FINAL PROPOSED RULE # 25-P031

Final Proposed Filing - Coversheet

Instructions:

In accordance with Title 3 Chapter 25 of the Vermont Statutes Annotated and the "Rule on Rulemaking" adopted by the Office of the Secretary of State, this filing will be considered complete upon filing and acceptance of these forms with the Office of the Secretary of State, and the Legislative Committee on Administrative Rules.

All forms shall be submitted at the Office of the Secretary of State, no later than 3:30 pm on the last scheduled day of the work week.

The data provided in text areas of these forms will be used to generate a notice of rulemaking in the portal of "Proposed Rule Postings" online, and the newspapers of record if the rule is marked for publication. Publication of notices will be charged back to the promulgating agency.

PLEASE REMOVE ANY COVERSHEET OR FORM NOT REQUIRED WITH THE CURRENT FILING BEFORE DELIVERY!

Certification Statement: As the adopting Authority of this rule (see 3 V.S.A. § 801 (b) (11) for a definition), I approve the contents of this filing entitled:

Best Management Practices for the Use of Neonicotinoid Treated Article Seeds and Neonicotinoid Pesticides

/s/ Anson Tebbetts , on 12/04/2025
(signature) (date)

Printed Name and Title:
Anson B. Tebbetts, Secretary, Vermont Agency of Agriculture, Food and Markets

RECEIVED BY: _____

- ☐ Coversheet
- ☐ Adopting Page
- ☐ Economic Impact Analysis
- ☐ Environmental Impact Analysis
- ☐ Strategy for Maximizing Public Input
- ☐ Scientific Information Statement (if applicable)
- ☐ Incorporated by Reference Statement (if applicable)
- ☐ Clean text of the rule (Amended text without annotation)
- ☐ Annotated text (Clearly marking changes from previous rule)
- ☐ ICAR Minutes
- ☐ Copy of Comments
- ☐ Responsiveness Summary

1. TITLE OF RULE FILING:
   Best Management Practices for the Use of Neonicotinoid Treated Article Seeds and Neonicotinoid Pesticides
2. PROPOSED NUMBER ASSIGNED BY THE SECRETARY OF STATE
   25P031
3. ADOPTING AGENCY:
   Agency of Agriculture, Food and Markets (VAAFM)
4. PRIMARY CONTACT PERSON:
   (A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE).

   Name: Steve Dwinell

   Agency: VAAFM

   Mailing Address: 116 State Street, Montpelier, VT 05620-2901

   Telephone: 802-522-6973 Fax:

   E-Mail: Steve.Dwinell@vermont.gov

   Web URL *(WHERE THE RULE WILL BE POSTED)*:
   https://agriculture.vermont.gov/best-management-practices-neonicotinoid-treated-article-seeds-and-neonicotinoid-pestic
5. SECONDARY CONTACT PERSON:
   (A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE PRIMARY CONTACT PERSON).

   Name: Zach Szczukowski

   Agency: VAAFM

   Mailing Address: 116 State Street, Montpelier, VT 05620-2901

   Telephone: 802-636-7029 Fax:

   E-Mail: zach.szczukowski@vermont.gov
6. RECORDS EXEMPTION INCLUDED WITHIN RULE:
   (DOES THE RULE CONTAIN ANY PROVISION DESIGNATING INFORMATION AS CONFIDENTIAL; LIMITING ITS PUBLIC RELEASE; OR OTHERWISE, EXEMPTING IT FROM INSPECTION AND COPYING?) No

   IF YES, CITE THE STATUTORY AUTHORITY FOR THE EXEMPTION:

   N/A

   PLEASE SUMMARIZE THE REASON FOR THE EXEMPTION:

   N/A

7. LEGAL AUTHORITY / ENABLING LEGISLATION:
   (THE SPECIFIC STATUTORY OR LEGAL CITATION FROM SESSION LAW INDICATING WHO THE ADOPTING ENTITY IS AND THUS WHO THE SIGNATORY SHOULD BE. THIS SHOULD BE A SPECIFIC CITATION NOT A CHAPTER CITATION).

   6 V.S.A. § 1105a(c)(1)
8. EXPLANATION OF HOW THE RULE IS WITHIN THE AUTHORITY OF THE AGENCY:
   6 V.S.A. § 1105a(c)(1) requires the Secretary of Agriculture, Food and Markets, after consultation with the Agricultural Innovation Board ("AIB"), shall adopt by rule Best Management Practices ("BMPs") for the use of neonicotinoid treated article seeds and neonicotinoid pesticides. The AIB was statutorily established pursuant to 6 V.S.A. Section 4964 to, in part, conduct research on neonicotinoids and provide policy recommendations including input on this draft rule.
9. THE FILING HAS CHANGED SINCE THE FILING OF THE PROPOSED RULE.
10. THE AGENCY HAS INCLUDED WITH THIS FILING A LETTER EXPLAINING IN DETAIL WHAT CHANGES WERE MADE, CITING CHAPTER AND SECTION WHERE APPLICABLE.
11. SUBSTANTIAL ARGUMENTS AND CONSIDERATIONS WERE RAISED FOR OR AGAINST THE ORIGINAL PROPOSAL.
12. THE AGENCY HAS INCLUDED COPIES OF ALL WRITTEN SUBMISSIONS AND SYNOPSES OF ORAL COMMENTS RECEIVED.
13. THE AGENCY HAS INCLUDED A LETTER EXPLAINING IN DETAIL THE REASONS FOR THE AGENCY'S DECISION TO REJECT OR ADOPT THEM.
14. CONCISE SUMMARY (**150 WORDS OR LESS**):

    This rule establishes BMPs for use of: (A) neonicotinoid treated article seeds when used prior to January 1, 2031; (B)neonicotinoid treated article seeds when the Secretary issues a written exemption order pursuant to section 1105b of this chapter authorizing the use of neonicotinoid treated article seeds;(C) neonicotinoid pesticides when the Secretary issues a written exemption order pursuant to section 1105c of this chapter authorizing the use of neonicotinoid pesticides; and (D) the agricultural use after July 1,

2025 of neonicotinoid pesticides the use of which is not otherwise prohibited under law.

15. EXPLANATION OF WHY THE RULE IS NECESSARY:

This rule is required by 6 V.S.A. § 1105a(c)(1).

16. EXPLANATION OF HOW THE RULE IS NOT ARBITRARY:

This rule was drafted with recommendation from the AIB who received input from academics, industry, and other NGOs. This rule took into consideration the Vermont Rule for Control of Pesticides and existing BMPs related to the use of neonicotinoid treated article seeds and pesticides from across the nation and Canada.

17. LIST OF PEOPLE, ENTERPRISES AND GOVERNMENT ENTITIES AFFECTED BY THIS RULE:

Users of neonicotinoid treated article seeds (e.g. dairy farms or other cereal grain crop farms); Users of neonicotinoid pesticides (e.g. orchards, pest management professionals, landscape professionals, plant nurseries, golf courses); University of Vermont ("UVM") Extension; and VAAFM.

18. BRIEF SUMMARY OF ECONOMIC IMPACT (150 WORDS OR LESS):

The proposed rule will have a neutral economic impact to users of neonicotinoid treated article seeds or neonicotinoid pesticides as it proposes recommended best management practices as opposed to mandatory management practices. The nature of the proposed rule encourages the use of Integrated Pest Management ("IPM") that has an economic component and provides users a tool to make appropriate decisions about when to use a neonicotinoid treated article seed or neonicotinoid pesticide.

19. A HEARING WAS HELD.

20. HEARING INFORMATION

(THE FIRST HEARING SHALL BE NO SOONER THAN 30 DAYS FOLLOWING THE POSTING OF NOTICES ONLINE).

IF THIS FORM IS INSUFFICIENT TO LIST THE INFORMATION FOR EACH HEARING, PLEASE ATTACH A SEPARATE SHEET TO COMPLETE THE HEARING INFORMATION.

Date: 8/14/2025

Time: 05:00 PM

Street Address: 2 Main St., Vergennes

Zip Code: 05491

URL for Virtual: https://teams.microsoft.com/l/meetup-join/19%3ameeting_NWJlMjNmMTgtNWUzOS00ZjhkLWIzMDYtNmIwNmMxNjg5NjE2%40thread.v2/0?context=%7b%22Tid%22%3a%2220b4933b-baad-433c-9c02-70edcc7559c6%22%2c%22Oid%22%3a%2243f5f1a1-a0f5-497a-9cd5-675d2a14b9b8%22%7d

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Date: 8/20/2025

Time: 05:00 PM

Street Address: 3916 US-5, Derby

Zip Code: 05829

URL for Virtual: https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZmY4ZWEzOTktZGQ1Zi00NGU3LTg0YmMtZDEwZWIyNTcwNTA1%40thread.v2/0?context=%7b%22Tid%22%3a%2220b4933b-baad-433c-9c02-70edcc7559c6%22%2c%22Oid%22%3a%2243f5f1a1-a0f5-497a-9cd5-675d2a14b9b8%22%7d

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Date: 8/27/2025

Time: 04:30 PM

Street Address: 1 Maiden Ln, St Albans City

Zip Code: 05471

URL for Virtual: https://teams.microsoft.com/l/meetup-join/19%3ameeting_YzZmMzQ1NmMtNGY5ZC00NWM0LWIwOGYtZTU5MmNlZWIzYWZi%40thread.v2/0?context=%7b%22Tid%22%3a%2220b4933b-baad-433c-9c02-70edcc7559c6%22%2c%22Oid%22%3a%2243f5f1a1-a0f5-497a-9cd5-675d2a14b9b8%22%7d

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Date: 9/3/2025

Time: 05:00 PM

Street Address: 224 Main St, Brattleboro

Zip Code: 05301

URL for Virtual: https://teams.microsoft.com/l/meetup-join/19%3ameeting_ODEwZDgwNGEtNTA4NC00NzhhLWI2NTEtMDlmZ

mYyNmUyYjQw%40thread.v2/0?context=%7b%22Tid%22%3a%2220b4933b-baad-433c-9c02-70edcc7559c6%22%2c%22Oid%22%3a%2243f5f1a1-a0f5-497a-9cd5-675d2a14b9b8%22%7d

21. DEADLINE FOR COMMENT (NO EARLIER THAN 7 DAYS FOLLOWING LAST HEARING):

9/11/2025

KEYWORDS (PLEASE PROVIDE AT LEAST 3 KEYWORDS OR PHRASES TO AID IN THE SEARCHABILITY OF THE RULE NOTICE ONLINE).

Pollinators

Neonicotinoids

Treated Seed

Corn

Corn Silage

Bees

Farming

Pesticides

VERMONT
AGENCY OF AGRICULTURE, FOOD & MARKETS
Public Health & Agricultural Resource Management Division
www.agriculture.vermont.gov
116 State Street • Montpelier, Vermont 05620-2901

December 4, 2025

Hon. Trevor Squirrel, Chair
Legislative Committee on
Administrative Rules
Vermont State House
Montpelier, Vermont 05602

Amendments to Final Proposed Rule

Dear Chairperson Squirrel and Members:

The Agency of Agriculture, Food and Markets is including this letter in its filing set to explain the changes made since the filing of the proposed rule. The changes made are provided below with language alterations indicated in italics.

Cover Sheet.

The cover sheet has been deleted in its entirety at the suggestion of the Secretary of State's Office.

Section 3.01

Section 3.01 has been amended to change the year from 2031 to 2029 and now reads as follows: "The provisions of this section apply to the use of neonicotinoid treated article seeds when used prior to January 1, *2029* and when used under a valid exemption order issued by the Secretary unless otherwise provided for in an exemption order."

Section 3.04

Subsection 3.04(c) is amended to add the words "*in a manner consistent with manufacturer guidance;*" after the words "rates and" and before the word "avoid". The remainder of the subsection – "avoid using lubricants that increase dust due to abrasion;" is now subsection (d). The other subsections have been re-ordered.

Section 3.05

Subsection 3.05(a) is amended to read "*monitor and assess the risk of potential pest damage based on available guidance*". What was formerly subsection 3.05(a) is now subsection 3.05(b).

What was formerly subsection 3.05(b) is now subsection 3.05(c) which is amended to add the words "based on the best available research" after the parenthetical "(cultural, mechanical, biological)" and before the words "to avoid". The words ", *whenever feasible*" have been removed. The subsection now reads as follows: "(c) utilize multiple pest management methods (cultural, mechanical, biological) *based on the best available research* to avoid or reduce pest risk." The former subsection 3.05(c) is now subsection 3.05(d).

Section 3.08

Subsection 3.08(b)(3) is amended to read as follows: "*dispose of any neonicotinoid treated article seed in any manner that may leach to groundwater*;". What was formerly subsection 3.08(b)(3) is now subsection 3.08(b)(5).

Subsection 3.08(b)(4) is amended to read as follows: "*dispose of any neonicotinoid treated article seed within a wetland, floodplain, or shoreland*;". What was formerly subsection 3.08(b)(4) is now subsection 3.08(b)(6).

Section 4.03

Subsections (f) "*maintain the following buffer zones for aerial applications: (1) a 150-foot spray buffer zone between the application area and surface waters; (2) a 50-foot spray buffer zone between the application area and Significant Natural Communities within the Champlain Valley, as mapped under "Fish and Wildlife" in the ANR Atlas;*" and (e) "*comply with Vermont Rule for Control of Pesticides and all applicable permit conditions for aerial applications;*" have been deleted. The other subsections have been rearranged accordingly.

Section 4.06

Subsection (c) "follow label restrictions for the maximum amount of neonicotinoid allowed per acre, per application, per season, or per year;" has been deleted. The other subsections have been rearranged accordingly.

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Hon. Trevor Squirrel, Chair
Legislative Committee on Administrative Rules
Vermont State House
115 State Street
Montpelier, Vermont 05633

Best Management Practices for the Use of Neonicotinoid Treated Article Seeds and Neonicotinoid Pesticides: Final Proposed Rule

December 4, 2025

Dear Chair Squirrel & LCAR Members:

The Vermont Agency of Agriculture, Food and Markets, respectfully submits this final proposed rule for 25P031, "Best Management Practices for the Use of Neonicotinoid Treated Article Seeds and Neonicotinoid Pesticides". Within this filing package please find included:

I. Secretary of State Final Proposed Rule Filing Form
   A. Final proposed rule cover sheet
   B. Adopting page
   C. Economic impact analysis
   D. Environmental impact analysis
   E. Public input maximization plan
II. Clean Copy of the Final Proposed Rule
III. Annotated Copy of the Final Proposed Rule
IV. Filing Changes to the Proposed Rule
V. ICAR Minutes[1]
VI. Public Comments[2]
VII. Public Comment Response Summary
   A. Public Comment Responsive Summary
      1. Summary of Public Comments
      2. Agency Response Summary
   B. Individualized Public Comment Response

[1] ICAR Minutes not relating to this Rule filing have been redacted. Please also note the Incorporation by Reference Section of the SOS Filing Form was omitted in this filing as an alternative suggestion made by ICAR not noted in the minutes.
[2] The public comments included as part of the combined filing set do not include the form letter comments. The Agency has provided those in separate file due to the size of the document.

Adopting Page

Instructions:

This form must accompany each filing made during the rulemaking process:

Note: To satisfy the requirement for an annotated text, an agency must submit the entire rule in annotated form with proposed and final proposed filings. Filing an annotated paragraph or page of a larger rule is not sufficient. Annotation must clearly show the changes to the rule.

When possible, the agency shall file the annotated text, using the appropriate page or pages from the Code of Vermont Rules as a basis for the annotated version. New rules need not be accompanied by an annotated text.

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1. TITLE OF RULE FILING:
   Best Management Practices for the Use of Neonicotinoid Treated Article Seeds and Neonicotinoid Pesticides
2. ADOPTING AGENCY:
   Agency of Agriculture, Food and Markets (VAAFM)
3. TYPE OF FILING (*PLEASE CHOOSE THE TYPE OF FILING FROM THE DROPDOWN MENU BASED ON THE DEFINITIONS PROVIDED BELOW*):

   - **AMENDMENT** - Any change to an already existing rule, even if it is a complete rewrite of the rule, it is considered an amendment if the rule is replaced with other text.
   - **NEW RULE** - A rule that did not previously exist even under a different name.
   - **REPEAL** - The removal of a rule in its entirety, without replacing it with other text.

   This filing is **A NEW RULE** .

4. LAST ADOPTED (*PLEASE PROVIDE THE SOS LOG#, TITLE AND EFFECTIVE DATE OF THE LAST ADOPTION FOR THE EXISTING RULE*):

Economic Impact Analysis

Instructions:

In completing the economic impact analysis, an agency analyzes and evaluates the anticipated costs and benefits to be expected from adoption of the rule; estimates the costs and benefits for each category of people enterprises and government entities affected by the rule; compares alternatives to adopting the rule; and explains their analysis concluding that rulemaking is the most appropriate method of achieving the regulatory purpose. If no impacts are anticipated, please specify "No impact anticipated" in the field.

Rules affecting or regulating schools or school districts must include cost implications to local school districts and taxpayers in the impact statement, a clear statement of associated costs, and consideration of alternatives to the rule to reduce or ameliorate costs to local school districts while still achieving the objectives of the rule (see 3 V.S.A. § 832b for details).

Rules affecting small businesses (excluding impacts incidental to the purchase and payment of goods and services by the State or an agency thereof), must include ways that a business can reduce the cost or burden of compliance or an explanation of why the agency determines that such evaluation isn't appropriate, and an evaluation of creative, innovative or flexible methods of compliance that would not significantly impair the effectiveness of the rule or increase the risk to the health, safety, or welfare of the public or those affected by the rule.

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1. TITLE OF RULE FILING:

   Best Management Practices for the Use of Neonicotinoid Treated Article Seeds and Neonicotinoid Pesticides

2. ADOPTING AGENCY:

   Agency of Agriculture, Food and Markets (VAAFM)

3. CATEGORY OF AFFECTED PARTIES:

   LIST CATEGORIES OF PEOPLE, ENTERPRISES, AND GOVERNMENTAL ENTITIES POTENTIALLY AFFECTED BY THE ADOPTION OF THIS RULE AND THE ESTIMATED COSTS AND BENEFITS ANTICIPATED:

   Users of neonicotinoid treated article seeds (e.g. dairy farms or other cereal grain crop farms); and Users of neonicotinoid pesticides (e.g. orchards, pest management professionals, plant nurseries, landscape professionals, golf courses); UVM Extension; and VAAFM.

VAAFM assessed the impact of each class using the following scale: Positive, Neutral, and Minor.

Users of neonicotinoid treated article seeds & neonicotinoid pesticides: The rule will have a neutral impact on this class. The rule establishes recommended best management practices that are to be implemented at the users own choosing. The nature of the proposed rule encourages the use of Integrated Pest Management ("IPM") that has an economic component and provides users a tool to make appropriate decisions about when to use a neonicotinoid treated article seed or neonicotinoid pesticide.

UVM Extension: The rule will have a minor impact on UVM Extension. The rule will necessitate additional outreach and education to communicate guidance and research updates to the regulated community.

VAAFM: The rule will have a minor impact on VAAFM. The rule will require additional time and labor related to outreach and education on the new best management practices.

4. IMPACT ON SCHOOLS:
INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON PUBLIC EDUCATION, PUBLIC SCHOOLS, LOCAL SCHOOL DISTRICTS AND/OR TAXPAYERS CLEARLY STATING ANY ASSOCIATED COSTS:

This rule will not impact schools.

5. ALTERNATIVES: *CONSIDERATION OF ALTERNATIVES TO THE RULE TO REDUCE OR AMELIORATE COSTS TO LOCAL SCHOOL DISTRICTS WHILE STILL ACHIEVING THE OBJECTIVE OF THE RULE.*

Alternatives were not considered because the amended rule does not create any negative impacts on schools.

6. IMPACT ON SMALL BUSINESSES:
INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON SMALL BUSINESSES (EXCLUDING IMPACTS INCIDENTAL TO THE PURCHASE AND PAYMENT OF GOODS AND SERVICES BY THE STATE OR AN AGENCY THEREOF):

The rule will not impact small businesses.

7. SMALL BUSINESS COMPLIANCE: *EXPLAIN WAYS A BUSINESS CAN REDUCE THE COST/BURDEN OF COMPLIANCE OR AN EXPLANATION OF WHY THE AGENCY DETERMINES THAT SUCH EVALUATION ISN'T APPROPRIATE.*

An evaluation is not required as the rule will not impact small businesses due to its non-regulatory nature.

8. COMPARISON:

COMPARE THE IMPACT OF THE RULE WITH THE ECONOMIC IMPACT OF OTHER ALTERNATIVES TO THE RULE, INCLUDING NO RULE ON THE SUBJECT OR A RULE HAVING SEPARATE REQUIREMENTS FOR SMALL BUSINESS:

Alternative 1: No rule. This alternative was not considered as the rule is required by statute.

Alternative 2: The rule as filed. This is the best alternative as it is in line with AIB recommendations and the common understanding of BMPs.

9. SUFFICIENCY: *DESCRIBE HOW THE ANALYSIS WAS CONDUCTED, IDENTIFYING RELEVANT INTERNAL AND/OR EXTERNAL SOURCES OF INFORMATION USED.*

The sufficiency of this economic analysis is based on VAAFM consultations with the regulated community, industry professionals, other states, UVM, and the AIB. The AIB was statutorily established pursuant to 6 V.S.A. Section 4964 to, in part, conduct research on neonicotinoids and provide policy recommendations.

Environmental Impact Analysis

Instructions:

In completing the environmental impact analysis, an agency analyzes and evaluates the anticipated environmental impacts (positive or negative) to be expected from adoption of the rule; compares alternatives to adopting the rule; explains the sufficiency of the environmental impact analysis. If no impacts are anticipated, please specify "No impact anticipated" in the field.

Examples of Environmental Impacts include but are not limited to:

- Impacts on the emission of greenhouse gases
- Impacts on the discharge of pollutants to water
- Impacts on the arability of land
- Impacts on the climate
- Impacts on the flow of water
- Impacts on recreation
- Or other environmental impacts

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1. TITLE OF RULE FILING:

   Best Management Practices for the Use of Neonicotinoid Treated Article Seeds and Neonicotinoid Pesticides

2. ADOPTING AGENCY:

   Agency of Agriculture, Food and Markets (VAAFM)

3. GREENHOUSE GAS: *EXPLAIN HOW THE RULE IMPACTS THE EMISSION OF GREENHOUSE GASES (E.G. TRANSPORTATION OF PEOPLE OR GOODS; BUILDING INFRASTRUCTURE; LAND USE AND DEVELOPMENT, WASTE GENERATION, ETC.):*
   The proposed rule will not impact the emission of greenhouse gases as the rule provides for recommended best management practices to be implemented at the volition of the users.

4. WATER: *EXPLAIN HOW THE RULE IMPACTS WATER (E.G. DISCHARGE / ELIMINATION OF POLLUTION INTO VERMONT WATERS, THE FLOW OF WATER IN THE STATE, WATER QUALITY ETC.):*
   The nature of the proposed rule encourages the use of IPM which takes into consideration environmental factors and provides users a tool to make appropriate

decisions about when to use a neonicotinoid treated article seed or neonicotinoid pesticide. As a result of this, there may be a positive impact on water.

5. LAND: *EXPLAIN HOW THE RULE IMPACTS LAND (E.G. IMPACTS ON FORESTRY, AGRICULTURE ETC.):*
   The nature of the proposed rule encourages the use of IPM which takes into consideration environmental factors and provides users a tool to make appropriate decisions about when to use a neonicotinoid treated article seed or neonicotinoid pesticide. As a result of this, there may be a positive impact on land use.

6. RECREATION: *EXPLAIN HOW THE RULE IMPACTS RECREATION IN THE STATE:*
   The nature of the proposed rule encourages the use of IPM which takes into consideration environmental factors and provides users a tool to make appropriate decisions about when to use a neonicotinoid treated article seed or neonicotinoid pesticide. As a result of this, there may be a positive impact on recreation.

7. CLIMATE: *EXPLAIN HOW THE RULE IMPACTS THE CLIMATE IN THE STATE:*
   See #'s 3, 4, and 5.

8. OTHER: *EXPLAIN HOW THE RULE IMPACT OTHER ASPECTS OF VERMONT'S ENVIRONMENT:*
   Not applicable.

9. SUFFICIENCY: *DESCRIBE HOW THE ANALYSIS WAS CONDUCTED, IDENTIFYING RELEVANT INTERNAL AND/OR EXTERNAL SOURCES OF INFORMATION USED.*
   The AIB was statutorily established pursuant to 6 V.S.A. Section 4964 to, in part, conduct research on neonicotinoids and provide policy recommendations. As part of the research, the AIB consulted State, federal, and academic analysis and observations of the impacts of neonicotinoids on the environment that informed the proposed rule as required by 6 V.S.A. Section 1105a(c). State analysis were obtained from surface water analysis from the pesticide monitoring program. Academic resources consulted include UVM research and peer reviewed articles. Federal analysis were obtained from EPA ecological risk assessments and neonicotinoid registration review publications.

Public Input Maximization Plan

Instructions:

Agencies are encouraged to hold hearings as part of their strategy to maximize the involvement of the public in the development of rules. Please complete the form below by describing the agency's strategy for maximizing public input (what it did do, or will do to maximize the involvement of the public).

This form must accompany each filing made during the rulemaking process:

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1. TITLE OF RULE FILING:

   Best Management Practices for the Use of Neonicotinoid Treated Article Seeds and Neonicotinoid Pesticides

2. ADOPTING AGENCY:

   Agency of Agriculture, Food and Markets (VAAFM)

3. PLEASE DESCRIBE THE AGENCY'S STRATEGY TO MAXIMIZE PUBLIC INVOLVEMENT IN THE DEVELOPMENT OF THE PROPOSED RULE, LISTING THE STEPS THAT HAVE BEEN OR WILL BE TAKEN TO COMPLY WITH THAT STRATEGY:

   In drafting the proposed rule, VAAFM has taken into consideration the thoughts and opinions of various entities including private sector professionals, academia, and public sector professionals.

   Per Vermont Law, the rule was drafted in consultation with the AIB and discussed at AIB public meetings throughout 2023 and 2024.

   VAAFM submitted a draft rule to the House and Senate Committees on Agriculture on March 1, 2024. After passage of Act 182 of 2024 and subsequent changes to the law, VAAFM submitted a revised draft rule to the House and Senate Committees on Agriculture on February 6, 2025.

   In addition to AIB input, VAAFM has invited input from natural resource interest groups at AIB public meetings. VAAFM also engaged with natural resource interest groups outside the AIB.

Public Input

VAAFM will hold at least one public hearing for all interested persons. VAAFM will also distribute the proposed rule to entities that have already requested it.

VAAFM will conduct outreach to the regulated community, concerned citizens, natural resource interest groups, interested landowners, and members of the public, during the public comment period, through public hearings but also through continued presentations at AIB meetings, conferences, and in small group meetings where necessary.

4. BEYOND GENERAL ADVERTISEMENTS, PLEASE LIST THE PEOPLE AND ORGANIZATIONS THAT HAVE BEEN OR WILL BE INVOLVED IN THE DEVELOPMENT OF THE PROPOSED RULE:

UVM

UVM Extension

Cornell University

Vermont Agricultural Innovation Board

Vermont Nursery and Landscape Association

Vermont Vegetable and Berry Growers Association

Vermont Agency of Natural Resources

-Vermont Department of Environmental Conservation

Technical Service Providers

New York Department of Environmental Conservation

Xerces Society

American Seed Trade Association

Vermont Agency of Administration

Interagency Committee on Administrative Rules (ICAR) Minutes

Date/Time: June 9, 2025, 2:00 PM

Location: Virtually via Microsoft Teams

Members Present: Chair Nick Kramer, Diane Sherman, Jared Adler, Jennifer Mojo, John Kessler, and Natalie Weill

Members Absent: Michael Obuchowski, and Nicole Dubuque

Minutes By: Melissa Mazza-Paquette

- 2:01 p.m. meeting called to order.
- Review and approval of minutes from the May 12, 2025 meeting.
- No additions/deletions to agenda. Agenda approved as drafted.
- Public comments made by Sylvia Knight pertaining to the first proposed rule.
- Presentation of Proposed Rules with recommended changes on pages to follow.
    1) Best Management Practices for the Use of Neonicotinoid Treated Article Seeds and Neonicotinoid Pesticides, Agency of Agriculture, Food & Markets
    2) 2023 Vermont Electrical Safety Rules, Department of Public Safety, Division of Fire Safety, Vermont Electricians' Licensing Board
    3) The 2025 Vermont Plumbing Rules, Department of Public Safety, Division of Fire Safety, Vermont Electricians' Licensing Board
    4) 2025 Vermont Fire & Building Safety Code, Department of Public Safety, Division of Fire Safety
    5) Health Benefits Eligibility and Enrollment Rule, General Provisions and Definition (Part 1), Agency of Human Services
    6) Health Benefits Eligibility and Enrollment Rule, Eligibility Standards (Part 2), Agency of Human Services
    7) Health Benefits Eligibility and Enrollment Rule, Nonfinancial Eligibility Requirements (Part 3), Agency of Human Services
    8) Health Benefits Eligibility and Enrollment Rule, Special Rules for Medicaid Coverage of Long-Term Care Services and Supports- Eligibility and Post-Eligibility (Part 4), Agency of Human Services

9) Health Benefits Eligibility and Enrollment Rule, Financial Methodologies (Part 5), Agency of Human Services

10) Health Benefits Eligibility and Enrollment Rule, Eligibility-and-Enrollment Procedures (Part 7), Agency of Human Services

- Other business: This is Melissa Mazza-Paquette's last ICAR meeting as she'll be leaving State government in July. Members thanked her for her time on ICAR, organization, and wished her well.
- Next scheduled meeting is July 14, 2025 at 2:00 p.m.
- 4:02 p.m. meeting adjourned.

To receive this information in an alternative format or for other accessibility requests, please contact:

Agency of Administration
ADM.Secretary@vermont.gov, 802-828-3322

Proposed Rule: Best Management Practices for the Use of Neonicotinoid Treated Article Seeds and Neonicotinoid Pesticides, Agency of Agriculture, Food & Markets

Presented By: Zachary Szczukowski, David Huber, and Steve Dwinell

Motion made to accept the rule by John Kessler, seconded by Jared Adler, and passed unanimously with the following recommendations:

1) Economic Impact Analysis: Include information from #12 in the Proposed Filing Coversheet.
2) Public Input Maximization Plan #4: Include the Vermont Department of Environmental Conservation
3) Incorporation by Reference: Clarify specifically what's being incorporated.

From: Matthew LeFluer
To: AGR - PHARM Rules
Subject: "Best Management Practices for Neonicotinoid Treated Article Seeds"
Date: Wednesday, September 10, 2025 12:07:06 PM

Greetings. Staff Members of Vermont agriculture. Please Continue strengthen these rules so that they truly protect pollinators, safeguard other non-target wildlife, defend public health, and support farmers in transitioning to safer, more sustainable practices.

Sincerely Matthew Lawrence LeFluer From Alburgh Vermont
(Franklin And Grand Isle County)

From: Fowle, Margaret
To: AGR - PHARM Rules
Subject: Audubon Vermont comments on draft BMPs - Rule #25P031
Date: Wednesday, September 10, 2025 3:25:23 PM
Attachments: image001.png
Audubon VT Comments to Agency of Agriculture 9-10-25.pdf

To Whom It May Concern,

Please see the attached comment letter on the draft BMPs for the use of Neonicitinoids.

Thank you.

Margaret Fowle
Conservation Program Manager
c: 802.238.0046
Pronouns: she, her, hers

Audubon Vermont
255 Sherman Hollow Rd
Huntington, VT 05462
www.vt.audubon.org

Audubon

From: Spencer Putnam
To: AGR - PHARM Rules
Subject: Best management practices for allowable uses of neonics
Date: Wednesday, September 10, 2025 12:50:39 PM

I urge you to adopt rules that will fully and quickly implement Vermont's Pollinator Protection Act.

Spence Putnam

From: David Pistilli
To: AGR - PHARM Rules
Subject: Best Management Practices for Neonicotinoid Treated Article Seeds
Date: Tuesday, September 2, 2025 12:32:28 PM

Folks, please hold the line on the draft rule to implement it sooner rather than later. We are not speeding — we are way behind. You don't have to be a beekeeper to support this rule — you just have to be a human who enjoys eating the food pollinated by bees and other insects to know it's smarter to feed plants to people over feeding corn to cows. Please, stay strong. Don't be shouted down by farmers, whom I eminently respect, but who have to do what's best for all. David Pistilli/Middlebury

From: BarnCatFarm
To: AGR - PHARM Rules
Subject: Best Management Practices For Neonicotinoid Treated Article Seeds and Neonicotinoid Pesticides
Date: Friday, August 8, 2025 12:44:00 PM

The best practice would be to ban all of this toxic ecosystem terrorizing crap, along with GMOs, forever chemicals, plastics, and all of the crap produced since the 1950's that's giving everyone cancer.

Hasn't anyone read 'Silent Spring'???

-Samantha (Topsham)

From: Max Sano
To: Dwinell, Steve
Cc: Szczukowski, Zach
Subject: Beyond Pesticides Comments on Rule 25P031 - Neonicotinoid BMPs
Date: Thursday, September 11, 2025 11:02:06 AM
Attachments: VAAFM.Neonic.BMPs.09112025.pdf

Good morning Mr. Dwinell and Mr. Szczukowski,

On behalf of Beyond Pesticides, I attached our public comments for the proposed rule, Best Management Practices for the Use of Neonicotinoid Treated Article Seeds and Neonicotinoid Pesticides (Rule 25P031), as a pdf attachment and a hyperlink.

Please let us know if you have any questions and we can schedule a time to discuss as you consider final rulemaking.

Best,
Max

Max Sano (he/him)
Senior Policy and Coalitions Associate
701 E Street SE
Washington, DC 20003
Beyond Pesticides
msano@beyondpesticides.org
202-543-5450 x218

From: Anna Seuberling
To: AGR - PHARM Rules
Subject: Collected Public Comments & Petition Signatures for VT Agency of Agriculture
Date: Thursday, September 4, 2025 10:48:26 AM
Attachments: POP_2025_Act182_Comments_Final.pdf

Hi Steve and Zach,

Thank you for the opportunity to comment at the Brattleboro public hearing — nice to see you all in person! As promised, here is a copy of the hundreds of comments we collected on the Agency's proposed rule for "Best Management Practices for Neonicotinoid Treated Article Seeds" that I referenced yesterday.

In addition to these, VPIRG will submit more detailed written comments from the organization before next Thursday.

Sincerely,
Anna Seuberling

From: Chris Anderson
To: AGR - PHARM Rules
Subject: Comment
Date: Friday, August 29, 2025 10:49:01 PM

As a former organic farmer, I always questioned any chemical, even those that were considered safe for use on **organic** vegetables.
I know that you are deciding what the best practices should be for farmers before they turn to using neonicitonide insecticides.
I am writing to request that two additional requirements be added to the Best Agricultural Practices for using neonicitinoids:

***Do not allow aerial applications of neonicotinoid insecticides in the Best Management Practices.

***Do not allow use of treated seeds or neonicotinoid pesticides within designated buffers to water supplies.

Thank you.

Chris Anderson
Manchester Center, Vermont

From:	Jared Carpenter
To:	AGR - PHARM Rules
Cc:	Dwinell, Steve; Szczukowski, Zach
Subject:	Comments from LCC CLF NRDC VNRC VPIRG on Draft Rule re BMPs for Neonicotinoid Treated Seeds and Pesticides
Date:	Monday, September 8, 2025 2:43:58 PM
Attachments:	2025_09_08 LCC CLF NRDC VNRC VPIRG Comments on Draft Rule re BMPS for Use of Neonicotinoid Treated Seeds and Pesticides.pdf

Good Afternoon,

Attached, please find comments on Draft Rule regarding Best Management Practices for the Use of Neonicotinoid Treated Article Seeds and Neonicotinoid Pesticides submitted by the Lake Champlain Committee, Conservation Law Foundation, Natural Resources Defense Council, Vermont Natural Resources Council and the Vermont Public Interest Research Group.

Thank you for the opportunity to submit comments on the Draft Rule and please do not hesitate to contact me with any questions.

Jared Carpenter

Lake Champlain Committee

From: Barbara Huibregtse
To: AGR - PHARM Rules
Subject: Comments on BMP for Act 182
Date: Wednesday, September 10, 2025 9:48:06 PM

In section 1105c, Prohibited uses are outlined. Section c within that section outlines the process for a written exemption order. A written exemption should include a fee to cover both the effort to process the paperwork as well as the added risk to the environment created by continuing to use these pesticides.

In addition, given golf is a luxury recreation, often for non-residents, golf courses should not be excluded from the neonicotinoid use ban, or at a minimum, be required to pay a significant fee for exemption. It makes little sense to me to require permanent resident farmers to modify their use of neonicotinoids and not golf courses. As part owner of a flower farm, our business depends on the protection of pollinators, so please consider these comments.

Best regards,
Barbara Huibregtse
Snapdragon Flower Farm
Danville, VT 05828

From: Alexandra Millar
To: AGR - PHARM Rules
Subject: Comments on Neonicotinoid Insecticides In VT
Date: Tuesday, August 12, 2025 3:38:54 PM

To Whom it May Concern,

I'm writing to weigh in on the use of insecticides harmful to pollinators.

Neonicotinoid insecticides should not be allowed - ever - to be sprayed aerially, including from drones. No aerial applications.

There should be strict buffers of 200 ft from public drinking water sources or 100 ft from other drinking water sources, these buffers must be enforced. No use of neonics within those buffer areas.

Beekeepers within 1 mile radius of any neonic use must be notified.

Thank you,
Alexandra Millar

From: Alejandro A Calixto
To: AGR - PHARM Rules
Subject: Comments on Proposed Neonicotinoid Rules regarding BMPs
Date: Thursday, September 11, 2025 3:17:47 PM
Attachments: Cornell IPM and PSU Comments - VAAFM Neonicotinoid BMPs.pdf

We are submitting the attached comments regarding the proposed rules on Best Management Practices for the Use of Neonicotinoid Treated Article Seeds and Neonicotinoid Pesticides.

Sincerely,

Alejandro A. Calixto

Alejandro A. Calixto, Ph.D.
Director
Cornell Integrated Pest Management
630W. North Street, Geneva, NY 14556
350 Roberts Hall, Ithaca, NY 14850
Office 315-787-2209 | Cell 979-575-6284
aac273@cornell.edu | nysipm.cornell.edu

College of Agriculture and Life Sciences
Cornell University

CHAMPLAIN VALLEY FARMER COALITION INC.

Champlain Valley Farmer Coalition, Inc.
Farmers working together for a clean Lake Champlain and thriving agriculture in Vermont.

August 15, 2025

Steve Dwinell
Director, Public Health and Resource Management Division
VAAFM
116 State Street
Montpelier, VT 05620

RE: Proposed Rule "Best Management Practices for the Use of Neonicotinoid Treated Article Seeds and Neonicotinoid Pesticides"

Dear Steve,

Please note that The Champlain Valley Farmer Coalition (CVFC) supports the recommendations of the Agriculture Innovation Board (AIB) with respect to the above referenced rule "BMP's for the use of Neonicotinoid Treated Article Seeds and Neonicotinoid Pesticides".

Thank you.

Sincerely,

Vijay Nazareth
Executive Director

Ramsay Mellish
President

From: Michael Barsanti
To: AGR - PHARM Rules
Subject: Elimination of Neonicotinoid Pesticides
Date: Wednesday, September 10, 2025 1:07:11 PM
Attachments: PastedGraphic-7.png

To whom it concerns,

I want to let it be known that the protection of pollinators I paramount to the health of the planet. The convenience of using pesticides has put us in a perilous situation and it is imperative to protect the safety of our pollinators. Please do the right thing and promote the ban on Neonicotinoid Pesticides.

Sincerely,

Michael

Michael Barsanti
michaelbarsanti@me.com
802.272.2679

From: Jean Markey-Duncan
To: AGR - PHARM Rules
Subject: Feedback Act 182
Date: Tuesday, August 12, 2025 1:43:56 PM

I am pleased to have the opportunity to weigh in on the use of a class of pesticides known at Neonicotinoids. These chemicals are impacting pollinators. Over the years I have noticed a marked decrease in the bees in my yard and neighborhood and it has concerned me. Just this year I had to use a brush to pollinate the female flowers on my zucchini plant. The bees that I did have were too few to keep up with their chore and my plant was not producing in the manner it should have.

As you know, without pollinators we will not have the robust food supply we need to feed people. I am calling on you to make sure that:
1. Neonicotinoid insecticides not be allowed -ever - to be sprayed aerially, including from drones. No aerial applications.
2. While I am not sure this is nearly adequate, require buffers of 200 ft from public drinking water sources or 100 ft from other drinking water sources and this must be **enforced**. Absolutely no use of neonics within those buffer areas.
3. Required notification of beekeepers within 1 mile radius of any neonic use.

We must do everything possible to protect pollinators or risk widespread hunger in the future.

Very sincerely,
Jean Markey-Duncan

From:	Anna Seuberling
To:	AGR - PHARM Rules
Cc:	Paul Burns
Subject:	Group comments on proposed rules for neonicotinoid treated article seeds and pesticides
Date:	Thursday, September 11, 2025 4:08:11 PM
Attachments:	Act 182 Draft Rules Public Comments Sign On.pdf

Dear Steve Dwinell and Zach Szczukowski,

On behalf of the Vermont Public Interest Research Group and our coalition of farmers, beekeepers, scientists, and advocates I submit these comments on the draft rules for Best Management Practices for the Use of Neonicotinoid Treated Article Seeds and Neonicotinoid Pesticides. These comments were drafted collaboratively and supported by the undersigned organizations. Thank you for the opportunity to comment and for your consideration as you finalize the draft rules.

Sincerely,
Anna Seuberling
Environmental Advocate, VPIRG

From: Brian Carpenter
To: AGR - PHARM Rules
Subject: Neonic comments
Date: Wednesday, September 10, 2025 9:44:46 AM
Attachments: VDPA Letter re Neonic copy.pdf

Attached is a letter submission of comments re neonic rule making.

Brian R. Carpenter
Chairman
Vermont Dairy Producer's Alliance

From: Rachael Timberlake
To: AGR - PHARM Rules
Subject: Neonic pesticides—Please strengthen the regulations!
Date: Wednesday, September 10, 2025 2:32:41 PM

Please strengthen the ban on neonic pesticides as much as possible. We need to consider the very serious, even catastrophic, effects on our bee populations and of course, our own health. We can't afford to take half-measures.

Thank you so much for your efforts in this,
Rachael Timberlake
Montpelier

From: cowpower@gmavt.net
To: AGR - PHARM Rules
Subject: Neonic Rule Making Comments
Date: Thursday, September 11, 2025 3:24:14 PM
Attachments: Neonic public comment.pdf

Per request at the public meeting I attended I am following up with my comments in writing.

Chanin Hill
Four Hills Farm (Office Manager)
Four-Hills Gen3 LLC (Agent)
722 Burpee Rd
Bristol VT 05443
802-349-6918

From: ellen maloney
To: AGR - PHARM Rules
Subject: Neonic rules
Date: Monday, September 1, 2025 10:07:23 PM

Please do not permit arial spraying of neonicotinoids under any circumstances.

I lived next to an apple orchard for 20 years and remember well the extent to which the chemicals sprayed drifted over onto my land. Any application by arial spraying will inevitably reach large numbers of non-targeted insects even on non-windy days.

Thank you

Ellen Maloney

Dorset, Vermont

From: Laurie Veatch
To: AGR - PHARM Rules
Subject: neonic seed coating -- public comment on draft best management practices
Date: Wednesday, September 3, 2025 3:19:17 PM

To: Vermont Agency of Agriculture, Food & Markets – VAAFM
PHARMRules@vermont.gov.
Subject: neonic seed coating public comment on draft regulations
Date: September 3, 2025

Please strictly minimize farmer exemptions to a ban on the use of neonic coated seeds and also please strictly minimize spraying neonics outdoors.

Please protect bees, butterflies, other pollinators and also birds.

Studies have shown that banning neonic seeds and spraying has little if any effect on crops such as corn. Calls for more studies is an unnecessary delay.

Sincerely,
Laurelyn Veatch
Plainfield, VT

From: Sophia Morton
To: AGR - PHARM Rules
Subject: Neonic
Date: Wednesday, September 10, 2025 1:07:25 PM

Hello,
I am a Vermont youth writing to you about the use of neonicotinoid pesticides in Vermont. These pesticides have verified ill effects and should be banned statewide. Thank you for your time.
Best Regards,
Jasper

From: Judy Brook
To: AGR - PHARM Rules
Subject: neonicotinimides
Date: Thursday, August 28, 2025 5:07:01 PM

I have kept bees for 15 years. Every year I have lost hives. Some years I have even seen the dead bees lying outside the hive with their tongues out—Indicative of poisoning. Please adopt the strongest measures to keep these chemicals out of our environment. Countries in Europe did this years ago because they know the danger of these chemicals. Let's catch up to them.

Yours,
Judy Brook

From: Christina Cotnoir
To: AGR - PHARM Rules
Subject: neonicotinoid ban public comment
Date: Wednesday, September 10, 2025 8:31:15 PM

My family has lived in the northeast kingdom of Vermont for at least 10 generations and most have been farmers. When I hear of the abundance and variety of plant and animal life which existed in previous generations, I'm saddened and alarmed, and we all should be. The pollinator collapse is a reality we cannot deny. All life depends upon pollinators. We must do everything we can to protect them! Please keep this bill strong and keep neonicotinoids out of our water and crops. In Quebec, the corn yield wasn't affected when they stopped using them! The damage is NOT worth its use. By the time we feel its effects it will be too late.
I strongly support this ban and see no safe way to use them. Ban them, period.
Christina Cotnoir
Derby, Vermont

From: Bill Day
To: AGR - PHARM Rules
Subject: Neonicotinoid Best Management Practices
Date: Thursday, September 11, 2025 9:19:53 AM

Dear Regulators,

Please do not allow aerial applications of neonicotinoid insecticides in the Best Management Practices.

Please do not allow use of treated seeds or neonicotinoid pesticides within designated buffers to water supplies.

Thank you!

Sincerely,

William Day

~~~~~~~~~~~~~~~~~~~~~~~~

Bill Day
PO Box 64
Craftsbury VT 05826
williamhday@gmail.com
917-584-9801 (cell)
~~~~~~~~~~~~~~~~~~~~~~~~

From: john kareckas
To: AGR - PHARM Rules
Subject: Neonicotinoid Bill
Date: Friday, August 29, 2025 8:52:59 AM

I first became aware of "neonics" as a backyard beekeeper. Honeybees travel up to a 3 mile radius in search of nectar and pollen, and are subject to many poisons and insecticides applied to field crops and lawns. Please consider the spill over impact of these chemicals, not only for the sake of foragers, but others in the food chain who are in runoff patterns from crops to soil to stream to river to lake.

Good luck,
Jack Kareckas
Shelburne

From: Diana Kyser
To: AGR - PHARM Rules
Subject: Neonicotinoid rules
Date: Wednesday, September 10, 2025 12:50:26 PM

It is imperative that we strengthen the rules around neonicotinoid use so that they truly protect pollinators and safeguard other non-target wildlife. Our pollinators are essential for life on this planet, and these toxins, along with other chemicals and human behavior have decimated them year after year. At some point we will hit the point of no return so we must do everything we can to protect them now. This is a public health emergency and should be dealt with as such. Farmers will also need support in transitioning to safer, more sustainable practices.

--

Diana Kyser
917-882-7558
dianakyser@gmail.com

From: Kathleen Kesson
To: AGR - PHARM Rules
Subject: Neonicotinoid Treatments
Date: Wednesday, September 10, 2025 12:24:25 PM

I have read through the "Best Management Practices For Neonicotinoid Treated Article Seeds and Neonicotinoid Pesticides" - I appreciate the progress that is being made in regards to this toxic chemical and the destruction of bee colonies (as well as harm to human health); however I believe the rules need to be strengthened. In the 12 years I have lived in my current home in Barre, VT I have seen a rapid and disturbing diminishment of the bee population. Because of the importance of the pollinators to our food supply, I believe that their protection outweighs most economic claims of damage and should take precedence. Survival is more important than profit.

--

Dr. Kathleen Kesson
Professor Emeritus, Department of Teaching, Learning, and Leadership
School of Education, LIU-Brooklyn
Global Affiliate, GUND Institute for Environment, UVM
https://kathleenkesson.com
Phone: (347) 525-4903

Becoming One With the World: A Guide to Neohumanist Education. (2024). Available from Emerald Publishing at https://bookstore.emerald.com/becoming-one-with-the-world-hb-9798887307510.html

Enjoy 30% off this title, available in print or ebook, with code EME30 at bookstore.emerald.com

From: Jon Binhammer
To: AGR - PHARM Rules
Subject: Neonicotinoids Best Management Practices
Date: Wednesday, September 3, 2025 1:00:17 PM

I am writing to encourage you to adopt strong Best Management Practices that protect birds and non-target insects while maintaining healthy agriculture in Vermont.

After reading your draft BMPs, I fear that there are too many loopholes that can be exploited to make the ban effective. I fear that the exceptions will be used much like the manure spreading on frozen ground or after the season exemptions have been used. I remember calling the Agency of Agriculture about a particularly egregious example of an exemption that was just "given over the phone", when the BMPs called for a more responsible process for obtaining an exemption.

