides. From 2021 through 2022, the Department

1 tested bobcat carcasses and found anticoagulant rodenticide exposure in 20 out
2 of 29 carcasses tested.

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

6 (5) First- and second-generation anticoagulant rodenticides and
7 nonanticoagulant rodenticides can poison, harm, and kill rodents' natural
8 predators, thereby counteracting the regulation and control that natural
9 predators of rodents provide.

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

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

13 § 911. DEFINITIONS

14 As used in this chapter:

15 * * *

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

17 (5) “Economic poison” means:

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

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

3 * * *

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

7 * * *

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

11 (30) “First-generation anticoagulant rodenticide” means any rodenticide
12 containing any one of the following active ingredients: chlorpophacinone,
13 diphacinone, or warfarin.

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

17 (32) “Distribute” means to offer for sale, sell, exchange, or barter
18 through any means, including sales outlets, catalogues, the telephone, the
19 internet, or any electronic means.

20 Sec. 3. 6 V.S.A. § 918(g) is amended to read:

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

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

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

6 (B) are necessary wildlife habitat as defined in 10 V.S.A. § 6001(12);

7 or

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

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

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

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

16 Sec. 5. 6 V.S.A. § 1105d is added to read:

17 § 1105d. RODENTICIDE PESTICIDES; PROHIBITED USES;

18 RULEMAKING

19 (a) No person shall use or apply a first-generation anticoagulant
20 rodenticide, second-generation anticoagulant rodenticide, or nonanticoagulant
21 rodenticide in or within 500 feet of any environmentally sensitive area, unless:

1 (1) there exists:

2 (A) a valid environmental emergency, agricultural emergency,
3 significant public health risk; or

4 (B) a determination by the Department of Fish and Wildlife that use
5 of a rodenticide is required to control or eradicate an invasive rodent
6 population to protect threatened or endangered species or the threatened or
7 endangered species' habitat;

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

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

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

15 (b)(1) Rulemaking. The Secretary of Agriculture, Food and Markets shall
16 adopt rules to ensure that any use of first-generation anticoagulant
17 rodenticides, second-generation anticoagulant rodenticides, and
18 nonanticoagulant rodenticides by certified pesticide applicators shall not result
19 in significant adverse effects to nontarget wildlife or environmentally sensitive
20 areas. These rules shall include limits on application of any rodenticide in or
21 in proximity to waters of the State. These rules shall also include a plan for the

1 Agency of Agriculture to provide educational materials to certified pest control
2 applicators regarding rodenticide alternatives and practices for minimizing the
3 use of rodenticides. As used in this subsection, “significant adverse effect”
4 means a direct or indirect activity that negatively affects the health or viability
5 of a wildlife population or that damages or threatens wildlife habitat or another
6 environmentally sensitive area.

7 (2) Stakeholder input. The Secretary shall convene a stakeholder group
8 to include at least one representative from the Department of Fish and Wildlife,
9 one wildlife advocate, one veterinarian, one pediatrician, and one
10 representative from the pesticide industry to provide the Secretary input on the
11 rule.

12 (3) Required practices. The Secretary shall identify required practices
13 for use of any rodenticide and shall adopt by rule that that any person that is
14 authorized to use any rodenticide comply with these required practices.

15 (4) Adoption. The Secretary shall adopt these rules on or before January
16 1, 2027.

17 Sec. 6. EFFECTIVE DATE

18 This act shall take effect on July 1, 2026.

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4 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE