

TO: Representative David Durfee and members of the House  
Agriculture Committee  
CC: Sydonia Axis-Lary, committee assistant  
FROM: Sylvia Knight, Earth Community Advocate & Researcher  
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SUBJECT: Testimony on **S.45**, protection from nuisance suits for  
agricultural activities  
DATE: April 22, 2025, Earth Day

As a member of the VT Pesticide and Poison Action Network (VTPAPAN) and a long-time researcher and activist on pesticide issues in Vermont (since 1995), I can support farmers in their activities even when they are inconvenient, noisy or smelly.

From 1991 to 2016 my husband and I lived next to a farm field in Charlotte where the farmer usually grew corn, and spread some very “fragrant” manure from time to time. We could not hang our wash out or eat outside for a day or so. We did not sue the farmer for doing that work, or for the noise of his tractor plowing or harrowing the field about 200 ft from our house.

The practice that troubled me most was the spraying of herbicides in the spring time, and his unwillingness to let me and our neighbor know when he planned to do that. Our neighbor is a survivor of leukemia and 2 bone marrow transplants. He should have been notified so that he could avoid any drift of atrazine or metolachlor used on that field.

That brings me to the cautions I feel about this bill. Over the last 30 years I have read many peer-reviewed articles about pesticides, their health dangers including endocrine disruption and their environmental dangers. I have participated in meetings of the VT Pesticide Advisory Council (disbanded in 2022) to bring scientific literature to their attention and participate in alternative vegetation management projects. With others of VTPAPAN, I participated in the rule-making process for the revised VT Rule for Control of Pesticides 2022. We urged LCAR and VAAFM to consider the issue of PFAS both as active ingredients and as unidentified ingredients in pesticides and in drift retardants and surfactants (surface-active agents).<sup>1</sup> Our effort on that subject was unsuccessful. The Agency of Agriculture has been reluctant, to say the least, to face the issue of PFAS in pesticides in an open or transparent way.

PFAS can enter pesticides in several ways:

1. leaching from fluorinated containers;
2. addition as so-called “inert” ingredients, which are actually chemically active and may be as toxic as the principal ingredient but are UNIDENTIFIED;
3. an active PFAS ingredient as a completely fluorinated carbon atom, registered by EPA. Minnesota Dept. of Agriculture has listed 95 such pesticides.<sup>2</sup>
4. present as a result of the manufacturing process.

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<sup>1</sup> Gluge, et al. (2020). P.2366. *J.Environ.Sci.Processes and Impacts*. 2020, 22, 2345-2373

<sup>2</sup> <https://www.lrl.mn.gov/docs/2025/mandated/250302.pdf>

PFAS are now under national and state scrutiny for their “forever” dangers to human health and ecological integrity for time to come. PFAS undermine our immune systems, are endocrine disruptors whose dangers occur at tiny amounts measured in parts per trillion. They are difficult to detect and measure, and they move unpredictably in the soil and water systems of Earth. We are handling and dispersing dangerous stuff. Roughly 6200 pounds of EPA -registered PFAS active pesticide ingredients were dispersed in 2022 in Vermont, according to VAAFM’s pesticide use data. See attached document.

Listing pesticides in the definitions (S.45 as passed by the Senate) (page 4 line 6) as a protected agricultural practice under the Right to Farm means that more of these pesticides will be used, that neighbors will be more vulnerable to chemical trespass, and more pesticides will make their way into the air, land, water, and into neighbors’ bodies. Page 5 lines 15-19 place a heavy burden on a plaintiff to prove chemical trespass.

The ability of pesticides to move beyond the boundaries of a farm are legendary. Aerial drift of sulfonyleureas some years ago seriously damaged the livelihood of an organic farm family in VT. In 2009, a pesticide applicator in southwest VT sprayed atrazine on a farm field adjacent to a schoolyard while children were engaged in activity. The parents were deeply and rightfully concerned. Atrazine is an endocrine disruptor and can cause health effects including cancer and other health issues at very low amounts at critical periods of development.

In this age of climate change, extreme weather events can cause pesticide drift in wind and runoff into waters of the state, despite a farmer’s efforts to follow pesticide regulations, the pesticide label which can be very lengthy and detailed, and good farming practices.

A complaint about pesticide trespass would be extremely difficult to bring, given the difficulty of proving that approved methods were not followed, along with the costs of medical testing. Pesticides harm people. Should farms be allowed to harm others with chemical trespass without consequences? Farming can be done without pesticides.

Chemical trespass should not be equated with a “nuisance”; it is a societal harm.

The decision whether to include pesticides as a protected farming practice is an ethical one. Water and soil, the commons, are contaminated with PFAS and pesticides. Vermonters are suffering from cancers, asthma, and other illnesses caused by environmental toxins. We are losing wild species that won’t come back. We are causing avoidable harm. As humans with moral agency, we have choices to make.

Isn’t it time to take a really hard and honest look at whether pesticides should be considered a “protected agricultural practice”?