In my 35 years in Vermont, I have seen steep declines in our aerial insectivore avian fauna, especially swallows. There used to be swallows on every wire throughout the state, and one would always see a swallow doing aerial acrobatics, catching bugs, on a summer day. Now the telephone lines and the skies are empty. I believe this is due in large part to neonicotinoids that came out about the same time as they started to decline.

Thank you for considering strong protections,
Jon Binhammer
Brookfield

From: Lynn Eisenbrey
To: AGR - PHARM Rules
Subject: neonicotinoids
Date: Tuesday, August 12, 2025 3:08:20 PM

I am still in shock that Governor Scott did not implement legislation to protect our main beneficial reason for having the foods we have- BEES!

Please make it mandatory that under NO circumstances will neonicotinoids or other chemicals "known" or "recommended as being harmful" to never be used in the state of Vermont.

Our bees make the foods we have possible. Millions of bees have been dying from exposure to these deadly chemicals. They take it into their nests and unknowingly cause the deaths of their colony.

I want to see all of the harmful chemicals that people use willy-nilly, removed from store shelves because they don't read the labels. I deal with this every day that I work and it tears my heart each time. The people who make the chemicals have jobs, okay, but the production was supposed to be regulated has not and therein lies the problem.
Now, we have a federal government structured to allow for more human, animal and insect deaths for the sake of profiteering. It's up to each state to set their own standards, their own safety structure.

I vote for our state to remove, forever, neonicotinoids and all other deadly chemicals from our food, the water and the soils. Protect the creatures that help to make the plants we need.

Thank you.

--

Lynn Eisenbrey
802-503-4721
63Lynnc@gmail.com

From: bsimoes@comcast.net
To: AGR - PHARM Rules
Subject: Neonicotinoids
Date: Thursday, September 11, 2025 8:08:47 AM

It has been proven that neonicotinoids are poison to wildlife—the very foundation of our food system. Other states have outlawed them already and have had very good results with their crops. Because of this, seed companies would have to have seeds without this harmful additive already. Because of this, I don't understand why the delay or hesitancy in making regulations very strong and very soon! Why wouldn't we try to undo the harm we've caused, especially if there is no downside. Our very future is at risk. Thank you for your consideration.
Barbara Simoes (Middlebury, VT)

From: Comcast
To: AGR - PHARM Rules
Subject: Neonicotinoids
Date: Saturday, August 30, 2025 11:52:32 AM

Subject: Neonicitinoids

Hi,
We were so happy that the legislature passed legislation to ban neonicintinoids. We live across from a farm that farms corn and every year all our bee hives don't make it thru the winter, in part related to high neonic exposure from the corn seed. The farm also doesn't follow rules related to stormwater so all that drains into the lake. This farm does not seem to follow rules so my fear is that they will simply ignore your legislation and our bees will continue to die and the water will continue to accumulate neonics. I think that the State needs to monitor and have some penalty for the farms that continue to use the neonics in order to change their behavior. Also provide a mechanism for residents to request investigation of suspected non-compliance.

Thank you

Susan Dunning
829 West Shore Road
North Hero, VT
Sent via phone

Sent via phone

From: LEEDS BREWER
To: AGR - PHARM Rules
Subject: Neonicotinoids
Date: Thursday, September 11, 2025 8:36:08 AM

Having reviewed the best management practices for allowable uses of neonics, I find that there are appropriate suggestions for what a person should do, but no mention of the consequences if a person doesn't follow those practices. If neonics are to be allowed for a period of time before their ban, I believe that there should be a negative consequence if those practices are not followed.

From: catherinecooke@burlingtontelecom.net
To: AGR - PHARM Rules
Subject: neonicotinoids
Date: Wednesday, September 10, 2025 2:28:51 PM

Thank you for working so diligently on developing a plan for neonicotinoids. It is so important to pollinators to have a safe place to live and be able to pollinate our crops. Pollinators have enough difficulty with diseases without ingesting neonicotinoids. Catherine Cooke

From: Amanda Amend
To: AGR - PHARM Rules
Subject: Neonicotinoids
Date: Wednesday, August 13, 2025 10:05:15 AM

Dear Ag Folks,

I have just read the Best Management Practices for Neonicotinoids. I appreciate that this bill seeks regulates neonicotinoids and seeks to provide safeguards to pollinators, but I don't think it goes far enough in 2025. Aerial spraying should not be allowed al all. Drift Is unavoidable, and busy farmers will spray when they can, not when weather conditions are perfect. (Are weather conditions every perfect?) Also, we need larger buffers between "Significant Natural Communities". Bees can fly up to 6 miles to collect pollen, so the radius for proximity to hives should be much greater than just protecting hives and colonies on site.

How are these guidelines to be enforced? Droplet size? Drift retardant? Boom height? Wind direction? Properly calibrated equipment? I can't imagine accurate compliance with these regulations.

Thanks for working towards a safer world for our pollinators.

Amanda Amend

From: oboliver@burlingtontelecom.net
To: AGR - PHARM Rules
Subject: Neonics
Date: Tuesday, August 12, 2025 3:03:56 PM

Neonics in any form should be banned completely in Vermont.

From: Nicole Rivelli
To: AGR - PHARM Rules
Cc: info@berniesanders.com
Subject: Pesticides STOP THE POISON!
Date: Monday, September 1, 2025 7:05:56 PM

Hey VT!

Just a friendly reminder to avoid using aerial applications of neonicotinoid insecticides in the Best Management Practices. We want to protect all our pollinators, so let's make sure to keep them safe and sound. Also, please don't use treated seeds or neonicotinoid pesticides within the designated buffers to water supplies. Thanks a bunch for your cooperation!

Nicole Rivelli
Manchester VT
Community gardener

From: avanneman
To: AGR - PHARM Rules
Subject: pesticides
Date: Monday, September 1, 2025 8:20:07 PM

To the PHARMRules committee:

I would like you to implement these policies when writing the PHARM rules:

1. Do not allow aerial application of neonicotinoid insecticides in the Best Management Practices.

2. Protect ALL pollinators.

3. Do not allow use of treated seeds or neonicotinoid pesticides within designated buffers to water supplies.

Thank you,

Ann Vanneman

323 Nash Drive

Wallingford, VT 05773

From: Jean Weidman
To: AGR - PHARM Rules
Subject: Phasing out Neonictonoid
Date: Wednesday, September 10, 2025 12:52:18 PM

It's so overdue.
Let's get this done sooner! You have the power

From: Carole O"Connell
To: AGR - PHARM Rules
Subject: Pollinators
Date: Wednesday, September 10, 2025 12:56:56 PM

I am a 73 year old senior. When I was a child growing up in Vermont, butterflies were everywhere, caught by me and examined closely before being let go. Now the only "butterflies" I see in my yard are cabbage moths. I never imagined that pollinators would go extinct in my lifetime. Please allow other Vermont children to have them to appreciate from now on.

Thank you,

Carole O'Connell
Newport, VT

From: Judy Bond
To: AGR - PHARM Rules
Subject: Protect bees and all pollinators!
Date: Tuesday, September 2, 2025 8:19:41 AM

The mix of chemicals in our environment will eventually build into a disaster that we cannot undo. Please stop the use of neonic treated seeds as soon as possible. We know that they are dangerous for insects, and very likely for humans. Will that be harder for farmers? YES, but the state must do everything possible to help find alternatives.

Please.

Judy Bond
Cottage road
Hinesburg VT

From: Maria Genovese
To: AGR - PHARM Rules
Subject: Protect Pollinators
Date: Tuesday, August 12, 2025 1:17:05 PM

1. Neonicotinoid insecticides should not be allowed -ever - to be sprayed aerially, including from drones. No aerial applications.
2. Buffers of 200 ft from public drinking water sources or 100 ft from other drinking water sources must be enforced. No use of neonics within those buffer areas.
3. Notify beekeepers within 1 mile radius of any neonic use.

From:	Dillon Gabbert
To:	AGR - PHARM Rules
Cc:	Dwinell, Steve; Jordan Gregory
Subject:	Public Comment: BMPs for Neonicotinoid Treated Article Seeds and Neonicotinoid Pesticides
Date:	Thursday, September 11, 2025 3:45:24 PM
Attachments:	20250911_CLA ASTA_VT BMPs Neonic Seed and Neonic Pesticides.pdf

CropLife America (CLA) and the American Seed Trade Association (ASTA) appreciate the opportunity to submit comments on the Best Management Practices for Neonicotinoid-Treated Article Seeds and Neonicotinoid Pesticides. The comments are attached; please let me know if you have any questions.

Dillon Gabbert
Director, State Regulatory Affairs
CropLife America and RISE
4201 Wilson Boulevard
Suite 700
Arlington, VA 22203
Phone: (571) 651-7573
dgabbert@croplifeamerica.org
www.croplifeamerica.org
www.pestfacts.org

From: Rebecca Allen
To: AGR - PHARM Rules
Subject: Rules for Vermont Pollinators Act
Date: Thursday, September 11, 2025 11:12:54 AM

Hello, I'm writing to request that you strengthen the rules for the Vermont Pollinator Protection Act. The health of our pollinators has a direct impact on human health and the health of our planet. The two are inextricably linked.

There are better options than neonics that are not harmful to our pollinators or planet.

Now is the time to strengthen these rules so that they truly protect pollinators, safeguard other non-target wildlife, defend public health, and support farmers in transitioning to safer, more sustainable practices.

Thank you,
Becca

Rebecca Mandigo
Marshfield VT 05658
802-793-5376

From: Sylvia Knight
To: AGR - PHARM Rules
Subject: Supplemental comments on draft BMPs for neonics
Date: Friday, August 22, 2025 5:25:49 PM
Attachments: Neonic-BMPs-SKcomments-082225.docx

Hello, Steve, David,

I am attaching my supplemental comments on the neonic BMPs .

Thank you for your consideration.

Sylvia Knight
Earth Community Advocate & Researcher
Burlington, VT 05408
sknightinvt73@gmail.com
pronouns: she, her

We cannot solve our problems with the same thinking we used when we created them. Albert Einstein.

"We aren't going to have peace on Earth until we recognize the basic fact of the interrelated structure of all reality."

Martin Luther King, Jr.

From: Stephanie Nyzio
To: AGR - PHARM Rules
Subject: support of pollinators and ban on Neonics
Date: Thursday, September 11, 2025 8:15:42 PM

Dear Agency of Agriculture,

Thank you so much for creating this rule!
Thank you for staying on course and seeing this new rule through to completion and reinforcement. Please stay the course for our future and our children's future. These toxic pesticides and treated seeds are ruining our soil, precious insects, and food!
Grateful for the work you are doing to move this rule forward.

Sincerely,
Stephanie Nyzio
Bethel, VT

From: Peter Macfarlane
To: AGR - PHARM Rules
Subject: The Risks of Neonicotinoids
Date: Wednesday, September 10, 2025 12:57:28 PM

To the Vermont Agency of Agriculture:

Whilst neonicotinoid pesticides have undoubtedly helped to control pest insects, their wider effects indicate that their use should be discontinued. They are non-specific, and so kill non-target insects, many of which are beneficial to our agriculture and therefore to our food supply.

Anyone who has driven at dusk or at night for the last few decades can attest to the fact that the density of flying insects has dropped markedly. Windshields used to end up coated with spattered moths and more, but now largely remain clean. A German study, published within the last few years, found that the density of flying insects had dropped by about 90% over 30 years. My own experience is that this seems not to apply to mosquitoes and blackflies (whose food remains abundant), but especially to butterflies, moths, bees and wasps. Honey bee populations in particular have been in drastic decline for many years now.

The insects that seem most affected are many of the beneficial ones, those, for example, which help to pollinate many of our crops. It is ironic that the agricultural industry is one of the largest users of toxins which kill the very insects that benefit that industry. To look on the black side, if the pollinator populations fall too far, crop yields will be drastically reduced, far more than a few pest insects would ever cause.

It is time for the agriculture industry (and any other users of neonicotinoids) to abandon their use of these and similar indiscriminate toxins, and to accept that yields may suffer a little due to insect pests but remain far greater than in a world without pollinators. If the costs associated with reduced yield have to be passed to us, the consumers, so be it. I shall continue to buy food, and shall be happier doing so if I know that it has been produced in a manner which does not drive down populations of beneficial insects.

I therefore urge the VT Agency of Agriculture to do all in its power to restrict, even eliminate, the use of neonicotinoid pesticides in this state. Thank you for considering my comment.

Peter Macfarlane

Addison, VT

From: Lynn Eisenbrey
To: AGR - PHARM Rules
Subject: Use of Neonicotinoids
Date: Saturday, August 30, 2025 7:09:13 PM

I understand that the Agriculture Innovation Board is allowing comments from the public until September 11 regarding "best Practices" for use of neonicotinoids.

I have to say that I do not believe there is any reason to ever use the insecticide. Humans cannot be trusted to ever use such a deadly product safely. The customers I have spoken to who purchase such products have never used these in a safe way and it has disturbed me for several years.

I have watched videos of dead and dying bees which were so carefully tended throughout the winter in order to manage the pollination of the US farm fruit trees and flowers so that we can be competitive with the world and feed our own residents. Millions if not billions of dollars lost. Hundreds of hard work by the farmers. All of the days and hours of collection by these amazing bees only to be suffering from poisoning. Criminal.

Please do not allow spraying of neonicotinoids from drones or planes ever.

--
Lynn Eisenbrey
802-503-4721
63Lynnc@gmail.com

From: andrew munkres
To: AGR - PHARM Rules
Subject: VBA comments on act 182
Date: Thursday, September 11, 2025 9:00:37 PM
Attachments: VBA comments on Act 182.pdf

Please see attached.

Thanks,
andrew munkres

From: Hugo
To: AGR - PHARM Rules
Cc: Hugo Liepmann
Subject: VTPollinator Protection Act
Date: Wednesday, September 10, 2025 12:53:41 PM

I urge strong protection for pollinators, with teeth for enforcement.

That is the only way for all of us to avoid being stung, and stung badly, by the loss of vigorous and diverse pollinators.

Hugo Liepmann
Garand Hill Rd
Middlesex, VT 05602

From:	Emily May
To:	AGR - PHARM Rules
Cc:	Mia Park
Subject:	Xerces Society comments on proposed BMPs for the agricultural use of neonicotinoids
Date:	Thursday, September 11, 2025 12:39:18 PM
Attachments:	Xerces Comments on Proposed Neonic Rules - VAAFM Sept 2025.pdf

On behalf of the Xerces Society for Invertebrate Conservation, I am submitting the attached comments on the proposed rules regarding Best Management Practices for the Use of Neonicotinoid Treated Article Seeds and Neonicotinoid Pesticides.

Thank you for the opportunity to provide input and for your consideration of these recommendations as you finalize these rules and the future risk assessment and exemption process. I would be glad to talk through any of these points in more detail if helpful in support of the rulemaking process.

Best,

Emily

--
Emily May (*she/her*)
Agricultural Conservation Lead
Pesticide Program
The Xerces Society for Invertebrate Conservation
240.645.6605 | emily.may@xerces.org
xerces.org

September 8, 2025

Mr. Steven Dwinell
Director
Public Health & Agriculture Resource Management Division
Vermont Agency of Agriculture, Food & Markets
116 State Street
Montpelier, VT 05620

Re: Comments on Best Management Practices for the Use of Neonicotinoid Treated Articles Seeds and Neonicotinoid Pesticides

Dear Mr. Dwinell,

The undersigned organizations submit the following comments on the draft Best Management Practices for the Use of Neonicotinoid Treated Article Seeds and Neonicotinoid Pesticides ("Draft Rule") proposed by the Vermont Agency of Agriculture, Food & Markets ("AAFM" or "Agency"). The Draft Rule is proposed under Act 182 (H. 706 (2024)), an act relating to banning the use of neonicotinoid pesticides, which prohibits several uses of neonicotinoid pesticides ("neonics"), effective July 1, 2025, except pursuant to an exemption granted by the Secretary. Act 182 also bars the sale, use, or distribution of most neonic treated article seeds,[1] effective January 1, 2029, except pursuant to an exemption.

Act 182 includes extensive findings about the harms caused by neonics. Specifically, the General Assembly finds that many pollinator species in Vermont "are in decline or have disappeared," with three bee species listed by the State as endangered.[2] The Act is also rooted in the premise that neonics "are extremely toxic to bees and other pollinators"[3] and that several recent studies linked this decline in pollinators, as well as a reduction in bird biodiversity, to exposure to neonics.[4] Because of these documented harms, Act 182 prohibits the use of neonics in almost all instances in order to provide maximum protection to pollinators.

The Draft Rule, as required by Act 182, establishes best management practices ("BMPs") for the use of neonics during the limited circumstances when their use is allowed – before the ban on the use of neonic treated seeds goes into effect in 2029, if an exemption from the ban on the use of neonic treated seeds or the application of neonics is granted by the Agency, and for the limited uses that are not prohibited under the Act. In our view, the Draft Rule is inconsistent with the intent of the Vermont Legislature to eliminate most uses of neonics in the state of Vermont. Most significantly, the Draft Rule establishes voluntary provisions that will allow for status quo use of

[1] "No person shall sell, offer for sale or use, distribute, or use any neonicotinoid treated article seed for soybeans or for any crop in the cereal grains crop group (crop groups 15, 15-22, 16, and 16-22)." 6 V.S.A. § 1105b(a).
[2] Act 182, Sec. 1 Findings (2).
[3] Act 182, Sec. 1 Findings (3).
[4] Act 182, Sec 1 Findings (6), (7), and (8).

neonic treated seeds for the next several years. Further, several criteria set in the Draft Rule appear to be arbitrarily determined rather than aligning with the intent of the Act.[5]

I. Voluntary Best Management Practices Undermine the Language and Intent of Act 182

The Vermont Legislature passed Act 182 to protect pollinators and other non-target insect species, as well as Vermonters, from exposure to neonic pesticides. The provisions of Act 182 were intended to work together as a whole – to protect pollinators not only through use bans, but also in circumstances where a ban does not apply, or does not yet apply, to a particular use. The BMPs represent a foundational element of this holistic and protective approach. Act 182 establishes that AAFM "shall adopt by rule BMPs" for use: (1) prior to the effective date of the prohibition on the use of neonic-treated article seed; (2) in situations where neonic-treated article seed and neonic pesticides are used after an exemption is granted; and (3) regarding neonic uses that are not otherwise prohibited by law.[6]

The statutory text makes clear the Legislature's intent that BMPs outline required standards and practices. AAFM must adopt BMPs "by rule," underscoring AAFM's duty to provide BMPs as well as the mandatory nature of the BMPs themselves. Here, the intent of this rulemaking mandate is to "implement" or "prescribe"[7] required protections for pollinators from the use of neonic-treated article seed and other uses by establishing the necessary conditions and approvals for neonic use.[8] For example, among other things, the rules "shall address" the "establishment of threshold levels of pest pressure required prior to use of neonicotinoid treated article seeds or neonicotinoid pesticides" and "criteria for a system of approval of neonicotinoid treated article seeds or neonicotinoid pesticides."[9]

Contrary to the plain intent of Act 182, however, the Draft Rule contains language making the BMPs voluntary, not mandatory. The Purpose section in the Draft Rule states that "these practices are recommended best practices to be used whenever reasonable and practicable."[10] This blanket provision stating that the BMPs are purely discretionary, and therefore, voluntary, is contrary to Act 182. Nowhere in the Draft Rule does AAFM provide language requiring that farmers follow the listed practices, and the use of the word "should" rather than "shall" throughout the rule suggests that they are voluntary in nature.[11]

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[5] Our comments do not address the scientific basis or the specific harms to pollinators and other non-target insects due to the use of neonics but instead focus on the requirements for the Draft Rule set by the Legislature in Act 182.
[6] 6 V.S.A. § 1105a(c)(1).
[7] 3 V.S.A. § 801(b)(9), reads: "Rule" means each agency statement of general applicability that implements, interprets, or prescribes law or policy and that has been adopted in the manner provided by sections 836-844 of this title.
[8] *See* 6 V.S.A. § 1105a(c)(2).
[9] 6 V.S.A. § 1105a(c)(2)(A), (G) (emphasis added).
[10] Draft Rule, Section 1. General, 1.02 Purpose.
[11] See Draft Rule, Sections 3.02, 3.03, 3.04, 3.05, 3.06, 3.07, 3.08, 4.02, 4.03, 4.04, 4.05, and 4.06

Making the BMPs voluntary instead of mandatory undermines the intent of the Vermont Legislature to provide maximum protection to pollinators from the impacts of neonic use. The statute prohibiting the application of neonics, in most instances,[12] is unambiguous:[13]

> (a) The following uses of neonicotinoid pesticides are prohibited:
>
> > (1) the outdoor application of neonicotinoid pesticides to any crop during bloom;
> >
> > (2) the outdoor application of neonicotinoid pesticides to soybeans or any crop in the cereal grains crop group (crop groups 15, 15-22, 16, and 16-22);
> >
> > (3) the outdoor application of neonicotinoid pesticides to crops in the leafy vegetables; brassica; bulb vegetables; herbs and spices; and stalk, stem, and leaf petiole vegetables crop groups (crop groups 3, 3-07, 4, 4-16, 5, 5-16, 19, 22, 25, and 26) harvested after bloom; and
> >
> > (4) the application of neonicotinoid pesticides to ornamental plants.

The Vermont Legislature mandated that BMPs be incorporated by rule with the intent that there will be some level of protection for pollinators before the prohibition on the use of neonic treated seed goes into effect, when a neonic is used in a manner that is not banned, or if an exemption is granted.

The rulemaking provision, 6 V.S.A. § 1105a(c), reads:

> (c)(1) Under subsection (a) of this section, the Secretary of Agriculture, Food and Markets, after consultation with the Agricultural Innovation Board, shall adopt by rule BMPs for the use in the State of:
>
> > (A) neonicotinoid treated article seeds when used prior to January 1, 2031;
> >
> > (B) neonicotinoid treated article seeds when the Secretary issues a written exemption order pursuant to section 1105b of this chapter authorizing the use of neonicotinoid treated article seeds;
> >
> > (C) neonicotinoid pesticides when the Secretary issues a written exemption order pursuant to section 1105c of this chapter authorizing the use of neonicotinoid pesticides; and

---

[12] There are some instances where neonic application is permissible, such as on apple trees that are not in bloom. Further, neonic use is allowed when an applicant applies for an exemption and meets the specific conditions set in the statute. 6 V.S.A. § 1105c(b).

[13] 6 V.S.A. § 1105c(a).

(D) the agricultural use after July 1, 2025, of neonicotinoid pesticides the use of which is not otherwise prohibited under law.

The language of the statute supports the conclusion that the Legislature intended the BMPs to have the force of law. The addition of subsection (c)(1), and its mandatory language, unambiguously requires that the Agency "shall adopt by rule BMPs for the use in the State" that are applicable in these specific instances.[14] By contrast, elsewhere in 6 V.S.A. § 1105a the Legislature provided AAFM with discretion whether to undergo rulemaking for BMPs for "the sale, use, storage, or disposal of treated articles,"[15] stating that "[t]he Secretary of Agriculture, Food and Markets, upon recommendation of the Agriculture Innovation Board, *may* adopt" rules [emphasis added], including BMPs, which applies broadly for the use of to all treated articles.[16]

II. The Draft Rule Should Make or Clarify That Specific Best Management Practices Are Mandatory

Most of the provisions in the Draft Rule are prefaced that they "should" be followed or implemented, not that they "shall" be followed or implemented. To the extent these subsections of the Draft Rule are construed as voluntary, many undermine Act 182 and the intent of the Legislature. We maintain that because the BMPs are intended to be mandatory, the vast majority of these must be changed to "shall." In particular, the following provisions appear potentially inconsistent with Act 182's findings or with other legal requirements:

A. Following Label Requirements

In some instances, the use of "should" appears to characterize a legal requirement as a voluntary choice. For example, the Draft Rule states that a "person using a neonicotinoid pesticide *should...* follow[] label restrictions for the maximum amount of neonicotinoid allowed per acre."[17] [emphasis added] Label restrictions are governed by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. § 136-136y (1996) and Chapter 87 of the Vermont Agriculture Title which provides administrative penalties for licensed applicators that "use[] a pesticide inconsistent with its labeling."[18]

Further, paragraph 5.01(a) of the *Vermont Rule for Control of Pesticides* in accordance with 6 V.S.A. Chapter 87 provides that "[a] pesticide use shall comply with that pesticide's label, which shall be registered with the EPA and the Agency, except as provided under authority for pesticide use in Sections 18 and 24(c) of FIFRA."[19] Indicating or implying that otherwise

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[14] 6 V.S.A. § 1105a(c)(1).
[15] 6 V.S.A. § 1105a(a)(1).
[16] 6. V.S.A. § 1101(7) referencing 40 C.F.R. § 152.25(a) Treated articles or substances. An article or substance treated with, or containing, a pesticide to protect the article or substance itself (for example, paint treated with a pesticide to protect the paint coating, or wood products treated to protect the wood against insect or fungus infestation), if the pesticide is registered for such use.
[17] Draft Rule, 4.06(c) Pollinator Protection.
[18] 6 V.S.A. § 1111(a)(3). authorizing assessment of an administrative penalty upon a finding that a pesticide applicator or permit holder has "used a pesticide inconsistent with its labeling or in violation of the rules for the control of pesticides."
[19] *Vermont Rule for the Control of Pesticides (2023)*, § 5.01 Registered and Recommended Use of Pesticides.

mandatory label instructions are merely advisory undercuts not only Act 182 but also other state and federal pesticide law. Accordingly, the BMPs regarding following label requirements must be mandatory.

B. Use of Integrated Pest Management

Act 182 evinces an intent that Integrated Pest Management (IPM)[20] be implemented as an overall practice for pest control in which the use of neonics is the method of last resort, not the first option. To this end, Act 182 specifies that in order to qualify for an exemption from the prohibition on the use of neonic treated seeds "the person seeking the exemption order shall complete an integrated pest management training, provided by the Secretary or an approved third party."[21]

Further, under the Findings of Act 182: [22]

> The General Assembly finds that: (5) Integrated pest management is a pest management technique that protects public health, the environment, and agricultural productivity by prioritizing nonchemical pest management techniques. Under integrated pest management, pesticides are a measure of last resort. According to the European Academies Science Advisory Council, neonicotinoid seed treatments are incompatible with integrated pest management.

Contrary to Act 182's finding that neonic seed treatments are inconsistent with IPM, however, in the Draft Rule, the use of IPM appears voluntary:

> A person using a neonicotinoid treated article seed *should* implement integrated pest management practices including the following practices:[23] [emphasis added]
>
> > (a) utilize multiple pest management methods (cultural, mechanical, biological) to avoid or reduce pest risk, whenever feasible;
> >
> > (b) learn which crop production practices increase or reduce risk of insect pest damage; and
> >
> > (c) choose the lowest appropriate rate of neonicotinoid seed treatment that can effectively manage target pests.

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[20] *Vermont Rule for the Control of Pesticides* (2023) §1.39 "Integrated Pest Management means an ecosystem-based strategy that focuses on long-term prevention of pests or their damage through a combination of techniques such as biological control, habitat manipulation, modification of cultural practices, and use of resistant varieties. Pesticides are used only after monitoring indicates they are needed according to established guidelines, and treatments are made with the goal of removing only the target organism. Pest control materials are selected and applied in a manner that minimizes risks to human health, beneficial and nontarget organisms, and the environment."

[21] 6 V.S.A § 1105b(b)(1).

[22] Act 182, Sec 1. Findings (5).

[23] Draft Rule 3.05 Integrated Pest Management.

This language suggesting that employing IPM is voluntary runs contrary to the intent expressed in Act 182's legislative findings and the requirement of IPM training as a condition precedent to receiving an exemption from the neonic treated seed ban. Indeed, with no clear requirement in the Draft Rule that the IPM practices identified in the training be followed, they could be ignored by the holder of the exemption, subverting the purpose and intent of the IPM requirement. The language of the Draft Rule also may create confusion regarding the mandatory nature of the training itself, contravening the statutory directive.

C. Use of Neonics Near Drinking Water Supplies

The Draft Rule suggests that a user of neonic treated article seeds "should" provide advance notification to water system managers if the use occurs within "200 feet of public community drinking water sources and public drinking water surface water intakes" and within "100 feet of public non-community drinking water sources," but only if contact information can be found in the Department of Environmental Conservation database.[24] At the very least, the Draft Rule should require that this notification be mandatory. However, a prohibition is more appropriate.

Growing evidence demonstrates that neonic exposures pose an underappreciated threat to human health.[25] While more research needs to be done, a health protective approach would dictate prohibiting the use of neonics within these buffer areas, rather than just suggesting notification if, and only if, contact information can be found. Further, there is no mention of disposal of neonic treated article seeds in areas adjacent to drinking water sources.[26]

This suggested notification of the use of seeds in areas adjacent to water sources seems particularly arbitrary considering the Required Agricultural Practices ("RAPs") governing nutrient management on farms – namely the spreading of manure – prohibit application within a certain distance to a water source. Under the RAPs, "[m]anure or other agricultural wastes shall not be mechanically applied within 100 feet of a private water supply or 200 feet of a public water supply."[27] While the distances are similar, it is counterintuitive that manure spreading is prohibited but planting a seed coated with pesticides is allowed.

D. Specific Measures to Protect Pollinators and Other Important Natural Resources

There are other apparently voluntary measures in the Draft Rule that undermine the central legislative intent to protect pollinators as well as other critical natural resources, like groundwater. For example:

> Dust and Non-target Exposure Mitigation: A person using a neonicotinoid treated article seed should minimize dust generation and potential drift or other non-target exposure from the seed as follows: [followed by eleven practices][28]

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[24] Draft Rule, 3.06(b) Communication and Continuous Education

[25] https://legislature.vermont.gov/Documents/2024/WorkGroups/Senate%20Agriculture/Bills/H.706/Public%20Comments/H.706~Deborah%20Hirtz~Letter%20from%20Health%20Professionals%20in%20Vermont~4-17-2024.pdf

[26] Draft Rule, 3.08 Disposal.

[27] *Required Agricultural Practices* 6.05(g) Manure and Waste Application Standards and Restrictions.

[28] Draft Rule, 3.04 Dust and Non-target Exposure Mitigation.

> Drift Prevention: A person using a neonicotinoid pesticide should implement measures to reduce drift, including the following practices: [followed by ten practices][29]

Dust generation and drift pose an acute threat to pollinators and therefore protective practices to reduce dust and potential drift should be mandatory.

Under the Draft Rule, measures to prevent contamination of groundwater infiltration from neonic application are similarly voluntary.

> Runoff Protection: A person using a neonicotinoid pesticide should implement measures to prevent runoff and groundwater infiltration, including the following practices: [followed by five practices][30]

Measures to prevent contamination of groundwater infiltration should likewise be mandatory.

As a final example, the Draft Rule provides:

> Pollinator Protection: A person using a neonicotinoid pesticide should implement measures to prevent exposure to pollinators, including the following practices: [followed by five practices][31]

As Act 182 was enacted to protect pollinators, those specific practices listed as "Pollinator Protection" should be mandatory as well.

These are just a few examples of Draft Rule's voluntary measures that should instead be required to reduce the impacts on pollinators, non-target insect species, and other important natural resources.

III. The Implementation Date for the Ban on Neonic Treated Seeds in the Draft Rule is Inconsistent with the Effective Date of Act 182

Under Act 182, the prohibition on the use of neonic treated article seeds goes into effect on January 1, 2029, with the BMPs providing some protection of pollinators prior to this date. However, the Draft Rule states that the BMPs apply to the use of neonic treated article seeds prior to January 1, 2031, not prior to January 1, 2029.[32] The implementation date of 2031 in the Draft Rule is inconsistent with the effective date in Act 182 as established by the Legislature.[33] The language of 6 V.S.A. § 1105a(c)(1)(A) uses a 2031 date, creating understandable confusion. Regardless, the Draft Rule should change the BMP use date to prior to 2029 to be consistent with

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[29] Draft Rule, 4.03 Drift Prevention.
[30] Draft Rule, 4.05 Runoff Protection.
[31] Draft Rule, 4.06 Pollinator Protection.
[32] Draft Rule, 3.01 Applicability.
[33] Sec. 9 Effectives Dates (c) Sec. 3 (treated article seed) shall take effect on January 1, 2029....

the Effective Date established in the Act and the actual starting date of the prohibition on the use of neonic treated article seeds.[34]

IV. The Draft Rule is Incomplete Because It Does Not Address the Standards and Practices Required By 6 V.S.A § 1105a(c)(2)

The Draft Rule is incomplete as it does not address the standards and practices needed to properly utilize IPM to ensure that pesticide use is a last resort. It was the intent of the Legislature that 6 V.S.A § 1105a(c)(1) requiring rulemaking for BMPs be conditioned on the factors in § 1105a(c)(2) and therefore these two subsections cannot be looked at in isolation.

Specifically, Section 1105a(c)(1) requires rule adoption for BMPs,[35] and § 1105a(c)(2) obligates AAFM and the Agricultural Innovation Board to incorporate the factors listed when developing "the rules" – an internal reference to the rulemaking required by § 1105a(c)(1). In particular, § 1105a(c)(2) provides that:[36]

> In developing the rules with the Agricultural Innovation Board, the Secretary shall address:
>
> > (A) establishment of threshold levels of pest pressure required prior to use of neonicotinoid treated article seeds or neonicotinoid pesticides;
> >
> > (B) availability of nontreated article seeds that are not neonicotinoid treated article seeds;
> >
> > (C) economic impact from crop loss as compared to crop yield when neonicotinoid treated article seeds or neonicotinoid pesticides are used;
> >
> > (D) relative toxicities of different neonicotinoid treated article seeds or neonicotinoid pesticides and the effects of neonicotinoid treated article seeds or neonicotinoid pesticides on human health and the environment;
> >
> > (E) surveillance and monitoring techniques for in-field pest pressure;
> >
> > (F) ways to reduce pest harborage from conservation tillage practices; and
> >
> > (G) criteria for a system of approval of neonicotinoid treated article seeds or neonicotinoid pesticides.

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[34] The 2031 date may remain from a prior effective date in an early version of the bill that was amended on the floor of the Vermont State Senate; alternatively, it may stem from language in Section 9, Effective Dates, making the January 1, 2029, effective date contingent on New York's neonic article seed ban being in effect as of that date.
[35] 6 V.S.A. § 1105a(c)(1) reads: "Under subsection (a) of this section, the Secretary of Agriculture, Food and Markets, after consultation with the Agricultural Innovation Board, shall adopt by rule BMPs for the use in the State of: (A) through (D)."
[36] 6 V.S.A. § 1105a(c)(2).

The provisions in § 1105a(c)(2) were initially incorporated in statute in Act 145 (2022)[37] and at that time applied to voluntary rulemaking for treated articles[38] in general in § 1105a(a). However, in Act 182, this subsection was amended to make the provisions in § 1105a(c)(2) clearly apply to mandatory rulemaking required in § 1105a(c)(1). As these Draft Rules do not appear to address these provisions, the Draft Rule is incomplete.

Under Act 182, the standards and practices outlined in 6 V.S.A. § 1105a(c)(2) are clearly mandatory and must be incorporated "when developing the [BMP] rules" required by § 1105a(c)(1). While AAFM may be waiting on research from the University of Vermont and Cornell University to inform some of the standards and practices outlined in § 1105a(c)(2), the statute is clear. As the Draft Rule does not address threshold levels of pest pressure, economic impacts, relative toxicities, or other factors whose consideration is required, the Draft Rule is incomplete as written and contrary to the plain text of the law.

The Draft Rule must address all of the factors in 6 V.S.A. § 1105a(c)(2) – including: the "establishment of threshold levels of pest pressure required prior to use of neonicotinoid treated article seeds or neonicotinoid pesticides;" practices for "surveillance and monitoring techniques for in-field pest pressure;" and "criteria for a system of approval of neonicotinoid treated article seeds or neonicotinoid pesticides" – even if these standards and practices may be later refined or clarified in rule or in guidance in response to new information.

V. Additional Suggestions for Inclusion in the Final Rule

The Rule should include an introduction explaining the purpose of the Rule

Section 1 should include a paragraph of introduction to explain the reasoning of the statute and the subsequent Rule, provide an overview of the provisions in the statute, a timeline of the prohibitions, and the use of BMPs. While some of this is explained on the AAFM website,[39] it is important to provide the context in the rule as well.

The Rule should address enforcement and penalties

There are no enforcement provisions in the Draft Rule, which is not surprising to the extent that the Agency views the BMPs as voluntary. However, if the BMPs represent requirements, then enforcement provisions will need to be added. Enforcement authority for this Rule does not have to be specifically granted by the Legislature as the Secretary already has broad authority to enforce its laws under Title 6.[40]

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[37] Act 145 (2022) / H.626 An act relating to the sale, use, or application of neonicotinoid pesticides.
[38] 40 C.F.R. § 152.25(a) *Treated articles or substances.* An article or substance treated with, or containing, a pesticide to protect the article or substance itself (for example, paint treated with a pesticide to protect the paint coating, or wood products treated to protect the wood against insect or fungus infestation), if the pesticide is registered for such use.
[39] https://agriculture.vermont.gov/neonicotinoids-vermont
[40] 6 V.S.A. § 1 (a)(10) "Adopt and enforce rules to implement the laws administered by the Secretary."

Even if AAFM lacks staff capacity for inspections to ensure the BMPs are followed, it seems likely if the rules are mandatory, most farmers will follow them. The few others would likely be compelled to comply if the threat of enforcement and a penalty in the form of a fine exists.

VI. Conclusion

The Vermont Legislature enacted Act 182 to offer broad protection to pollinators, other non-target insects, and birds from the impacts of the use of neonicotinoid pesticides. The intent and plain text of the law require that the Draft Rule provide mandatory BMPs for the use of neonic treated articles seeds prior to their prohibition or pursuant to a written exemption order, as well as the use of other neonic pesticides not otherwise prohibited or pursuant to a written exemption order. The Draft Rule must also address the standards and practices outlined in 6 V.S.A. § 1105a(c)(2), including the standards for pest surveillance and monitoring and the thresholds and criteria for granting a written exemption order. As the Draft Rule in its current form fails to make clear that the BMPs are mandatory or address the required standards and practices, it contravenes both the letter and the spirit of Act 182.

Thank you for the opportunity to submit these comments.

Sincerely,

Jenny Patterson
Executive Director
Lake Champlain Committee

R. Scott Sanderson
Director of Farm & Food, Staff Attorney
Conservation Law Foundation

Daniel Raichel
Director, Pollinators and Pesticides Nature Program
Natural Resources Defense Council

Jon Groveman
Policy and Water Program Director
Vermont Natural Resources Council

Paul Burns
Executive Director
Vermont Public Interest Research Group

VDPA
Vermont Dairy Producers Alliance

September 10, 2025

RE: Neonicotinoid Best Management Practices Rule Public Comment

To Whom it May Concern,

The Vermont Dairy Producers Alliance (VDPA) is comprised of dairy farmers and industry partners in the agriculture industry, representing dairy farms of all sizes throughout Vermont. VDPA works together with members, industry partners, and state government to adopt regulations that won't cripple the economic viability of the Vermont dairy industry. We support and encourage the growth and viability of agriculture in Vermont while being mindful of the environmental impacts to Vermont's working landscape and waterways.

VDPA was formed to increase the voices of dairy farmers both within the legislative and regulatory arenas. Members are from farms of all sizes working in conjunction with industry members to ensure a sustainable dairy sector in Vermont.

I would like to thank the committee for all your hard work on the proposed rules and your commitment to your duties under the new regulations as passed in Act 182. Many of our members attended the public hearings across the state, and we appreciate you taking the time to hear our concerns.

However, we still have concerns about the effect the ban would have on the dairy industry in Vermont. Dairy farming is the backbone of Vermont agriculture, contributing $5.4 billion annually to the state's economy and supporting thousands of jobs in rural communities. A reliable and affordable feed supply, primarily corn and other forage crops, is essential to maintaining the health of our herds and the competitiveness of our farms. Neonicotinoid seed treatments play a critical role in protecting these crops from destructive early-season pests, ensuring consistent yields, and reducing the need for repeated pesticide applications throughout the growing season.

Continued climate challenges with flooding during some years and droughts other years, we need ALL the tools to help us to compete across the national level. Without these seeds, there is a high potential for crop loss which translates too inability to feed our herds. The proposed Best Management Practices (BMPs) add another layer of regulation and economic burden for farms to adhere to.

While most farmers are exercising care when using pesticides, and in some cases, already following these practices, we would recommend that edits be made in section 4.02 for integrated pest management practices to make them less burdensome to the farmer. We believe subsections a, d, and f are difficult to monitor and will only add additional burden trying to get crops in the

VDPA
Vermont Dairy Producers Alliance

ground in a timely manner. Additionally, Section 4.05 and 4.06 are equally challenging. While we do everything possible to prevent runoff and exposure to pollinators and others, it is not entirely preventable as it is not possible to predict weather patterns and when the window is open to plant crops. This needs to be done in a timely fashion.

As our dairy farm numbers continue to dwindle, VDPA will continue to push back against this and other similar legislation that puts not just dairy farmers at a disadvantage, but all of agriculture. We appreciate all the efforts to protect our pollinators and wish to be a partner in this endeavor, but we do not want to lose more farms because of it.

Regards,

Brian R. Carpenter
Brian Carpenter

Chair, Vermont Dairy Producers Alliance

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September 9, 2025

Mr. Steve Dwinell, Director
Public Health & Agricultural Resource Management Division
Vermont Agency of Agriculture, Food & Markets
116 State Street
Montpelier, VT 05620

Dear Director Dwinell,

We, Audubon Vermont, are writing to you with comments on the proposed Best Management Practices (BMPs) for the use of neonicotinoid treated seeds and outdoor neonicotinoid application. Audubon Vermont—a state program of the National Audubon Society—protects birds and the places they need throughout the Americas using science, advocacy, education, and on-the-ground conservation. Audubon's state programs, nature centers, chapters, and partners have a wingspan that reaches millions of people each year to inform, inspire and unite diverse communities in conservation action. In Vermont, Audubon Vermont leads a network of over 10,500 active members and 7 locally affiliated chapters, and thousands of annual visitors, volunteers, and partners throughout the state.

Tragically, birds in North America are rapidly declining due to threats of climate change, human development, habitat loss, and excessive pesticide use. Species that use farmlands, grasslands, or shrublands and that eat seeds or flying insects are experiencing the strongest and most pervasive declines. Grassland birds have experienced >50% population declines since 1970; flying insect eating bird populations have declined >30% (Rosenberg et al. 2019); and 74% of farmland bird species have experienced breeding population declines (Stanton et al. 2018). The Vermont Breeding Bird Atlas has shown dramatic declines in several aerial insect-eating bird species including a 25% decline in Chimney Swifts, 91% decline in Common Nighthawks, 62% decline in Purple Martins, and 55% decline in Eastern Meadowlarks, which eat both seeds and insects (Renfrew, 2012). These consistent patterns of decline have strengthened concerns that neonicotinoid insecticides may be contributing to the observed reductions in these bird populations. While Vermont has taken an important step to address this issue by enacting Act 182, we believe that there are ways to strengthen the BMPs to ensure the protection of Vermont's birds and other species.

We appreciate the Agency of Agriculture, Food, and Market's work to develop best management practices (BMPs), and recognize improvements in the April 30 draft. However, several core issues remain unaddressed. Audubon Vermont suggests the following changes to the BMPs to ensure the safety and health of pollinators, birds and our ecosystems.

- **Use enforceable language where appropriate.** Many of the best management practices outlined in the rule are written in advisory language, using the word "should" or "must" rather than "shall," even in areas where the law anticipates enforceable action. For example, the disposal and aerial application language should be mandatory. The Agency should more clearly distinguish between voluntary practices, mandatory state rules, and label-enforceable requirements.

- **Correct the timeline for protections.** The rule must be consistent with the law by prohibiting neonic-treated seeds beginning in 2029, not 2031 as the draft rule states.

- **Prevent pollution from leftover treated seeds.** Stronger disposal rules are needed to protect drinking water, public health, wildlife, and the environment. Leftover seeds should be buried far from wells, wetlands, and other vulnerable areas. **The disposal language should be mandatory.** Some specific suggestions are that disposed treated seed:
    - Is located more than 200 feet away from any water-supply well used for human or animal drinking water and be more than 1,000 feet from any public water supply;
    - Is not within a wetland, floodplain, or shoreland;
    - Is no deeper than 5 ft above the water table;
    - Is deep enough to be covered by 2 feet of soil with the top foot capable of sustaining vegetative growth; and
    - Has the final cover contoured and sloped to divert surface water drainage around and away from the burial location and to prevent erosion.

- **Strengthen protection for pollinators under exemptions and include BMPs for all use under exemption.** Foliar sprays are among the highest risk uses for pollinators and must be addressed with their own best management practices. This should include advance notice to nearby beekeepers and additional precautions for nursery production and ornamental applications.

- **Prohibit aerial applications.** A 50-foot buffer from water and pollinator habitat isn't enough to prevent contamination from aerial spraying.

Audubon Vermont appreciates your consideration of our proposed changes to the BMPs.

Sincerely,

Margaret Fowle
Conservation Program Manager

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Statement of Beyond Pesticides on Best Management Practices for the Use of Neonicotinoid Treated Article Seeds and Neonicotinoid Pesticides, Rule 25P031
Vermont Agency of Agriculture, Food and Markets
Public Health & Agricultural Resource Management Division
116 State Street, Montpelier, VT 05620-2901
September 11, 2025

Mr. Steve Dwinell and Mr. Zach Szczukowski,

We appreciate the opportunity to submit comments on proposed Rule 25P031, Best Management Practices for the Use of Neonicotinoid Treated Article Seeds and Neonicotinoid Pesticides, being considered by the Agency of Agriculture, Food and Markets (VAAFM). Beyond Pesticides is a national, grassroots, membership organization that represents community-based organizations and a range of people seeking to improve protections from pesticides and promote alternative pest management strategies that eliminate a reliance on pesticides. Our membership spans the 50 states, the District of Columbia, and groups around the world. We are providing these comments on behalf of our members and supporters in the state of Vermont.

We urge the VAAFM, specifically the Public Health & Agricultural Resource Management Division, to adopt the implementation of an Ecological Pest Management (EPM) or strongly defined Integrated Pest Management (IPM) program for indoor environments, and Organic Land Care (OLC) practices in the outdoor environment. While the proposed rule recognizes a problem, we urge the Agency to strengthen the criteria of best management practices to consider a broader approach in response to the biodiversity and public health threats referenced in the rule and ensure a more robust response to regulatory failures at the federal level that exacerbate risks to nontarget organisms from neonicotinoid insecticides and neonicotinoid-treated seeds, as defined in a large body of peer-reviewed scientific findings.[1]

There are several provisions of the rule that undermine the protections needed and additional issues that must be addressed to affect a meaningful response to pollinator decline and adverse ecosystem effects associated with the use of neonicotinoid-based or coated products.

The following amendments should be made, as all pesticides in commerce, including neonicotinoids, are regulated by the U.S. Environmental Protection Agency (EPA) and are said to

not cause "unreasonable adverse effects" under federal and state of Vermont law. Therefore, under this language in the proposed rule (particularly Section 3.05 and 4.02 pertaining specifically to defining Integrated Pest Management), all neonicotinoids have already met this standard. The purpose and intent of this authorizing legislation, which as we understand it,[2] however, is to create a higher standard of environmental protection and transition us away from their continued use with clear timelines and benchmarks for success and accountability. The need for improved protection is supported by this testimony, the scientific literature, and findings of EPA deficiencies cited herein.

1. Add the definition of EPM (or Strong IPM) to include:
    a. *"Eliminates or mitigates economic and health damage caused by pests;*
    b. *Minimizes, or eliminates to the extent possible, the use of pesticides and the risk to human health and the environment associated with pesticide applications; and*
    c. *uses integrated methods, site or pest inspections, cultural practices, pest population monitoring, an evaluation of the need for pest control, and one or more pest management methods, including sanitation, structural repairs, cultural practices, habitat manipulation, mechanical and living biological controls, other nonchemical methods, and, if nontoxic options are unreasonable and have been exhausted, a defined set of least-toxic pesticides."*
2. Add the six EPM Program essentials, including Prevention, Identification, Monitoring, Record-Keeping, Action Levels, Tactics Criteria, and Evaluation (more details in next section).
3. Add definition for what is considered a "least-toxic pesticide" to include:
    a. *EPA-classified minimum risk pesticides*; (7 CFR 205.601) and
    b. *USDA organic certified pesticides*. (40 CFR § 152.25)
4. Add definition for what is not considered a "least-toxic pesticide" to include:
    a. An EPA registered pesticide that is **not organic certified.**

It is important that the proposed rule prioritize ecological pest management practices, best defined in federal law as "organic," as the alternative that must be assessed relative to the use of neonicotinoids and related compounds because of the numerous deficiencies in the EPA pesticide registration process on which the State of Vermont relies for determinations of safety. With a proper assessment of the need for these highly toxic chemicals to be dispersed in an already vulnerable environment, the state can find that management strategies are available that utilize mechanical, biological, and cultural (operational) practices that prevent the need for toxic pesticides that escalate the destruction of biodiversity and ecosystem services. Regulations that protect ecosystem services support the key role that soil organisms, bats, birds, goats, and other animals/forms of wildlife play in preventing pest populations that exceed damage thresholds.

The continued dependence on pesticides fails to respond to the pesticide treadmill effect that elevates pest populations by depressing ecological balance while increasing pest resistance to pesticide applications and reducing plant resiliency to pest populations.

Ecological Pest Management (EPM) and Organic Land Care (OLC)

The first step in pest management is pest prevention. EPM or OLC are Integrated Pest Management (IPM)[3] approaches that place strong emphasis on addressing pest issues at the source. Because the term "IPM" has been co-opted by the chemical industry to mean virtually anything a practitioner wants it to mean,[4] Beyond Pesticides has embraced the phrase "Ecological Pest Management." Ecological Pest Management better represents the focus practitioners need to have –emphasizing the broader ecology of pest management and avoiding toxic chemicals unless there are no alternatives. Some, but certainly not all, IPM programs will follow this approach. For both indoor and outdoor pest problems, the following criteria are critical:

- **Prevention**. Preventive measures must be incorporated into the existing structures and designs for new structures. Prevention is and should be the primary means of pest management in an EPM program.
- **Identification**. Many pests can look alike but may have different ecologies that necessitate different management methods. It's important to make sure pest managers correctly identify insects and other problem pests.
- **Monitoring**. This includes regular site inspections and trappings to determine the types and infestation levels of pests at each site.
- **Record-Keeping**. A record-keeping system is essential to establish trends and patterns in pest outbreaks. Information recorded at every inspection or treatment should include pest identification, population size, distribution, recommendations for future prevention, and complete information on the treatment action.
- **Action Levels**. Pests are virtually never eradicated. An action level is the population size which requires remedial action for human health, economic, or aesthetic reasons.
- **Tactics Criteria.** Under EPM, chemicals should be used only as a last resort, after mechanical, cultural, and biological approaches have been attempted and shown ineffective. When chemicals are used, the least-toxic materials should be chosen, and applied to minimize exposure to humans and all non-target organisms.
- **Evaluation**. A regular evaluation program is essential to determine the success of the pest management strategies.

In terms of the decision-making process for pest management decisions, there must be "action thresholds" set for the level of pest populations at which remedial action is necessary. For indoor settings such as cafeterias, decision makers should be professionals who know about pest needs and the risks of pesticides for that context, as well as someone who does not have a financial interest in selling a pesticide product. Sites such as playing fields face heavy traffic and may need more intensive land management (i.e., cultural practices) than other fields.

If monitoring and taking preventive actions (as currently detailed in the proposed rule) do not work, it is recommended to use mechanical traps, such as sticky traps, and biological controls, such as pheromones, parasitic insects, or, in outdoor areas, goats. If the pest issue persists after these steps are taken, then consideration of spot treatment of least- toxic pesticides is warranted. Beyond Pesticides has been gathering information on identifying sources for least-

toxic products and materials, which can be found in our toolkit on Products Compatible with Organic Landscape Management,[5] including fertilizers and pesticides. The Organic Materials Review Institute[6] also has helpful information in this regard. In terms of non-coated seeds, Beyond Pesticides also has the Pollinator-Friendly Seeds and Nursery Directory[7] as a reference for your review in terms of examples of sourcing of organic or non-coated seeds. Organic Seed Alliance[8] also has additional resources that may be helpful for the purpose of implementing this rule.

Neonicotinoid Risks

If there are instances in which Vermont is asked to allow the use of neonicotinoid insecticides, as staff officials you may be aware, and should take into account, the grave hazards associated with their use under your discretionary authority.

Neonicotinoids, intended for targeting insects with this mechanism, have been found to affect mammalian nicotinic acetylcholine receptors (nAChRs). These receptors are of critical importance to human brain function, especially during development and for memory, cognition, and behavior.[9] A review of the scientific evidence finds that there are reported associations between chronic neonicotinoid exposures and adverse developmental outcomes, including neurological effects.[10] Additional studies report that neonicotinoid pesticides impair mammalian reproduction and have developmental effects in mammals including reduced sperm production and function; reduced pregnancy rates; higher rates of embryo death, stillbirth, and premature birth; and reduced weight of offspring.[11,12,13,14]

In addition, "the first comprehensive assessment of unpublished rodent developmental neurotoxicity (DNT) studies on five neonicotinoids that were submitted to EPA by neonicotinoid manufacturers" highlights evidence of developmental neurotoxicity.[15] The study finds that exposure to five neonicotinoids causes statistically significant shrinkage of brain tissue. The authors report that even with this data, "EPA dismissed statistically significant adverse effects, accepted substandard DNT studies despite lack of valid positive control data, and allowed neonicotinoid registrants to unduly influence agency decision-making."[15]

Under the *Federal Insecticide, Fungicide, and Rodenticide Act* (FIFRA),[16] a pesticide is presumed to pose an unreasonable risk until reliable data demonstrate otherwise. Moreover, if the agency lacks the data and/or resources to fully evaluate endocrine system risks to human health and wildlife, then the agency is obliged to suspend or deny any pesticide registration until it has sufficient data to demonstrate that the pesticide's registration is in compliance with the statutory standard—no "unreasonable adverse risk" of endocrine disruption. EPA does not consider neonicotinoids to be endocrine disruptors, despite the wide body of science that finds neonicotinoid pesticides suppress natural hormone function, interfere with thyroid functions, disrupt hormone synthesis and metabolism, and adversely affect reproduction and the nervous system.[17,18,19,20]

Research shows that neonics can lead to a decrease in crop yields by killing insects such as pollinators and natural predators of pests.[21] The questionable effectiveness of neonicotinoids, while they also present a threat to nontarget organisms, highlights the need for safer practices that protect all organisms and the environment. EPA's own non-pollinator assessments confirm that harm to nontarget organisms and systems from neonicotinoid exposures is ubiquitous. The agency identifies risks to aquatic insects, birds, and small mammals, coupled with significant harm to honeybees and other native bees.

The risks from continued use of neonicotinoids far outweigh their perceived benefits. Reports of declines in bird populations,[22] studies of the pervasiveness of these chemicals in the Great Lakes,[23,24] and the loss of natural pollination services for all pollinator reliant crops underscore the imminent danger faced by the natural world.[25] Additional studies show the effects of neonicotinoids in amphibians, algae, and farmland birds that threaten biodiversity.[26,27,28] Continued use of neonicotinoids presents more risk than benefit. There is no place for neonicotinoids in the environment based on the prevailing scientific literature.[29]

Conclusion

While we support the elimination of toxic insecticides such as neonicotinoids, it must be noted that these chemicals are merely the "poster children" for broader problems associated with EPA's evaluation and registration of pesticides. At a time of cascading and intersecting public health, biodiversity, and climate crises, we must stop the use of chemical classes causing immense harm; yet, we must also move toward an approach that incentivizes sustainable practices that do not necessitate these chemicals in the first place.

In addition, no human health or environmental safety findings associated with the Endocrine Disruptor Screening Program (EDSP) were made in the registration process for various pesticide products. EPA must examine all ingredients in these products, including so-called "inert" or "other" ingredients for endocrine disrupting properties. An Endocrine Disruptor Screening Program FFDCA § 408(p) determination is required for registration. It is simply unacceptable to continue to register new pesticides without EDSP findings, thus creating an even greater backlog, while evaluating chemicals presented good affinities *in silico* for proteins associated with breast cancer, oxidative stress, and metabolism of xenobiotic compounds.[30]

In summation, we urge the adoption of our suggested additions to Rule 25P031 with the language proposed in our statement. With the adoption of these changes, we urge the state of Vermont to act in the context of eliminating damaging pesticides that can be replaced by practices and materials compatible with the environment and public safety.

We would be happy to work with VAAFM to achieve these broader health and sustainability goals going forward. Vermont has the opportunity to reverse adverse ecosystem impacts exacerbated by neonicotinoids, while concurrently increasing eco-sensitive protections for public health and the wider environment.

Thank you for your consideration of our comments.

Jay Feldman, Executive Director
Sara Grantham, Science, Regulatory, and Advocacy Manager
Max Sano, Senior Policy & Coalitions Associate
Beyond Pesticides

Endnotes

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September 11, 2025

Mr. Steven Dwinnell, Director
Public Health and Agricultural Resource Management Division
Vermont Agency of Agriculture, Food, and Markets
116 State Street
Montpelier, VT 05620

Re: Comments on the Proposed Rule – Best Management Practices for the Use of Neonicotinoid Treated Article Seeds and Neonicotinoid Pesticides

The Pollinator Protection Act is a meaningful step toward reducing the widespread, routine use of neonicotinoid pesticides in Vermont. These chemicals are designed to kill insects at extremely low doses. They are systemic, persistent in soil and water, and readily taken up by plants, posing serious risks to pollinators, aquatic life, and the broader environment. Act 182 sets clear limits on seed treatment use of neonicotinoids and calls for best management practices for the remaining agricultural uses to protect pollinators, waterways, and public health.

The Xerces Society for Invertebrate Conservation is a nonprofit organization that protects the natural world through the conservation of invertebrates and their habitats. Since our founding in 1971, Xerces has worked at the intersection of science, policy, and practice to advance pollinator and other invertebrate protection. We routinely engage with agencies, universities, and growers in Vermont and across the U.S.

This rule is a critical part of making the vision of Act 182 real. We appreciate the Agency of Agriculture, Food, and Market's work in developing best management practices (BMPs). We recognize several improvements in the draft rules, including the addition of drinking water language; however, several key concerns remain. We hope that the following comments will be addressed in the final rule and future exemption process to ensure that each meets the intent of Act 182.

Strengthen the section on integrated pest management (IPM) for seed treatments.
Section 3.05 of the draft rule includes some general language around integrated pest management (IPM) for neonicotinoid treated article seeds, but is missing key elements of an IPM framework for seed treatments. Seed treatments applied prophylactically, without regard for monitoring or thresholds, cannot be considered part of an IPM approach. Integrated pest management for seed treatments includes monitoring, documentation of pest presence and pressure, action thresholds, and the use of preventive, non-chemical practices to break cycles of pests and diseases.

We urge the Agency to:

- Include scouting and monitoring to identify and assess seed pest risk.
- Incorporate recommended cultural practices that reduce seed pest pressure and damage, such as short-interval crop rotations, cover cropping, and no-till planting.
- Remove the suggestion that users "choose the lowest appropriate rate." Encouraging lower rates risks accelerating insecticide resistance in target and non-target insects without addressing the fundamental problem of unnecessary use.

Use enforceable language where appropriate.
Many of the best management practices outlined in the rule are written in advisory language, using "should" rather than "shall," even in areas where the law anticipates enforceable action, such as drift prevention, seed disposal, and pollinator protection. At a minimum, the disposal and aerial application language should be mandatory.

Some of the practices listed in the BMPs are already label-mandated requirements, not optional recommendations. Presenting these as "should" could create confusion for applicators. The Agency should more clearly distinguish between voluntary practices, state-mandated practices, and label-enforceable requirements.

Provide transparency in developing pest risk assessment and exemption process
The success of Act 182 in reducing unnecessary use of neonicotinoid insecticides and associated impacts on pollinators, birds, and aquatic life hinges on the successful development of an evidence-based pest risk assessment and exemption process. Given that the current evidence from field trials suggests that neonicotinoid seed treatments do not provide a pest or yield benefit in >95% of fields, we expect that few exemptions will be granted, but we ask that VAAFM provide transparency in the development of this process and opportunity for public input before the 2029 effective date.

We urge the Agency to clarify its approach and commit to public reporting of exemptions and criteria, and encourage VAAFM to grant exemptions only when pest pressure or risk is clearly documented and cultural/mechanical practices that limit pest risk are actively used.

Prohibit aerial application of neonicotinoids.
The risks posed by aerial applications of neonicotinoids to pollinators, waterways, and surrounding ecosystems are simply too great. Drift from aerial spraying is difficult to control even under ideal conditions; fine droplets can travel far beyond the target field, contaminating flowering plants, wetlands, and waterways.

While we appreciate the Agency's additional language to protect Significant Natural Communities, a 50 foot buffer distance is simply not adequate to protect nearby sensitive areas

and surface water from an aerial application of a neonicotinoid. Aerial drift can extend hundreds of feet or more, depending on wind speed and direction, temperature, formulation, and droplet size. In practical terms, there is no way to ensure that aerial applications of neonicotinoids will not expose pollinators and waterways to unacceptable risks.

We understand that part of the reluctance to prohibit aerial application may stem from the potential future use of drone-based spraying. In some cases, drone applications may drift less far than fixed-wing aircraft or helicopters because of lower operating heights. However, small droplet sizes can increase the likelihood of drift in some conditions, and there is little independent research on the patterns of off-target drift from drone applications. EPA's AgDRIFT model does not include drones as an application type, and there is no alternative tool for predicting or managing drift risks from this application method. Without more field research or predictive models, it is difficult to set protective buffer distances with confidence.

We believe Vermont should take a precautionary approach and simply prohibit aerial applications of neonicotinoids. If the Agency believes drones are meaningfully different from other aerial application methods, that should be addressed through a separate, drone-specific permitting system rather than by allowing aerial use under the current rule.

Prevent pollution from leftover treated seed and associated containers.
Neonicotinoid-treated seed poses risks not only during planting but also after use. If left exposed, treated seed can poison granivorous birds and mammals; a single kernel may contain enough active ingredient to kill a songbird. Studies from the U.S. and Europe have documented bird mortality linked to consumption of spilled treated seed, as well as chronic effects such as reduced reproduction.

Disposal practices also have implications for water quality. Neonicotinoids leach readily from buried seed and can persist in soil and move into surface water and groundwater. Improper burial or disposal of leftover treated seed further contributes to this contamination pathway.

We appreciate the inclusion of new drinking water definitions and notification requirements, but the rule still lacks specific, enforceable disposal standards. With more than four in ten Vermont households sourcing their drinking water from private wells, strong disposal standards that are protective of groundwater are needed. The disposal language should be mandatory and supported by clear, protective criteria when disposal takes place on the farm, e.g.:

- Establish setbacks, including at least a 200-foot buffer from private wells and a 1,000-foot buffer from public supplies.
- Require minimum burial depths and soil cover to prevent seed from resurfacing or being consumed by wildlife.

- Encourage development of safe collection programs for unused treated seed, seed bags, and containers to reduce on-farm disposal burdens.

Without these requirements, leftover treated seed could remain a persistent source of contamination to wildlife and water resources.

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 currently cites 2031, which is a holdover from an error in the statutory language. This discrepancy should be resolved and the date for implementation corrected to 2029 to prevent further confusion.

Act 182 represents a landmark opportunity to reduce pollinator and environmental harm from neonicotinoid pesticides in Vermont. To fulfill this promise, the rules must set enforceable standards, prohibit high-risk practices like aerial application, and ensure that exemptions are grounded in true IPM principles.

We appreciate the Agency's progress so far, as well as your willingness to listen and thoughtfully balance the needs of growers and the environment. We recognize the challenge of weighing these priorities, and we encourage you to take the steps needed to provide strong protections for Vermont's pollinators while ensuring clear and workable guidance for farmers. Thank you for considering our recommendations as you finalize the rule.

Sincerely,

Emily May
Agricultural Conservation Lead, Pesticide Program
The Xerces Society for Invertebrate Conservation
Cornwall, VT

Mia Park
Integrated Pest and Pollinator Specialist, Pesticide Program
The Xerces Society for Invertebrate Conservation

Cornell IPM
New York State Integrated Pest Management

PennState College of Agricultural Sciences

Cornell CALS
College of Agriculture and Life Sciences

September 11, 2025

Vermont Agency of Agriculture, Food, and Markets
Public Health & Agricultural Resource Management Division
116 State Street
Montpelier, VT 05620

Re: Best Management Practices for the Use of Neonicotinoid Treated Article Seeds and Neonicotinoid Pesticides

Thank you for your efforts to develop best management practices (BMPs) to guide enactment of Act 182. As a group of scientists and Extension experts with decades of combined experience in integrated pest management (IPM) and field crops research, we appreciate the opportunity to provide comments. Our concerns focus primarily on the sections pertaining to neonicotinoid seed treatments (NSTs).

The science is clear: prophylactic use of NSTs provides little to no yield benefit in corn and soybean, the primary uses of NSTs in Vermont. Federal agencies and several land grant universities, including the U.S. Environmental Protection Agency, Cornell University, and Purdue University, have concluded that neonicotinoid seed treatments do not measurably improve soybean yields.[1] Multi-state field trials, including recent work in the Northeast and Midwest and current trials at Cornell and University of Vermont, have consistently shown that NSTs rarely improve crop performance for both soybean and corn in the absence of severe pest outbreaks.[2]

Corn plants incorporate a mere 2-3% of the neonicotinoids applied to their seed. On average, another 2-3% is abraded off the seed coating and lost as dust during planting - although in some cases, estimates of the percentage lost in planter exhaust range up to 12% for vacuum planters.[3] This contaminated dust has been shown to cause acute bee mortality during corn planting, increase neonicotinoid residues in bee-collected pollen, and lead to slower colony growth in exposed hives.[4] Highly soluble, the remaining NSTs move readily into soils, surrounding habitats, and water.[5] Neonicotinoid contamination of US

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[1] U.S. Environmental Protection Agency (EPA). 2014. *Benefits of Neonicotinoid Seed Treatments to Soybean Production.* Biological and Economic Analysis Division, Office of Chemical Safety and Pollution Prevention, Washington, DC. Available: https://www.epa.gov/pollinator-protection/benefits-neonicotinoid-seed-treatments-soybean-production

[2] Grout, T.A., Koenig, P.A., Kapuvari, J.K., and McArt, S.H. 2020. *Neonicotinoid Insecticides in New York State: Economic Benefits and Risk to Pollinators.* Cornell University. 432 pp. https://cornell.app.box.com/v/2020-neonicotinoid-report

[3] Schaafsma, A. W., Limay-Rios, V., & Forero, L. G. (2018). The role of field dust in pesticide drift when pesticide-treated maize seeds are planted with vacuum-type planters. Pest Management Science, 74(2), 323–331. https://doi.org/10.1002/ps.4696

[4] Lin, C.-H., Sponsler, D. B., Richardson, R. T., Watters, H. D., Glinski, D. A., Henderson, W. M., Minucci, J. M., Lee, E. H., Purucker, S. T., & Johnson, R. M. (2021). Honey bees and neonicotinoid-treated corn seed: contamination, exposure, and effects. *Environmental Toxicology and Chemistry / SETAC*, *40*(4), 1212–1221. https://doi.org/10.1002/etc.4957

[5] Krupke, C. H., & Tooker, J. F. (2020). Beyond the headlines: The influence of insurance pest management on an unseen, silent entomological majority. *Frontiers in Sustainable Food Systems*, *4*, 595855. https://doi.org/10.3389/fsufs.2020.595855

surface waters is pervasive and impacts to pollinators, aquatic invertebrates, and terrestrial and aquatic food webs are well-documented.[6,7,8,9,10,11]

Integrated Pest Management (IPM) is the cornerstone of effective and sustainable pest management. It focuses on minimizing the risks of pests and pest management tools and emphasizes prevention, monitoring, and use of pesticides only when pests exceed economic thresholds, reducing the need for pesticide inputs and minimizing associated environmental and human health risks. Prophylactic use of NST applies insecticides regardless of pest presence, directly contradicting the basic tenets of IPM.

We commend VAAFM for providing a more detailed and substantive discussion of IPM in the section on agricultural uses of neonicotinoids besides seed treatments, and urge you to bring the same level of depth to the section on seed treatments by incorporating science-based IPM strategies that reduce or effectively eliminate the need for routine insecticidal seed coatings. We offer more detail on these specific strategies below.

Several of the practices listed in the BMPs are not voluntary suggestions but are already enforceable requirements under federal law because they appear on pesticide labels. Presenting these measures in the BMPs without clarification risks confusing growers, who may interpret them as optional. We urge VAAFM to include very clear language stating that many of these are label guidelines that are required, not simply recommended. Clear language is essential to avoid misinterpretation and to ensure that growers and their consultants understand their compliance obligations.

Additionally, we recommend future proofing these BMPs and associated educational outreach and materials as much as possible. We encourage VAAFM to ensure that BMP language anticipates future changes in equipment and application technology (e.g., improved seed lubricants or dust reduction kits) so that growers are guided to always use the most effective tools currently available to minimize neonicotinoid contamination. Similarly, we expect that seed companies will be moving from neonicotinoids to coating seeds with other insecticides (e.g., diamides, spinosad, isocycloseram). As these insecticidal seed treatments are likely to carry a similar risk-benefit ratio to the neonicotinoid seed treatments, offering limited yield benefit in field crops while posing risks to non-target organisms, we

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[6] Morrissey, C. A., Mineau, P., Devries, J. H., Sanchez-Bayo, F., Liess, M., Cavallaro, M. C., & Liber, K. (2015). Neonicotinoid contamination of global surface waters and associated risk to aquatic invertebrates: a review. Environment International, 74, 291–303. https://doi.org/10.1016/j.envint.2014.10.024

[7] Tooker, J. F., & Pearsons, K. A. (2021). Newer characters, same story: neonicotinoid insecticides disrupt food webs through direct and indirect effects. *Current Opinion in Insect Science*, *46*, 50–56. https://doi.org/10.1016/j.cois.2021.02.013

[8] Main, A. R., Webb, E. B., Goyne, K. W., Abney, R., & Mengel, D. (2021). Impacts of neonicotinoid seed treatments on the wild bee community in agricultural field margins. *The Science of the Total Environment*, *786*, 147299. https://doi.org/10.1016/j.scitotenv.2021.147299

[9] Kuechle, K. J., Webb, E. B., Mengel, D., & Main, A. R. (2022). Seed treatments containing neonicotinoids and fungicides reduce aquatic insect richness and abundance in midwestern USA-managed floodplain wetlands. *Environmental Science and Pollution Research International*, *29*(30), 45261–45275. https://doi.org/10.1007/s11356-022-18991-9

[10] Molenaar, E., Viechtbauer, W., van de Crommenacker, J., & Kingma, S. A. (2024). Neonicotinoids impact all aspects of bird life: A meta-analysis. *Ecology Letters*, *27*(10), e14534. https://doi.org/10.1111/ele.14534

[11] Barmentlo, S. H., Schrama, M., Cieraad, E., de Snoo, G. R., Musters, C. J. M., van Bodegom, P. M., & Vijver, M. G. (2025). Networks in aquatic communities collapse upon neonicotinoid-induced stress. *Ecology Letters*, *28*(4), e70121. https://doi.org/10.1111/ele.70121

encourage VAAFM to be inclusive of other seed coating insecticides when developing educational materials and programs on treated seed use in field crops.

The following comments refer to specific sections of the BMPs.

3.04 Dust and non-target exposure mitigation of treated seed

3.04a: Based on previous drift research, a wind limit of 15mph is too high to minimize drift; research supports a maximum of 8 mph.[12] For clarity, we suggest additionally specifying "shrubs and trees" in addition to "plants" here.

3.04c: Guidance should direct growers to "use the most effective seed lubricants available" rather than focusing on what not to use, which will help to future-proof this statement.

3.05 Integrated Pest Management. While we agree that IPM should be central to BMPs for insecticidal seed treatments, the recommended practices for treated seed are too general and vague to be useful. We recommend incorporating well-researched IPM strategies in field crops that reduce pressure and damage from seed pests.

3.05a: There are specific, well-researched IPM tools and strategies that prevent problems with seed germination, establishment, and pest pressure, and effectively eliminate the need for prophylactic insecticidal seed treatments. We recommend including the following vetted strategies to reduce pest pressure and avoid pest damage in field crops:

- Monitoring and risk assessment. This is a foundational IPM approach to knowing and understanding pests for effective pest management.
- Planting in conditions that are more optimal for seed germination and reduce the likelihood of seed damage (e.g., when soil temperatures are >50F).
- Crop rotation. Rotate fields out of corn within three years; sod-based or more diversified crop rotations disrupt and reduce pressure from insect pests, diseases, and weeds.
- Cover cropping.
- No till or reduced tillage planting

3.05b: Monitoring is part of the foundation of IPM and should be emphasized as a central practice. Regular scouting and risk assessment allow growers to identify which pests are present, determine whether populations are likely to exceed thresholds, and make informed decisions about whether control is necessary.

3.05c: We recommend removing mention of rate reductions. Research indicates that there is no agronomically justified rate for prophylactic NST use, and sublethal rates may accelerate resistance development.

We also recommend that the following be added as a subsection: "Insecticide mixtures should only be used if confirmed resistance challenges are present." Otherwise, mixtures of multiple insecticides result in unnecessary pesticide use with no additional benefit.

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[12] Krupke, C. H., Holland, J. D., Long, E. Y., & Eitzer, B. D. (2017). Planting of neonicotinoid-treated maize poses risks for honey bees and other non-target organisms over a wide area without consistent crop yield benefit. *The Journal of Applied Ecology*, *54*(5), 1449–1458. https://doi.org/10.1111/1365-2664.12924

3.06 Communication and Continuous Education

3.06b: The recommendation to notify neighbors when NSTs are used within 200 feet of drinking water sources is insufficient. NSTs should not be used near community water supplies due to their high solubility and persistence.

3.08 Disposal. Aside from field applications, disposal is an important pathway by which NSTs can contaminate the environment. Highly water soluble NSTs will readily move through soil and water. The BMPs should specify that treated seed must not be buried in ways that can leach to groundwater, and should provide clear, practical disposal options.

4.03 Drift Prevention. This section is too vague and should explicitly reference label requirements and ensure consistency with enforceable restrictions.

With more than 85 years of collective expertise in IPM, we encourage VAAFM to clarify and strengthen the BMPs to incorporate evidence-based IPM practices in field crops, anticipate future technologies, and clearly distinguish between voluntary practices and label-mandated requirements. Greater clarity and detail in the sections on drift, IPM, and disposal will ensure that the BMPs provide more meaningful and practical guidance to growers.

Looking forward, we hope that VAAFM will follow the science in crafting both the risk assessment and exemption process under Act 182. Given the limited utility of neonicotinoid seed treatments in field crops and their well-documented risks, the agency should ensure that exemptions are narrow and evidence-based.

Sincerely,

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Chanin Hill - Four Hills Farm
722 Burpee Road
Bristol, Vermont

September 10th, 2025

RE: Neonicotinoid Best Management Practices Rule Public Comment

To Whom it May Concern,

My name is Chanin Hill, and I am the Executive Director of the Vermont Dairy Producers Alliance (VDPA) and a member of Four Hills Farm in Bristol, Vermont.

Our farm is currently a second-generation farm with plans for the third generation to take over in the next few years. We have operated at our current location since Robert & Jeanette Hill purchased it in 1971. We are a conventional dairy with an operating methane digester that powers a turbine that sends power directly to the power grid. What started as a 60-cow dairy in one of the first free stall barns constructed in the state, has grown to a 2500 cow dairy today. As a conventional dairy farm, we strive to be good stewards of our environment. We have kept up with changes in regulations throughout the years and have invested heavily in new technologies.

I would like to thank the committee for your hard work on the proposed rules and your commitment to your duties under Act 182. I also appreciated the chance to share my concerns at the public meeting in Vergennes. While most of my questions were addressed, I remain concerned about Section 4.05(d) on vegetative buffers. Without a clear standard, disagreements could arise between farmers and inspectors. Establishing a number, such as 5 or 10 feet, would ensure consistency and fairness.

I am equally concerned about the proposed restrictions on neonicotinoid seed treatments and the unintended consequences they could have on Vermont's dairy industry. Vermont was built on agriculture, with dairy as the pillar, contributing $5.4 billion to the state's economy. Reliable and affordable feed crops, such as corn, are critical for herd health and farm viability. Neonic seed treatments protect these crops from early-season pests, reduce the need for repeated pesticide applications, and support climate-smart practices like reduced tillage.

Removing this tool would increase costs, lower yields, and force farmers back to older, less targeted pesticides with greater environmental impact. These burdens would ripple through the dairy sector, compounding the economic challenges farms already face.

I urge policymakers to carefully weigh these impacts before finalizing restrictions. Vermont farmers need clear, practical, and science-based rules that allow them to continue producing food responsibly while protecting the land we all share.

Thank you for considering these comments.

Respectfully,

Chanin Hill
Four Hills Farm
Bristol, Vermont

asta | american seed trade association

CropLife AMERICA

September 11, 2025

Vermont Agency of Agriculture, Food and Markets
Public Health & Agricultural Resource Management Division
116 State Street
Montpelier, VT 05620

Re: Comments on Proposed Best Management Practices for Neonicotinoid Treated Article Seeds and Neonicotinoid Pesticides

Dear Director Dwinell and Agency Staff,

The American Seed Trade Association (ASTA) and CropLife America (CLA) appreciate the opportunity to provide comments on the Agency's proposed Best Management Practices (BMPs) for neonicotinoid-treated article seeds and neonicotinoid pesticides. Our member companies are committed to supporting Vermont growers, safeguarding pollinator health, and ensuring a resilient agricultural system.

We recognize the Agency's efforts to balance stakeholder concerns; however, we respectfully submit the following comments to ensure that BMPs are workable, science-based, and protective of both agricultural productivity and pollinator health.

Vermont growers already work closely with agronomists and follow pesticide labels to apply the lowest effective rate necessary to achieve control — a practice that is central to integrated pest management and resistance prevention. The BMP language suggesting applicators "choose the lowest appropriate labeled application rate" must not be read as discouraging or prohibiting the use of higher labeled rates when pest pressure demands it. Sub-lethal applications or reduced timing can accelerate resistance development, undermining both product stewardship and the long-term effectiveness of these tools. To avoid conflicting guidance, BMPs should align with existing EPA resistance management frameworks, explicitly recognize that all labeled rates are valid, and affirm that growers' professional judgment in consultation with agronomists remains paramount.

This need for flexibility extends beyond pest resistance management into Vermont's broader agricultural economy, particularly the dairy sector, which depends on access to consistent, high-quality silage corn seed options. With neonicotinoid-treated seed prohibitions scheduled for 2029, Vermont's already small market share raises legitimate concerns about whether seed companies will maintain non-treated alternatives that meet local maturity, digestibility, and yield needs. A shortage of effective seed options could reduce silage yields and nutritional quality, directly impacting dairy production, herd health, and farm profitability. These risks are compounded by federal and state environmental requirements (e.g., nutrient management, cover cropping, no-till practices) that already constrain agronomic flexibility. We urge the

Agency to acknowledge these risks and commit to continued consultation with seed companies and dairy stakeholders to ensure feed supply continuity.

We appreciate the Agency's decision to frame these practices as recommendations rather than enforceable mandates. This approach recognizes the diversity of Vermont farming operations, the need for flexibility, and the evolving science around neonicotinoid alternatives. We strongly encourage the Agency to maintain this distinction and resist efforts to convert BMPs into enforceable requirements, absent clear data demonstrating necessity.

Our member companies remain committed to pollinator protection and agricultural sustainability. At the same time, it is critical that BMPs do not unintentionally undermine pest resistance management, restrict growers' use of legally approved products, or jeopardize the economic viability of Vermont's dairy and feed production.

We thank you for your consideration and stand ready to engage further with the Agency to ensure these BMPs achieve both environmental protection and agricultural resilience.

Sincerely,

Jordan Gregory
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American Seed Trade Association
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Dillon Gabbert
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CropLife America
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September 11th, 2025

Mr. Steve Dwinell
Director
Public Health & Agricultural Resource Management Division
Vermont Agency of Agriculture, Food & Markets
116 State Street
Montpelier, VT 05620

Re: Comments on Best Management Practices for the Use of
Neonicotinoid Treated Articles Seeds and Neonicotinoid Pesticides

We, the undersigned farmers, scientists, beekeepers, and advocates, respectfully submit the following comments on the draft Best Management Practices for the Use of Neonicotinoid Treated Article Seeds and Neonicotinoid Pesticides developed in accordance to Act 182, an act banning the use of neonicotinoid pesticides. In order to most effectively implement the intent of the law, our coalition urges the Agency of Agriculture Food and Markets to consider the following recommended changes before finalizing the rule.

Background & Introduction

Protecting pollinators from harmful threats—especially pesticides—is essential to maintaining healthy food systems and ecosystems in Vermont. According to the USDA, honeybees pollinate $15 billion worth of crops nationwide, including more than 130 varieties of fruits, vegetables, and nuts. Act 182 takes important steps toward reducing the risk posed by neonicotinoid pesticides—neurotoxic chemicals with sublethal and devastating impacts on bees.

Members of the General Assembly clearly understood the harms caused by neonics when they overwhelmingly passed the legislation. For instance, the findings section of the law highlighted a comprehensive 2020 Cornell University report that found that neonicotinoid corn and soybean seed treatments pose substantial risks to bees and other pollinators and provide no overall benefits to farmers. The Vermont Department of Fish and Wildlife (DFW) has similarly recognized that neonicotinoid use contributes to declining pollinator populations. Neonics' widespread use, toxicity, and potency demand thoughtful and precautionary regulation.

The Vermont Agency of Agriculture, Food & Markets plays a vital role in bringing this law to life through the development of rules and Best Management Practices (BMPs) that guide the safer use of these chemicals both prior to and during the phase-out period. It is imperative that these rules reflect the legislative intent of Act 182: to protect pollinators and support farmers in transitioning to safer alternatives.

We appreciate the revisions the Agency has made since the April draft, but we remain concerned about several key areas and trust that you will give due consideration to these comments.

Optional BMPs Undermine the Intent of The Law

The Vermont General Assembly passed Act 182 in large part to protect pollinators from exposure to neonicotinoid pesticides. Pollinators in Vermont will remain at risk from neonic-treated seeds until the ban takes effect, and they could still face exposure after 2029 if an exemption is granted. Incorporating BMPs into the rulemaking process is intended to provide additional protection in the early stages of the law's implementation and later in cases where exemptions are granted.

Unfortunately, the Draft Rule fails to reflect the Legislature's intent to make BMPs mandatory. Instead, it frames them as voluntary, using the word "should" rather than "shall" throughout multiple sections. The Purpose section goes further, stating that "these practices are recommended best practices to be used whenever reasonable and practicable," reinforcing their non-mandatory status.

This vague and permissive language does not align with Act 182, particularly where the rule implies that following pesticide label instructions are not mandatory. Label restrictions are governed by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and Chapter 87 of the Vermont Agriculture Title, and implying that otherwise mandatory label instructions are merely advisory undercuts not only Act 182, but also other state and federal pesticide law. To meet the law's intent—protecting pollinators and providing clear, enforceable standards for farmers—and be in compliance with FIFRA, these provisions should be revised to replace "should" with "shall" where applicable. This change is necessary to ensure that BMPs related to drift prevention, proper seed disposal, and pollinator protection are implemented as binding requirements, not optional guidelines.

Improve Integrated Pest Management for Seed Treatments

Integrated Pest Management (IPM) relies on regular monitoring of pests and diseases to guide the use of control measures. The prophylactic use of neonicotinoid-treated seeds—regardless of actual pest presence or benefit—undermines this core principle. In Vermont, this prophylactic approach has made treated seeds the largest source of insecticide use in the state. As a result, neonics have contaminated soil, water, and vegetation, threatening pollinators, aquatic species, and other wildlife. Incorporating seed treatments into a true and meaningful IPM framework is essential to reducing these environmental harms.

Best management practices should include scouting and monitoring for seed pests, evidence-based pest risk assessment, and the implementation of cultural practices such as crop rotation, cover cropping, and planting in conditions that reduce or eliminate the need for seed treatments.

Restrict Aerial Applications

Banning aerial applications of neonicotinoids—including those conducted by drone—would prevent the risk of these chemicals further contaminating Vermont's soils, waterways, and wildlife. Currently, there are no known cases of aerial spraying of neonics in the state, providing a critical opportunity to prevent this high-risk practice before it begins. While the draft rules propose a 50-foot buffer from water sources and pollinator habitat, this distance is inadequate to fully prevent drift and environmental contamination from aerial application. We strongly urge the Agency to include a full prohibition on aerial spraying of neonics in the final rule.

Treated Seed and Bag Disposals

We urge the Agency to adopt stronger measures to prevent pollution from the disposal of leftover treated seeds and seed bags. Neonicotinoid-treated seed poses significant risks to birds, bees, and groundwater if not handled properly. While we appreciate the inclusion of new drinking water definitions and notification requirements, the current draft lacks enforceable standards for disposal. Clear, mandatory disposal requirements are essential.

More than four in ten Vermont households rely on private wells for their drinking water. To safeguard these sources, Vermont's rules should include specific limits on disposal near water supplies. We recommend requiring at least a 200-foot buffer from any water supply used for human or animal consumption, and a minimum 1,000-foot buffer from public water supplies. In addition, the rules should set requirements for burial depth, soil cover, and runoff controls to prevent contamination.

Notification for Beekeepers

The planting of treated seeds increases the risk of neonicotinoid exposure for bee colonies located on or near farm properties. Beekeepers deserve sufficient notice so they can protect their livestock—a step that is only possible if they are informed well in advance.

The current draft rule requires farmers to notify beekeepers with hives on their property no less than 48 hours and no more than 90 days before planting treated seed. Forty-eight hours is not nearly enough time for beekeepers to secure a new location and physically relocate their hives. Moreover, colonies located just beyond a property line remain vulnerable, as neonicotinoids readily disperse in the environment and bees can forage up to five miles from their hives.

We therefore urge the Agency to assume responsibility for beekeeper notification. When exemptions for neonic-treated seed are granted, the Agency should immediately notify all registered beekeepers within a five-mile radius, ensuring they have the maximum possible time to take protective measures.

Correct the Date for Protections

Under Act 182, the prohibition on the use of neonic treated article seeds goes into effect on January 1, 2029, with the BMPs providing some protection of pollinators prior to this date. However, the Draft Rule states that the BMPs apply to the use of neonic treated article seeds prior to 2031, not prior to January 1, 2029. The implementation date in the Draft Rule should be consistent with the effective date of Act 182 as established by the Legislature. It is essential that the BMPs are effective on the timeline intended by the Legislature to ensure growers have clear, science-based guidance in place before the 2029 prohibition begins.

Conclusion

Act 182 marks a critical step in Vermont's transition away from neonicotinoid pesticides and toward safeguarding pollinator populations and better protecting waterways and our environment. The rules the Agency adopts will determine whether this landmark law fulfills its purpose by providing meaningful, enforceable protections against neonic exposure. To truly reduce the risk of contamination and protect the health of pollinators, we strongly urge the Agency to incorporate our recommendations into the final rules.

Thank you for the opportunity to comment on the Best Management Practices for the Use of Neonicotinoid Treated Article Seeds and Neonicotinoid Pesticides.

Sincerely,

Bianca Braman
President
Vermont Beekeepers Association

Charles and Curtis Mraz
Owner, President
Champlain Valley Apiaries

Dan Fingas
Executive Director
Vermont Conservation Voters

Daniel Raichel
Pollinator & Pesticides Director
Natural Resources Defense Council

Edward Hardy Kern III
Director of Government Relations
American Bird Conservancy

Emily May
Agricultural Conservation Lead
Xerces Society

Fran Putnam
Chair, Board of Directors
Pollinator Pathway of Addison County

Graham Unangst-Rufenacht
Policy Director
Rural Vermont

Jenny Patterson
Executive Director
Lake Champlain Committee

Jon Groveman
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Margaret Fowle
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Audubon Vermont

Paul Burns
Executive Director
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R. Scott Sanderson
Director of Farm & Food, Staff Attorney
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Robb Kidd
Chapter Director
Vermont Sierra Club

Vermont Beekeepers Association
Promoting the welfare of Vermont's Honey Industry since 1886

September 10, 2025

Mr. Steve Dwinell
Director
Public Health & Agricultural Resource Management Division
Vermont Agency of Agriculture, Food & Markets

Re: Comments on Best Management Practices for the Use of Neonicotinoid Treated Articles Seeds and Neonicotinoid Pesticides

We, the beekeepers of the Vermont Beekeepers Association respectfully submit the following comments on the draft Best Management Practices for the Use of Neonicotinoid Treated Article Seeds and Neonicotinoid Pesticides developed in accordance to Act 182, an act banning the use of neonicotinoid pesticides. In order to most effectively implement the intent of the law, our coalition urges the Agency of Agriculture Food and Markets to consider the following recommended changes before finalizing the rule.

Background & Introduction

Protecting pollinators from harmful threats—especially pesticides—is essential to maintaining healthy food systems and ecosystems in Vermont. According to the USDA, honeybees pollinate $15 billion worth of crops nationwide, including more than 130 varieties of fruits, vegetables, and nuts. Act 182 takes important steps toward reducing the risk posed by neonicotinoid pesticides—neurotoxic chemicals with sublethal and devastating impacts on bees.

Members of the General Assembly clearly understood the harms caused by neonics when they overwhelmingly passed the legislation. For instance, the findings section of the law highlighted a comprehensive 2020 Cornell University report that found that neonicotinoid corn and soybean seed treatments pose substantial risks to bees and other pollinators and provide no overall benefits to farmers. The Vermont Department of Fish and Wildlife (DFW) has similarly recognized that neonicotinoid use contributes to declining pollinator populations. Neonics' widespread use, toxicity, and potency demand thoughtful and precautionary regulation.

The Vermont Agency of Agriculture, Food & Markets plays a vital role in bringing this law to life through the development of rules and Best Management Practices (BMPs) that guide the safer use of these chemicals both prior to and during the phase-out period. It is imperative that these rules reflect the legislative intent of Act 182: to protect pollinators and support farmers in transitioning to safer alternatives.

We appreciate the revisions the Agency has made since the April draft, but we remain concerned about several key areas and trust that you will give due consideration to these comments.

Optional BMPs Undermine the Intent of The Law

The Vermont General Assembly passed Act 182 in large part to protect pollinators from exposure to neonicotinoid pesticides. Pollinators in Vermont will remain at risk from neonic-treated seeds until the ban takes effect, and they could still face exposure after 2029 if an exemption is granted. Incorporating BMPs into the rulemaking process is intended to provide additional protection in the early stages of the law's implementation and later in cases where exemptions are granted.

Unfortunately, the Draft Rule fails to reflect the Legislature's intent to make BMPs mandatory. Instead, it frames them as voluntary, using the word "should" rather than "shall" throughout multiple sections. The Purpose section goes further, stating that "these practices are recommended best practices to be used whenever reasonable and practicable," reinforcing their non-mandatory status.

This vague and permissive language does not align with Act 182, particularly where the rule implies that following pesticide label instructions is not mandatory. Label restrictions are governed by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and Chapter 87 of the Vermont Agriculture Title, and implying that otherwise mandatory label instructions are merely advisory undercuts not only Act 182, but also other state and federal pesticide law. To meet the law's intent—protecting pollinators and providing clear, enforceable standards for farmers—and be in compliance with FIFRA, these provisions should be revised to replace "should" with "shall" where applicable. This change is necessary to ensure that BMPs related to drift prevention, proper seed disposal, and pollinator protection are implemented as binding requirements, not optional guidelines.

Improve Integrated Pest Management for Seed Treatments

Integrated Pest Management (IPM) relies on regular monitoring of pests and diseases to guide the use of control measures. The prophylactic use of neonicotinoid-treated seeds—regardless of actual pest presence or benefit—undermines this core principle. In Vermont, this prophylactic approach has made treated seeds the largest source of insecticide use in the state. As a result, neonics have contaminated soil, water, and vegetation, threatening pollinators, aquatic species, and other wildlife. Incorporating seed treatments into a true and meaningful IPM framework is essential to reducing these environmental harms.

Best management practices should include scouting and monitoring for seed pests, evidence-based pest risk assessment, and the implementation of cultural practices such as crop rotation, cover cropping, and planting in conditions that reduce or eliminate the need for seed treatments.

In addition, when scouting and risk assessment indicates that pests have reached an economic threshold justifying pesticide use, IPM practices dictate the use of the least toxic pesticide that will control the problem pest(s). The Anthranilic Diamides are another class of systemic pesticides that are used for seed treatments.
They are an entire order of magnitude less toxic to honeybees than the neonicotinoids. They should be used in the event of pest pressure before an exemption to use neonics is granted. Only if Diamides are shown to be ineffective should an exemption be granted.

Restrict Aerial Applications

Banning aerial applications of neonicotinoids—including those conducted by drone—would prevent the risk of these chemicals further contaminating Vermont's soils, waterways, and wildlife. Currently, there are no known cases of aerial spraying of neonics in the state, providing a critical opportunity to prevent this high-risk practice before it begins. While the draft rules propose a 50-foot buffer from water sources and pollinator habitat, this distance is inadequate to fully prevent drift and environmental contamination from aerial application. We strongly urge the Agency to include a full prohibition on aerial spraying of neonics in the final rule.

Treated Seed and Bag Disposals

We urge the Agency to adopt stronger measures to prevent pollution from the disposal of leftover treated seeds and seed bags. Neonicotinoid-treated seed poses significant risks to birds, bees, and groundwater if not handled properly. While we appreciate the inclusion of new drinking water definitions and notification requirements, the current draft lacks enforceable standards for disposal. Clear, mandatory disposal requirements are essential.

More than four in ten Vermont households rely on private wells for their drinking water. To safeguard these sources, Vermont's rules should include specific limits on disposal near water supplies. We recommend requiring at least a 200-foot buffer from any water supply used for human or animal consumption, and a minimum 1,000-foot buffer from public water supplies. In addition, the rules should set requirements for burial depth, soil cover, and runoff controls to prevent contamination.

Notification for Beekeepers

The planting of treated seeds increases the risk of neonicotinoid exposure for bee colonies located on or near farm properties. Beekeepers deserve sufficient notice so they can protect their livestock—a step that is only possible if they are informed well in advance.

The current draft rule requires farmers to notify beekeepers with hives on their property no less than 48 hours and no more than 90 days before planting treated seed. Forty-eight hours is not nearly enough time for beekeepers to secure a new location and physically relocate their hives. Moreover, colonies located just beyond a property line remain vulnerable, as neonicotinoids readily disperse in the environment and bees can forage up to several miles from their hives.

We therefore urge the Agency to assume responsibility for beekeeper notification through the Agency's database of apiary locations and registered owners, or through a third party platform such as Fieldwatch. When exemptions for the use of neonic-treated seed are granted, the Agency should immediately notify all registered beekeepers within a two-mile radius, ensuring they have the maximum possible time to take protective measures.

Correct the Date for Protections
Under Act 182, the prohibition on the use of neonic treated article seeds goes into effect on January 1, 2029, with the BMPs providing some protection of pollinators prior to this date. However, the Draft Rule states that the BMPs apply to the use of neonic treated article seeds prior to 2031, not prior to January 1, 2029. The implementation date in the Draft Rule should be consistent with the effective date of Act 182 as established by the Legislature. It is essential that the BMPs are effective on the timeline intended by the Legislature to ensure growers have clear, science-based guidance in place before the 2029 prohibition begins.

Conclusion
Act 182 marks a critical step in Vermont's transition away from neonicotinoid pesticides and toward safeguarding pollinator populations and better protecting waterways and our environment. The rules the Agency adopts will determine whether this landmark law fulfills its purpose by providing meaningful, enforceable protections against neonic exposure. To truly reduce the risk of contamination and protect the health of pollinators, we strongly urge the Agency to incorporate our recommendations into the final rules.

Thank you for the opportunity to comment on the Best Management Practices for the Use of Neonicotinoid Treated Article Seeds and Neonicotinoid Pesticides.

Sincerely,

/s/ *Bianca Braman*

Bianca Braman
President
Vermont Beekeepers Association

My name is Fran Putnam. I live in Weybridge and am a founding member and the Chair of the Pollinator Pathway of Addison County. Our organization's purpose is to protect native pollinator habitat by increasing native plantings and eliminating harmful pesticides from our landscape.

I spent many hours online following the testimony in the Vermont House and Senate Agriculture committee hearings and during floor debate on Act 182 . The mujltiple experts who gave testimony confirmed for me that neonics are extremely toxic to bees, including both native bees and honeybees, and restrictions are necessary and urgent.

I also learned through a presentation by a group of Quebec dairy farmers and an agronomist that when Quebec banned neonic treated seeds, the farmers did not have any drop to their crop yields and getting the untreated seeds was not a problem. They were very reassuring about the ease with which they made the change to untreated seeds. If there is no reduction in yield and the untreated seeds are readily available, why would we sacrifice so many species to the effects of neonics? Pollinator Pathway of Addison County fully supports the banning of neonics in treated seeds and in any other application.

My suggestions are as follows:

The agency should be using enforceable language ("shall" not "should") to increase protection for pollinators until the treated seed restriction is in place.

All aerial application of neonics needs to be prohibited because drift from aerial applications is just too risky for insects and other animals.

Thank you for the opportunity to share this testimony. We are counting on you to do the right thing for our threatened insects, especially native pollinators, as well as birds, and aquatic animals in our state.

Fran Putnam

Weybridge

Comments for Hearing on Draft BMPs for Neonicotinoids, 8/14/25
Rule #25P031

My name: Sylvia Knight, Earth Community Advocate & Researcher.

I am working with VTPAPAN. (Not to read the BMPs document.

~ I have read notes from Nov & Dec 2024 Agricultural Innovation Board meetings regarding Best Management Practices for neonicotinoid (neonic) insecticides.

~ I also read the letter from Xerces Society, UVM, Cornell and others about Best Management Practices for using any neonic insecticides or treated seeds, as well as many scientific articles about these toxic pesticides.

Having read these materials carefully, I believe that the BMPs as proposed by the AIB are *not* protective of pollinators and must be strengthened as follows, at the very least:

1. *No aerial use* should be allowed at all. Aerial use will endanger both wild and domestic pollinators as well as many beneficial insects and birds.

2. Notify any beekeepers *within a mile radius* of any neonic use.

3. Include 4 major tenets of integrated pest management to inform the basis of any decision to use neonics.

- Regularly scout to correctly identify and monitor pest populations. Use scouting results to inform decisions about interventions.

- Adopt multiple non-chemical methods including prevention, mechanical, and cultural methods to limit insect pests. These methods should always be used first before a chemical application is considered.

- Apply only when pest pressure reaches a predetermined threshold where control is necessary to prevent significant yield loss or where pest damage threatens the survival of ornamental plants, and other methods of control are not feasible or effective.

- Do not use neonicotinoids for cosmetic pest problems or routine maintenance.

4. IF the Bayer Fluency Agent Advanced is used with the treated seed, do NOT follow the recommendation (in the label) to eliminate all flowering plants from the crop field. This will harm and eliminate many beneficial species and kill milkweed plants essential for seriously imperiled Monarch butterflies. Killing all plants other than the crop is antithetical to integrated pest management.

The main point of the BMPs is *to protect pollinators, both managed and wild, common and endangered,* so that they can pollinate crops and other plant life.

My name is

Brian Champney from

Dairy Air Farm in Holland, VT.

As a Vermont born dairy farmer who constantly struggles to farm in this state, I feel that this is yet another direct attack on the conventional farmer. With a limited wage base and continued state and federal regulations you are restricting our ability to take the best care of our cows and our crops. We already have a hard time finding vendors and products that service dairy farmers in Vermont, not to mention, there fact that we can't find or afford help on $5 a hundred weight.

The seeds we plant on our soil provide the best yield and nutritional value we can get for our cows. The corn grown in Vermont is less than 1% of the corn grown in the US.

Is it realistic to think that a major seed company is going to continue to do business with Vermont farmers if this is passed? I personally don't.

I have been milking cows for myself, since 1995. I was 17 years old. I'll be 47 in a few days, and now have 3 boys of my own. They want to continue farming, but it's changes and challenges like this, that convince me more and more they should think about doing something else. Something that provides more than just a suicide hotline. Vermont has been overregulating and blaming its conventional farmers for its environmental issues, which we all know were caused by other state regulations, for years. Why are inexperienced, non ag, people making these decisions for us? When do the people who are doing the job, dedicating their lives, and are the true experts get to decide?

Now that you have passed this bill:

Is the VT legislature or beekeepers' association going to cover the cost for us to make these changes?

Are you going to find seed dealers that can provide us with what we need, at the same rate?

Are you going to pay us for the loss of crop yields?

OR maybe what you really want is to push all farmers out and for those who haven't sold their development rights, start growing houses or solar panels on our thousands of acres instead of crops.

Thank you for listening

13 Claire Point Rd.
Burlington, VT 05408
August 22, 2025

Steve Dwinell, Director, PHARM
David Huber, Associate Director, PHARM
VT Agency of Agriculture
116 State Street, Montpelier, VT 05620-2901
Via email

Supplemental Comments on Draft BMPs for Neonicotinoids, Rule #25P031

Dear Steve, David:

Thank you for the time for questions and comments during the hearing in Vergennes on August 13. I sincerely hope that you will adopt suggestions and take to heart the comments offered by beekeepers Ross Conrad and Charles Mraz and the two farmers, Sid Varnaway and Tom Ferguson in your review and revision of the BMPs for use of neonicotinoids (neonics) between now and 2030.

Transcribed notes from Nov & Dec 2024 Agricultural Innovation Board meetings regarding BMPs for use of neonic-treated seeds and neonic insecticides indicate to me that the AIB has not incorporated the important recommendations of Xerces Society, UVM, Cornell and other pollinator experts into the BMPs, rendering the BMPs inadequate to truly protect pollinators, domestic and wild, common and endangered.

So I urge you to make the following changes at the least:

1. All through the BMPs, replace the word "should" with the word "shall". Please remove the element of choice whether to follow these rules.

2. In Section 3.05: Integrated Pest Management: add as first principle: "Regularly scout to correctly identify and monitor pest populations."

3. In Section 3.05 (a), remove words "whenever feasible".

4. In Section 3.06: Change (b) to read: "A person *shall not use* neonicotinoid treated article seeds within 200 feet of public community drinking water sources and public drinking water surface water intakes; or 100 feet of public non-community drinking water sources."

(As the rule stands, notification protects noone and nothing from pesticide exposure. Use the precautionary and preventive approach. Neonicotinoid pesticides are mobile in soil and can reach water sources easily.)

5. In Section 4.03:
(f) and (h), *No aerial use* should be allowed *at all.* Aerial use will endanger both wild and domestic pollinators as well as many beneficial insects and birds.

6. Replace my earlier comment no. 4 regarding the Bayer Fluency Agent Advanced with this comment:

The Corn Dust Research Consortium (CDRC) studied the use of alternative seed lubricants including Bayer Fluency Agent. The Executive Summary and Recommendations includes the following:

p.4: "The CDRC results are not consistent with other research regarding the extent to which synthetic lubricants reduce net emission of dust-borne pesticide during planting of treated seed; however, the CDRC research showed sufficiently significant reductions to warrant use of these synthetic lubricants compared to talc or graphite."

p.9: "Remove flowering vegetation within fields through tillage, mowing or use of herbicides where appropriate prior to planting."

https://www.pollinator.org/pollinator.org/assets/generalFiles/CDRC-FINAL-REPORT-October-2017.pdf

With the AIB's charge to reduce pesticides, use of IPM in combination with elimination of neonic seeds would eliminate the need for herbicides in this situation.

7. Please do not dismiss the exposure of neonic residues in food moving up the food chain. Research documents the residues of pesticides, including neonics, in food. EPA assesses risk for one pesticide at a time, but we are exposed to multiple pesticide residues daily. We cannot be casual about the accumulated effects of combined small exposures, especially to children and vulnerable populations. Researchers are finding that "neonicotinoids may cause neurotoxicity, reproductive toxicology, hepatotoxicity, and genotoxicity. Neonicotinoids may harm nontarget organisms through other less-studied toxicity pathways. Our results showed that the neonicotinoid imidacloprid induced mitochondrial dysfunction and oxidative stress in the human SH-SY5Y cells, and subsequently triggered DNA damage and apoptosis..."

https://doi.org/10.1016/j.scitotenv.2024.175422

The main point of the BMPs is *to protect pollinators, both managed and wild, common and endangered,* so that they can pollinate crops and other plant life. Reducing their use will protect birds and aquatic life as well.

Thank you for considering my comments.

Sylvia Knight, Earth Community Advocate & Researcher

VPIRG
VERMONT'S VOICE

To the Vermont Agency of Agriculture:

We, the undersigned, strongly support the legislation (Act 182) passed in 2024 to protect pollinators and our environment from harmful neonicotinoid (neonic) pesticides.

For the draft rule to be most effective in implementing the law, we urge the Agency to consider making the following changes to the draft before finalizing:

- Correct the timeline for protections. The rule must be consistent with the law by prohibiting neonic-treated seeds beginning in 2029, not 2031 as the draft rule states.
- Strengthen protection for pollinators under exemptions. The draft rule's requirements for integrated pest management practices are not sufficient. Growers using treated seeds under an exemption should implement IPM practices to ensure these pesticides do not continue to be used by default. The state should also include additional steps to reduce the risk to pollinators when exemptions are granted - like requiring notification to nearby beekeepers in advance.
- Address high-risk uses in nursery production. Even though Act 182 addresses neonic applications to nursery-grown ornamental plants, a known high-risk exposure route for pollinators, it is not clear whether the draft rules do. Neonic uses on ornamentals often involves blooming plants attractive to bees. The rules should explicitly cover these neonic uses.
- Prohibit aerial applications. A 50-foot buffer from water and pollinator habitat isn't enough to prevent contamination from aerial spraying.
- Prevent pollution from leftover treated seeds. Stronger disposal rules are needed to protect drinking water, public health, and the environment. Leftover seeds should be buried far from wells, wetlands, and other vulnerable areas.

Piper Abbott - Shelburne, VT
Zave Aberman - Grand Isle, VT
Bonnie Acker - Burlington, VT
Krister Adams - Waterbury, VT
Trudy Agres - Bennington, VT

Megane Aguilar - Milton, VT
Gary Alexander - Randolph, VT
Zelda Alpern - Bristol, VT
Meredith Anderson - Orwell, VT
Kristie Ansley - Newport, VT
Marcy Armell - Sheldon, VT

VERMONT
AGENCY OF AGRICULTURE, FOOD & MARKETS
Public Health & Agricultural Resource Management Division
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Best Management Practices for the Use of Neonicotinoid Treated Article Seeds and Neonicotinoid Pesticides: Public Comment Response Summary

On July 2, 2025, the Vermont Agency of Agriculture, Food and Markets (Agency or VAAFM) submitted a proposed rule titled "Best Management Practices for the Use of Neonicotinoid Treated Article Seeds and Neonicotinoid Pesticides" to the Vermont Secretary of State. The public comment period began on July 9, 2025, when the Secretary of State's Office published the proposed rule. In accordance with the requirements of 3 V.S.A. § 840(a), the Agency held five public hearings. All the public hearings included a virtual option and were held at the times and locations provided below:

- August 12, 2025, 5:00-7:00 PM (Virtual only)
- August 14, 2025, 5:00-7:00 PM (Bixby Memorial Library, Vergennes, VT)
- August 20, 2025, 5:00-7:00 PM (Poulin Grain, Derby, VT)
- August 27, 2025, 4:30-6:30 PM (St. Albans Free Public Library, St. Albans, VT)
- September 3, 2025, 5:00-7:00 PM (Brooks Memorial Library, Brattleboro, VT)

Pursuant to 3 V.S.A. § 840(c), the Agency is required to afford all persons reasonable opportunity to submit data, views or arguments, orally or in writing, at least through the seventh day following the last public hearing. Since submitting the proposed rule, the Agency has created a webpage, conducted email outreach, and held multiple public hearings all for the purpose of engaging the public. The public comment period concluded on September 11, 2025.

In addition to affording the public a reasonable opportunity to submit public comment, 3 V.S.A. § 840(d) requires that the Agency consider fully all written and oral submissions concerning its proposed rule. Comments received, whether orally or in writing, during the public comment period were compiled and evaluated by Agency staff.

This public comment response summary includes substantial arguments regarding the language of the proposed rule 25P031, "Best Management Practices for the Use of Neonicotinoid Treated Article Seeds and Neonicotinoid Pesticides" and satisfies the requirements of 3 V.S.A. § 841(b)(2).

The response summary consists of two parts, Part I – Public Comment Responsive Summary, and Part - II Individualized Public Comment Response. Part I is divided into two parts: (A) a numerical breakdown of all public comments received, and (B) the Agency's response to comments that it summarized and combined into common themes, according to sections of the proposed rule. Part II recounts individual comments and the Agency's responses.

Contents

Part I – Public Comment Response Summary

A. Summary of Public Comments

For purposes of this summary, a public comment is any statement, oral or written, made by any person or organization that expresses their views, concerns, or suggestions regarding the proposed rule. Comments submitted as part of organized submissions or form letter campaigns and comments that make the same or similar arguments are grouped together. Lengthier comments are divided into parts and matched with sections of the proposed rule that would change if the Agency were to adopt the comments' recommendations. In quantifying the total number of comments, the Agency did not identify the proponents of any particular set of comments.

1. **Written Comments**

The public submitted a total of 631 written comments on the proposed rule during the public comment response period, July 9, 2025 – September 11, 2025. Of the 631 written comments, 582 could be directly attributed to form letter campaigns, including the use of constituent relationship management platforms, resulting in nearly identical comments. Of these 582 comments, 135 were in a single document as part of the Vermont Public Interest Research Group's (VPIRG) form comments, that also contained 336 signatories (not counted as single comments). Three hundred and ninety-one (391) comments were received from the constituent relationship management platform (CRM), *everyactioncustom.com* that mirror VPIRG's comments and 39 comments from this platform that mirror Xerces Society's comments. An additional 17 individuals sent comments directly to the Agency, 16 using VPIRG's template, and 1 mirroring Xerces Society's comments. Of the remaining 49 comments, 13 were letters from individuals or organizations, and 36 were unique emails.

2. Public Hearings & Verbal Comments

The Agency held five public hearings attended by a total of 98 persons, including 64 in-person. The Agency used sign-in forms prior to beginning each in-person public hearing and attendees provided their names and indicated whether they desired to provide comments. Similarly, the Agency requested that virtual attendees either raise their hand or type into the chat their desire to submit comments. Twenty-seven attendees indicated an intent to comment. Thirty-six people provided actual oral comments. Of those who attended in person, approximately 75% are farmers, 11% who are commercial beekeepers, and 25% a mix of advocates and other persons.

B. Agency Response Summary

I. Voluntary BMPs / Enforceability (Section 1.02)

A. Some commenters request that the proposed rule use enforceable language throughout where appropriate (e.g. disposal of neonicotinoid treated article seeds, buffer distances to water supplies, and seed bag labels), and one commenter suggests the rule use enforceable language throughout. Commenters note how the rule lacks enforceable language as reflected in Section 1.02 and elsewhere by using the word "should" as opposed to "shall," and request further protections to protect pollinators and human health. In the opinion of some of the commenters, the lack of enforceable language undermines the intent of Act 182.

Other commenters, primarily those who attended the public meetings, support the formulation of these BMPs as recommended practices. Concerns were raised about increasing regulatory burdens on agricultural operations that are already struggling with expensive and time-consuming compliance requirements. Thirty of the farmers who attended the public meetings expressed support for the BMPs as written as recommended practices to be used when reasonable and practical. Many of the dairy farmers stated that additional regulatory burdens could constitute increased stressors that could result in cessation of operations. It was also noted that since research on the use of neonicotinoid treated article seeds (NTS) under Vermont conditions is ongoing, it would be premature to establish enforceable standards that may be found to be unnecessary, incorrect, harmful, or counterproductive.

B. A few commenters further contend that the use of non-mandatory language when referring to pesticide label instructions is contrary to the Federal Insecticide Fungicide and Rodenticide Act and State law.

VAAFM Response:

A. The proposed rule adopts a set of recommended best practices as noted in Section 1.02 and elsewhere in the proposed rule. The best management practices (BMPs) are recommendations instead of enforceable requirements, primarily because (1) the law authorizes best management practices—not mandated legal rules—and (2) the Agricultural Innovation Board (AIB) recommended voluntary best management practices for the use of neonicotinoid treated article seeds and neonicotinoid pesticides.

1. *The proposed rule appropriately exercises the authority granted to the Agency.*

The Agency is authorized and required to adopt "best management practices" by rule. The Agency is not instructed to adopt legal "requirements" by rule nor given any direction about what any specific legal requirement would ostensibly dictate. The Agency is also required to consult with the AIB, assess its recommendations, and to share a draft proposed BMP rule with the General Assembly's Agricultural Committees before filing it. The Agency fulfilled its mandate. It proposes "best management practices" that are reasonable and appropriate, aligns with its legal authority, and implements the AIB's recommendations. The commenters that favor binding legal requirements over recommended best practices are articulating their policy preferences—not accurately construing the statutory language.

The enabling language for the BMPs is in 6 V.S.A. §§ 1105a(a)(1) and (c)(1). The Agency, upon recommendation of the AIB, may adopt by rule "*best management practices (BMPs)*, *standards*, *procedures*, and *requirements* relating to the sale, use, storage, or disposal of treated articles the use of which the Agricultural Innovation Board has determined will have a hazardous or long-term deleterious effect on the environment, presents a likely risk to human health, or is dangerous[.]" 6 V.S.A. § 1105a(a)(1)(*emphasis added*). The cited provision grants the Agency discretionary authority to adopt BMPs—as well as standards, procedures, and even *requirements*—following a pertinent AIB determination. The AIB has made no such determination or related recommendation, and the Agency is not proposing adopting the proposed BMPs because of its discretionary authority to adopt best management practices.

Instead, the Agency acts pursuant to 6 V.S.A. § 1105a(c)(1), which states that the Agency, "*after consultation with the AIB*, shall adopt by rule BMPs…" The pertinent enabling legislation does not direct or even authorize the Agency to adopt legal "requirements"—it exclusively requires the Agency to adopt best management practices.

BMPs are not defined as legal requirements, are not the term the legislature generally uses to compel mandatory rules, are not considered binding legal requirements in their ordinary plain meaning, and the legislature used the term "BMP" separately and distinctly from the word "requirements" in its applicable rulemaking authorization. Indeed, in every other subsection of 6 V.S.A. § 1105a that authorizes the Agency to adopt rules to regulate treated articles, the grant of rulemaking authority exclusively permits the Agency to adopt "requirements." If BMPs were intended to constitute legal "requirements" instead of an alternate form of "management practices," then the term "BMP" would be redundant surplusage and have no meaning. The legislature is presumed to choose words advisedly and to not use language that lacks meaning. Moreover, the legislature knows how to require the Agency to adopt mandatory rules, and when it instead elected to require the Agency to adopt BMPs (while omitting the term "requirement" from its limited mandate), it made the distinction intentionally. The term "best management practices" is used separately and disparately from the term "requirements," and the plain ordinary meaning of the term "best management practices," coupled with its unique use within the broader statutory framework authorizing rulemaking, demonstrates that management practices are different than mandatory legal requirements. There is no basis to conflate the distinct terms.

In addition, the Agency submitted its draft proposed rule and explained the AIB's recommendations to the General Assembly's Agricultural Committees. The draft BMPs were presented as recommendations—not mandatory legal requirements—and the Committees of jurisdiction did not raise any related concerns to the Agency. If the Committees intended the Agency to draft mandatory and enforceable BMPs, they surely would have voiced that perspective to facilitate related discussion. The Agency was instructed to adopt best management practices in consultation with the AIB, and this proposed BMP rule does so. Arguments to the contrary substitute policy preferences for the applicable statutory language and are unavailing.

2. *The proposed rule implements the AIB's recommendation that the BMPs be a set of recommended best practices as*

opposed to mandatory requirements.

Pursuant to 6 V.S.A. § 1105a(c)(1), the Agency consulted with the AIB in developing the proposed BMP rule. Using the framework of the criteria enumerated in Act 145 of 2022 (and subsequently Act 182 of 2024), the AIB heard testimony from 17 different experts (including academics, industry professionals, and NGOs) in 24 public meetings over approximately 2.5 years. In January 2024 the AIB recommended to the Secretary of Agriculture, Food and Markets that further research on neonicotinoid treated article seeds ("NTS") was necessary in the State and that any proposed rule should follow Integrated Pest Management practices and allow for flexibility as further research was conducted. That recommendation was incorporated into the AIB's 2023 annual report submitted to the legislature.

The Agency compiled a list of published BMPs from other States, Provinces, and organizations and, in consultation with the AIB, reviewed each treated article BMP, categorized them, and ranked the practices by their relative importance. The Agency compiled the proposed BMPs from this process. The Agency submitted the first iteration of the proposed BMPs for treated articles required under 6 V.S.A. § 1105a(c)(1) to the Legislature's Agricultural Committees on March 1, 2024. Act 182 was subsequently enacted which expanded the Agency's rulemaking authority under 6 V.S.A. § 1105a(c)(1) to include neonicotinoid pesticides. The Agency, in consultation with the AIB, then revised the proposed BMPs to incorporate the change in scope through the framework specified in 6 V.S.A. § 1105a(c)(2). Notably, neonicotinoid pesticides are already heavily regulated under State law and are going through extensive label review at the federal level under the Federal Insecticide, Fungicide, and Rodenticide Act. Importantly, the AIB did not recommend adopting additional mandatory requirements for the use of neonicotinoid treated articles or neonicotinoid pesticides.

Following this additional consultation with the AIB, updated proposed BMPs were submitted to the same Legislative Committees on February 6, 2025. As mentioned previously, the Legislative Committees did not object to the rule's planned adoption of recommended best management practices for use when practical. To do what some commenters request, the Agency would have to disregard the AIB's advice and exceed the scope of its rulemaking authority. The Agency asserts that the better course is to follow the AIB's recommendations and adopt BMPs that explain best practices and encourage their use.

B. The Agency recognizes that the use of non-mandatory language in Section 4.06(c) in reference to pesticide labels is inconsistent with State and Federal Law and that the inconsistency in language can provide confusion to the regulated community. The Agency has therefore removed the specific section.

II. Timeline of the Proposed Rule Under Section 3.01

A significant number of commenters requested that the timeline provided in Section 3.01 of the proposed rule regarding the applicability of neonicotinoid treated article BMPs be changed to reflect the contingently effective prohibition date provided for in 6 V.S.A. § 1105b. The concern expressed was that there would be confusion regarding the applicability of the BMPs after the date in 6 V.S.A. § 1105b of January 1, 2029.

VAAFM Response:
6 V.S.A. § 1105a(c)(1) directs the Agency to adopt by rule BMPs for the use in the State of "(A) neonicotinoid treated article seeds when used prior to January 1, 2031". The timeline provided for in the proposed rule merely reflects the timeline provided for in the enabling statute. It should be noted that the proposed rule would apply to the use of NTS used up until January 1, 2029, and, since this date precedes January 1, 2031, there is no practical effect as a result of changing the effective date. Nonetheless, the Agency has changed the applicable timeline provided in Section 3.01 to reflect the date of the contingently effective prohibition.

III. Dust and Non-Target Exposure Mitigation (Section 3.04)

A few commenters provided suggested edits to the provisions provided in Section 3.04 of the proposed rule relating to dust and non-target exposure mitigation. Specifically, comments included the following suggestions:

A. 3.04(a): Based on previous drift research, a wind limit of 15mph is too high to minimize drift; research supports a maximum of 8 mph. For clarity, we suggest additionally specifying "shrubs and trees" in addition to "plants" here.

B. Section 3.04(a): change the "and" to "or" in order to give consideration to both wind speed and direction respectively; include beehives in the list of sensitive areas.

C. 3.04(c): Guidance should direct growers to "use the most effective seed lubricants available" rather than focusing on what not to use, which will help to future-proof this statement.

D. Section 3.04(c): Dust-reducing seed lubricants must be uniformly mixed to prevent excess dust.

VAAFM Response:
The wind speed provided in Section 3.04(a) is based on previously published BMPs and is 5 mph below the average for what the National Weather Service categorizes as "windy". Trees and shrubs are included in the common definition of a plant. The Agency's language in 3.04(c) is sufficient to accommodate for changes in seed lubricant technology. The Agency has revised Section 3.04 of the proposed rule to incorporate language that will encourage use of seed lubricants to be made in accordance with manufacturer guidelines.

IV. Neonicotinoid Treated Articled Seed & Integrated Pest Management ("IPM") (Section 3.05)

A significant number of commenters referenced the proposed rule's provisions for IPM provided in Section 3.05. A few commenters made specific suggestions including the following:

A. Include scouting and monitoring for seed pests, evidence-based pest risk assessment, and the implementation of preventative, mechanical, and cultural practices such as crop rotation, cover cropping, and planting in conditions that reduce or eliminate the need for seed treatments.

B. When scouting and risk assessment indicates that pests have reached an economic threshold justifying pesticide use, IPM practices dictate the use of the least toxic pesticide that will control the problem pest(s) when scouting and risk assessment indicates that pests have reached an economic threshold justifying pesticide use. The Anthranilic Diamides are another class of systemic pesticides that are used for seed treatments. They are an entire order of magnitude less toxic to honeybees than the neonicotinoids. They should be used in the event of pest pressure before an exemption to use neonics is granted. Only if Diamides are shown to be ineffective should an exemption be granted.

C. IPM practices for treated seed are too general and vague to be useful. Incorporate well-researched IPM strategies in field crops that reduce pressure and damage from seed pests including the following:
- Monitoring and risk assessment. This is a foundational IPM approach to knowing and understanding pests for effective pest management.
- Planting in conditions that are more optimal for seed germination and reduce the likelihood of seed damage (e.g., when soil temperatures are >50F).
- Crop rotation. Rotate fields out of corn within three years; sod-based or more diversified crop rotations disrupt and reduce pressure from insect pests, diseases, and weeds.
- Cover cropping.
- No till or reduced tillage planting

D. 3.05b: Monitoring is part of the foundation of IPM and should be emphasized as a central practice. Regular scouting and risk assessment allow growers to identify which pests are present, determine whether populations are likely to exceed thresholds, and make informed decisions about whether control is necessary.

E. 3.05c: We recommend removing mention of rate reductions. Research indicates that there is no agronomically justified rate for prophylactic NST use, and sublethal rates may accelerate resistance development.

F. We also recommend that the following be added as a subsection: "Insecticide mixtures should only be used if confirmed resistance challenges are present." Otherwise, mixtures of multiple insecticides result in unnecessary pesticide use with no additional benefit.

G. Include 4 major tenets of integrated pest management to inform the basis of any decision to use neonics.

H. Do not use for cosmetic pest management or routine maintenance.

I. Add the six Ecological Pest Management (EPM) Program essentials, including Prevention, Identification, Monitoring, Record-Keeping, Action Levels, Tactics Criteria, and Evaluation and accompanying definitions
- Add a definition of EPM (or Strong IPM) and add the six EPM Program essentials, including Prevention, Identification, Monitoring, Record-Keeping, Action Levels, Tactics Criteria, and Evaluation.
- Add definition for what is considered a "least-toxic pesticide" to include:
  - EPA-classified minimum risk pesticides; (7 CFR 205.601) and
  - USDA organic certified pesticides. (40 CFR § 152.25)
- Add definition for what is not considered a "least-toxic pesticide" to include "An EPA registered pesticide that is not organic certified."

VAAFM Response:

IPM training will be required prior to the use of any NTS under a prospective exemption order. Research is underway under Vermont specific conditions to determine what practices will result in successful crop production. Lacking clear and definitive practices in Vermont specific conditions, the Agency is reluctant to require specific practices. Nonetheless, Section 3.05 of the proposed rule has been revised to include "monitor and assess the risk of potential pest damage based on available guidance" as subsection (a) and subsection (b) now reads "(c) utilize multiple pest management methods (cultural, mechanical, biological) *based on the best available research* to avoid or reduce pest risk". The proposed rule (25P031) is designed to help individuals make informed decisions – not direct individuals to a specific product choice or limit decision making.

V. Beekeeper Notification (Section 3.06)

A significant number of commenters made reference to Section 3.06(a) of the rule and beekeeper notification prior to the use of a NTS. Commenters note planting NTSs increases exposure for bee colonies located on or near farm properties and that beekeepers require additional time to reduce the exposure. Most comments reflected a general desire for enhanced notification requirements including mandatory notification. Specific comments included the following points:

A. The Agency should take on the responsibility of notifying beekeepers as opposed to the person using the NTS. When exemptions for neonic-treated seed are granted, the Agency should immediately notify all registered beekeepers within a five-mile radius, ensuring they have the maximum possible time to take protective measures.

B. Agency to assume responsibility for beekeeper notification through the Agency's database of apiary locations and registered owners, or through a third-party platform such as Fieldwatch. When exemptions for the use of neonic-treated seed are granted, the Agency should immediately notify all registered beekeepers within a two-mile radius.

C. Notify beekeepers within a mile radius of any neonicotinoid use.

VAAFM Response
With regards to NTS, the scope of rulemaking authority provided in §§ 1105a(c)(1)(A) and (B) is limited to the "use in the State of (A) neonicotinoid treated article seeds when used prior to January 1, 2031; [and] (B) neonicotinoid treated article seeds when the Secretary issues a written exemption order pursuant to section 1105b of this chapter authorizing the use of neonicotinoid treated article seeds[]". In other words, the Agency can not direct itself, via the proposed rule, to take on the responsibility of notifying beekeepers of when a NTS is being used as it will not be using any NTS. The law requires that the Agency submit any prospective exemption to the legislature for subsequent posting on the Legislature's

website. The Agency also intends to contract with a non-profit field registry service that will provide another option for communication between beekeepers and growers.

Under Sections 5.04(a), (b) of the Vermont Rule for Control of Pesticides, any application of pesticides to a flowering crop requires 48 hours advance notice to an apiculturist on the premises. The provision was included in the 2023 amendment of the rule as recommended in the 2017 Pollinator Protection Report.

VI. Water Sources (Section 3.06)

Some commenters contend that the proposed rule should include mandatory buffers to water sources, both public and private, for the use of an NTS. Some of the comments in this category reference Section 3.06(b) of the proposed rule. Specific comments include the following:

A. NTSs should not be used near community water supplies due to their high solubility and persistence or change Section.

B. "A person shall not use neonicotinoid treated article seeds within 200 feet of public community drinking water sources and public drinking water surface water intakes; or 100 feet of public non-community drinking water sources."

C. Align use of neonicotinoid treated article seeds with buffers established under the RAPs for mechanical manure applications.

VAAFM Response:
The Agency consulted the Agency of Natural Resources who has the statutory authority to regulate water supplies and the language included in the proposed rule was provided by them.

VII. Disposal of Neonicotinoid Treated Article Seeds (Section 3.08)

A significant number of commenters expressed concerns regarding the proposed rules provisions for NTS disposal. Commenters noted how disposal is an important pathway by which NTSs can contaminate the environment due to their high water solubility and that stronger disposal rules are needed to protect drinking water, public health, wildlife, and the environment. Many commenters requested mandatory disposal requirements of NTS. Generally, the comments related to requirements for burial depth, soil cover, and runoff controls to prevent contamination. Specific comments included the following:

A. Disposal 200 ft from buffer from any water supply (human or animal) and 1,000 ft from public water supplies

B. Establish setbacks, including at least a 200-foot buffer from private wells and a 1,000-foot buffer from public supplies.

C. Dispose of seeds or containers not within a wetland, floodplain, or shoreland

D. Require minimum burial depths and soil cover to prevent seed from resurfacing or being consumed by wildlife.

E. Rules should set requirements for burial depth, soil cover, and runoff controls to prevent contamination.

F. Dispose of seeds no deeper than 5ft above water table

G. Dispose of seeds deep enough to be covered by 2 feet of soil with the top foot capable of sustaining vegetative growth

H. Has the final cover contoured and sloped to divert surface water drainage around and away from the burial

location and to prevent erosion

I. Encourage development of safe collection programs for unused treated seed, seed bags, and containers to reduce on-farm disposal burdens.

VAAFM Response
The Agency has revised the proposed rule to include the following two subsections within Section 3.08(b): "A person using a neonicotinoid treated article seed should not:" "(3) dispose of any neonicotinoid treated article seed in any manner that may leach to groundwater" and "(4) dispose of any neonicotinoid treated article seed within a wetland, floodplain, or shoreland".

VIII. Aerial Applications (Section 4.03)

A significant number of commenters requested that aerial applications of neonicotinoid pesticides be prohibited. Commenters expressed concerns that aerial spraying of neonics poses excessive risk to birds and their habitats and that a 50-foot buffer from water and pollinator habitat is insufficient to prevent contamination from aerial spraying.

VAAFM Response
The Vermont Rule for Control of Pesticides regulates any pesticide use, including aerial applications. Under that rule, no aerial application of any pesticide, including neonicotinoid pesticides, can be made without obtaining an approved permit from the Agency Secretary. The Agency maintains a robust permitting program whereby restrictions can be imposed on a case-by-case basis for permitted applications in addition to those under the Vermont Rule for Control of Pesticides. Currently there are no aerial applications of neonicotinoids in Vermont. Nonetheless, the Agency has amended the proposed rule to remove all language addressing aerial applications in deference to the concerns raised by commenters.

IX. Water Sources (Sections 4.04/4.05)

Some commenters contend that the proposed rule should include mandatory buffers to water sources for the use of neonicotinoids. These comments generally do not reference any particular section of the proposed rule. A few commenters in this category contend that there should be enforceable buffers of "from public drinking water sources or 100 ft from other drinking water sources".

VAAFM Response:
Any use of a neonicotinoid pesticide in the State is regulated by the Vermont Rule for Control of Pesticides (Pesticide Control Rule) and FIFRA via the pesticide label. In addition to potentially stricter label requirements, the Vermont Rule for Control of Pesticides requires that an applicator maintain the following buffer distances to water sources when applying any pesticide to soil or vegetation:

- 50-foot buffer around any potable water source (*see* Pesticide Control Rule Section 5.02(n));
- 100-foot buffer for all public non-community groundwater drinking water sources (*see* Pesticide Control Rule Section 5.02(o)(1)); and
- 200-foot buffer for all public community drinking water sources and intakes, and surface water public non-community drinking water intakes (*see* Pesticide Control Rule Section 5.02(o)(2)).

X. Drift Prevention/Pollinator Protection (Sections 4.03/4.06)

One commenter provided the following suggestions in relation to the best management practices provided in Sections 4.03(i) and 4.06(a):

A. Pre-bloom plants should be added as a non-target area of concern in Section 4.03 as pollinators will nonetheless be exposed through the systemic nature of the chemical.

B. The timing of applications in Section 4.06(a) should consider time of day (such as nighttime applications) in addition to temperatures (noting both time periods have reduced insect activity).

VAAFM Response:
The language provided in Section 4.03 regarding non-target areas of concern includes "pollinator attractive plants" which is inclusive of pre-bloom plants provided they are attractive to pollinators. Section 5.04(c)(1) the Vermont Rule for Control of Pesticides requires that a person applying a pesticide that is highly toxic to bees apply the pesticide during periods and *conditions of least exposure*, such as early morning or late evening; and when winds are less than nine mph.

XI. The Draft Rule Fails to Meet the Criteria Established in 6 V.S.A § 1105a(c)(2)

One commenter contends that the proposed rule is incomplete for its failure to address all the criteria provided in 6 V.S.A § 1105a(c)(2). That specific subsection provides a list of criteria the Agency is required to "address" when developing rules with the AIB under § 1105a(c)(1).

VAAFM Response:
In developing the proposed rule with the AIB the Agency did "address" each of the criteria in § 1105a(c)(2). We do not believe that a requirement to "address" issues with the AIB is a mandate to write related legal requirements. Our interpretation of this language is that the legislature provided a list of factors to consider when developing rules with the AIB. In addition to the plain language, our interpretation is bolstered by the broad scope of the enumerated factors, and the Agency's lack of authority to write rules mandating specific action related to each factor. As examples, the Agency could not write pesticide rules that require companies to provide untreated seeds, nor dictate the economic impact from the use of different types of seeds. The list is plainly a series of factors to consider—not instructions to develop any specific legal requirement. The Agency met its charge and presented draft rules to the Legislative Committees of jurisdiction prior to submitting the proposed rule.

A. Neonicotinoid Treated Article Seeds - §§ 1105a(c)(2)(A)-(G)
Prior to the adoption of Act 182 and its related expansion of scope, the AIB heard testimony from 17 different experts (including academics, industry professionals, and NGOs) in 24 public meetings. Experts were scheduled and selected based on the criteria in § 1105a(c)(2). The results of those meetings are reflected in the AIB's 2024 recommendation to the Secretary of Agriculture, Food and Markets and also the proposed rule.

B. Neonicotinoid Pesticides - §§ 1105a(c)(2)(C), (D), & (G)
Act 182 expanded the scope of rulemaking under § 1105a(c)(1) and, similarly, the criteria in § 1105a(c)(2). The additional criteria were also addressed in development of the proposed rule. With regards to the criteria in subsection (C), the AIB reviewed Act 182 at a meeting in July 2025, and the impact of the inclusion of the neonicotinoid ban was seen as only having a potentially significant impact due to the impact on ornamentals, but the prohibition for the specific crop groups listed was not seen as economically impactful because the crop groups were not typically harvested after bloom so the prohibition was inapplicable. Regarding the criteria in subsections (D) and (G), AIB heard testimony on the progress of EPA registration review of neonic active ingredients that includes the public health and environmental risk assessments of each labeled use. The AIB also continued to learn about proposed and implemented neonic treated seed and neonic pesticide legislation in other states.

XII. Exemptions

A significant number of commenters referenced the exemption provisions of Act 182 as codified at 6 V.S.A. §§ 1105. For example, some commenters noted that exemptions should be limited, transparent, justified, and rarely granted except in qualifying circumstances. Commenters also noted that the criteria for granting an exemption, as well as the exemptions themselves, must be made publicly available, tied to documented pest pressure, and conditioned on the use of Integrated Pest Management (IPM). On the end of the spectrum, comments received from in-person attendees at the public hearings noted that the exemption process for NTSs should be flexible and fast and efficient process.

VAAFM Response:
Per 6 V.S.A. § 1105a(c)(2), the Agency was directed to adopt, by rule, "Best Management Practices" for the use of Neonicotinoid Treated Article Seeds and Neonicotinoid Pesticides in the four enumerated scenarios provided in

subsections (A-D). The specifics of the exemption processes are laid out in 6 V.S.A. §§ 1105b, 1105c and are outside the scope of the proposed rule.

Research is currently being conducted under Vermont conditions to quantify the risk factors that will be part of the Pest Risk Assessment (PRA) a person seeking an exemption order will be required to complete per 6 V.S.A. § 1105b(b)(2). The Agency will further consult with the AIB in the development of the PRA at AIB public meetings. Exemptions, if granted, will be provided to the Legislature for subsequent posting on their webpage per 6 V.S.A. § 1105b(e).

XII. Nurseries and Ornamentals

Many commenters requested that the rules address high-risk uses in nursery production. Commenters noted how even though Act 182 addresses neonic applications to nursery-grown ornamental plants, a known high-risk exposure route for pollinators, it is not clear whether the draft rules do. Commenters further noted that neonicotinoid pesticide uses on ornamentals often involves blooming plants attractive to bees and that the rules should explicitly cover these neonic uses.

VAAFM Response:
Act 182 prohibits the application of a neonicotinoid pesticide to ornamental plants as of July 1, 2025 (*see* 6 V.S.A. §§ 1105c(a)(4), 1102(15) (defining "ornamental plants" as "perennials, annuals, and groundcover purposefully planted for aesthetic reasons"). Act 182 directs the Agency to adopt BMPs for the use of a neonicotinoid pesticide in two scenarios (1) under a written exemption order, and (2) non-prohibited agricultural applications (*see* 6 V.S.A. §§ 1105a(c)(1)(C), (D)). This is reflected in Sections 4.01(a) and (b) of the proposed rule.

XIII. Miscellaneous Comments

A. The Rule should include an introduction explaining the purpose of the Rule, provide an overview of the provisions in the statute, a timeline of the prohibitions, and the use of BMPs.

B. The Rule should address enforcement and penalties if the BMPs represent requirements. Enforcement authority for this Rule does not have to be specifically granted by the Legislature as the Secretary already has broad authority to enforce its laws under Title 6.

C. The BMPs don't address persistence.

VAAFM Response:
Section 1.02 of the rule provides a purpose statement and that is the rule is intended to be recommended best practices for the use of neonicotinoid treated article seeds and neonicotinoid pesticides. The Agency, with the help of UVM Extension, will provide educational and outreach efforts to the regulated community. Because the rule is recommended best practices, addressing enforcement and penalties is not necessary.

Part II – Individualized Public Comment Response

The following includes all the primary written comments on the proposed rule received by both individuals and organizations along with the Agency's response to those comments in *italics*. For ease of reading, footnotes/endnotes have been removed from any individual comment. The comments, in their entirety, are provided separately.

Vermont Beekeepers Association

Optional BMPs Undermine the Intent of The Law

The Vermont General Assembly passed Act 182 in large part to protect pollinators from exposure to neonicotinoid pesticides. Pollinators in Vermont will remain at risk from neonic-treated seeds until the ban takes effect, and they could still face exposure after 2029 if an exemption is granted. Incorporating BMPs into the rulemaking process is intended to provide additional protection in the early stages of the law's implementation and later in cases where exemptions are granted. Unfortunately, the Draft Rule fails to reflect the Legislature's intent to make BMPs mandatory. Instead, it frames them as voluntary, using the word "should" rather than "shall" throughout multiple sections. The Purpose section goes further, stating that "these practices are recommended best practices to be used whenever reasonable and practicable," reinforcing their non-mandatory status.

This vague and permissive language does not align with Act 182, particularly where the rule implies that following pesticide label instructions is not mandatory. Label restrictions are governed by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and Chapter 87 of the Vermont Agriculture Title, and implying that otherwise mandatory label instructions are merely advisory undercuts not only Act 182, but also other state and federal pesticide law. To meet the law's intent—protecting pollinators and providing clear, enforceable standards for farmers—and be in compliance with FIFRA, these provisions should be revised to replace "should" with "shall" where applicable. This change is necessary to ensure that BMPs related to drift prevention, proper seed disposal, and pollinator protection are implemented as binding requirements, not optional guidelines.

The proposed rule adopts a set of recommended best practices as noted in Section 1.02 and elsewhere in the proposed rule. The best management practices (BMPs) are recommendations instead of enforceable requirements, primarily because (1) the law authorizes best management practices—not mandated legal rules—and (2) the AIB recommended voluntary best management practices for the use of neonicotinoid treated article seeds and neonicotinoid pesticides. For a more comprehensive response, please refer to Part 1 B I "Voluntary BMPs / Enforceability (Section 1.02)" of the Public Response Summary.

Improve Integrated Pest Management for Seed Treatments

Integrated Pest Management (IPM) relies on regular monitoring of pests and diseases to guide the use of control measures. The prophylactic use of neonicotinoid-treated seeds—regardless of actual pest presence or benefit—undermines this core principle. In Vermont, this prophylactic approach has made treated seeds the largest source of insecticide use in the state. As a result, neonics have contaminated soil, water, and vegetation, threatening pollinators, aquatic species, and other wildlife. Incorporating seed treatments into a true and meaningful IPM framework is essential to reducing these environmental harms.

Best management practices should include scouting and monitoring for seed pests, evidence-based pest risk assessment, and the implementation of cultural practices such as crop rotation, cover cropping, and planting in conditions that reduce or eliminate the need for seed treatments.

In addition, when scouting and risk assessment indicates that pests have reached an economic threshold justifying pesticide use, IPM practices dictate the use of the least toxic pesticide that will control the problem pest(s). The Anthranilic Diamides are another class of systemic pesticides that are used for seed treatments.

They are an entire order of magnitude less toxic to honeybees than the neonicotinoids. They should be used in the event of pest pressure before an exemption to use neonics is granted. Only if Diamides are shown to be ineffective should an exemption be granted.

IPM training will be required prior to the use of any NTS under a prospective exemption order. Research is underway under Vermont specific conditions to determine what practices will result in successful crop production. Lacking clear and definitive practices in Vermont specific conditions, the Agency is reluctant to require specific practices. Nonetheless, Section 3.05 of the proposed rule has been revised to include "monitor and assess the risk of potential pest damage based on available guidance" as subsection (a) and subsection (b) now reads "(c) utilize multiple pest management methods (cultural, mechanical, biological) based on the best available research to avoid or reduce pest risk".

Restrict Aerial Applications

Banning aerial applications of neonicotinoids—including those conducted by drone—would prevent the risk of these chemicals further contaminating Vermont's soils, waterways, and wildlife. Currently, there are no known cases of aerial spraying of neonics in the state, providing a critical opportunity to prevent this high-risk practice before it begins. While the draft rules propose a 50-foot buffer from water sources and pollinator habitat, this distance is inadequate to fully prevent drift and environmental contamination from aerial application. We strongly urge the Agency to include a full prohibition on aerial spraying of neonics in the final rule.

The Vermont Rule for Control of Pesticides regulates any pesticide use, including aerial applications. Under that rule, no aerial application of any pesticide, including neonicotinoid pesticides, can be made without obtaining an approved permit from the Agency Secretary. The Agency maintains a robust permitting program whereby restrictions can be imposed on a case-by-case basis for permitted applications in addition to those under the Vermont Rule for Control of Pesticides. Currently there are no aerial applications of neonicotinoids in Vermont. Nonetheless, the Agency has amended the proposed rule to remove all language addressing aerial applications in deference to the concerns raised by commenters.

Treated Seed and Bag Disposals

We urge the Agency to adopt stronger measures to prevent pollution from the disposal of leftover treated seeds and seed bags. Neonicotinoid-treated seed poses significant risks to birds, bees, and groundwater if not handled properly. While we appreciate the inclusion of new drinking water definitions and notification requirements, the current draft lacks enforceable standards for disposal. Clear, mandatory disposal requirements are essential.

More than four in ten Vermont households rely on private wells for their drinking water. To safeguard these sources, Vermont's rules should include specific limits on disposal near water supplies. We recommend requiring at least a 200-foot buffer from any water supply used for human or animal consumption, and a minimum 1,000-foot buffer from public water supplies. In addition, the rules should set requirements for burial depth, soil cover, and runoff controls to prevent contamination.

The Agency consulted the Agency of Natural Resources who has the statutory authority to regulate water supplies and the language included in the proposed rule was provided by them. The Agency has revised the proposed rule to include the following two subsections within Section 3.08(b): "A person using a neonicotinoid treated article seed should not:" "(3) dispose of any neonicotinoid treated article seed in any manner that may leach to groundwater" and "(4) dispose of any neonicotinoid treated article seed within a wetland, floodplain, or shoreland".

Notification for Beekeepers The planting of treated seeds increases the risk of neonicotinoid exposure for bee colonies located on or near farm properties. Beekeepers deserve sufficient notice so they can protect their livestock—a step that is only possible if they are informed well in advance.

The current draft rule requires farmers to notify beekeepers with hives on their property no less than 48 hours and no more than 90 days before planting treated seed. Forty-eight hours is not nearly enough time for beekeepers to secure a new location and physically relocate their hives. Moreover, colonies located just beyond a property line remain vulnerable, as neonicotinoids readily disperse in the environment and bees can forage up to several miles from their hives.

We therefore urge the Agency to assume responsibility for beekeeper notification through the Agency's database of apiary locations and registered owners, or through a third party platform such as Fieldwatch. When exemptions for the use of neonic-treated seed are granted, the Agency should immediately notify all registered beekeepers within a two-mile radius, ensuring they have the maximum possible time to take protective measures.

The law requires that the Agency submit any prospective exemption to the legislature for subsequent posting on the Legislature's website. The Agency also intends to contract with a non-profit field registry service that will provide another option for communication between beekeepers and growers.

Vermont Public Interest Research Group

Optional BMPs Undermine the Intent of The Law the Vermont General Assembly passed Act 182 in large part to protect pollinators from exposure to neonicotinoid pesticides. Pollinators in Vermont will remain at risk from neonic-treated seeds until the ban takes effect, and they could still face exposure after 2029 if an exemption is granted. Incorporating BMPs into the rulemaking process is intended to provide additional protection in the early stages of the law's implementation and later in cases where exemptions are granted. Unfortunately, the Draft Rule fails to reflect the Legislature's intent to make BMPs mandatory. Instead, it frames them as voluntary, using the word "should" rather than "shall" throughout multiple sections. The Purpose section goes further, stating that "these practices are recommended best practices to be used whenever reasonable and practicable," reinforcing their non-mandatory status. This vague and permissive language does not align with Act 182, particularly where the rule implies that following pesticide label instructions are not mandatory. Label restrictions are governed by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and Chapter 87 of the Vermont Agriculture Title, and implying that otherwise mandatory label instructions are merely advisory undercuts not only Act 182, but also other state and federal pesticide law. To meet the law's intent—protecting pollinators and providing clear, enforceable standards for farmers—and be in compliance with FIFRA, these provisions should be revised to replace "should" with "shall" where applicable. This change is necessary to ensure that BMPs related to drift prevention, proper seed disposal, and pollinator protection are implemented as binding requirements, not optional guidelines.

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The law requires that the Agency submit any prospective exemption to the legislature for subsequent posting on the Legislature's website. The Agency also intends to contract with a non-profit field registry service that will provide another option for communication between beekeepers and growers.

Correct the Date for Protections

Under Act 182, the prohibition on the use of neonic treated article seeds goes into effect on January 1, 2029, with the BMPs providing some protection of pollinators prior to this date. However, the Draft Rule states that the BMPs apply to the use of neonic treated article seeds prior to 2031, not prior to January 1, 2029. The implementation date in the Draft

Rule should be consistent with the effective date of Act 182 as established by the Legislature. It is essential that the BMPs are effective on the timeline intended by the Legislature to ensure growers have clear, science-based guidance in place before the 2029 prohibition begins.

The Agency has revised the proposed rule to align with the contingently effective date of prohibition, January 1, 2029.

American Seed Trade Association/Crop Life America

The American Seed Trade Association (ASTA) and CropLife America (CLA) appreciate the opportunity to provide comments on the Agency's proposed Best Management Practices (BMPs) for neonicotinoid-treated article seeds and neonicotinoid pesticides. Our member companies are committed to supporting Vermont growers, safeguarding pollinator health, and ensuring a resilient agricultural system.

We recognize the Agency's efforts to balance stakeholder concerns; however, we respectfully submit the following comments to ensure that BMPs are workable, science-based, and protective of both agricultural productivity and pollinator health.

Vermont growers already work closely with agronomists and follow pesticide labels to apply the lowest effective rate necessary to achieve control — a practice that is central to integrated pest management and resistance prevention. The BMP language suggesting applicators "choose the lowest appropriate labeled application rate" must not be read as discouraging or prohibiting the use of higher labeled rates when pest pressure demands it. Sub-lethal applications or reduced timing can accelerate resistance development, undermining both product stewardship and the long-term effectiveness of these tools. To avoid conflicting guidance, BMPs should align with existing EPA resistance management frameworks, explicitly recognize that all labeled rates are valid, and affirm that growers' professional judgment in consultation with agronomists remains paramount.

This need for flexibility extends beyond pest resistance management into Vermont's broader agricultural economy, particularly the dairy sector, which depends on access to consistent, high-quality silage corn seed options. With neonicotinoid-treated seed prohibitions scheduled for 2029, Vermont's already small market share raises legitimate concerns about whether seed companies will maintain non-treated alternatives that meet local maturity, digestibility, and yield needs. A shortage of effective seed options could reduce silage yields and nutritional quality, directly impacting dairy production, herd health, and farm profitability. These risks are compounded by federal and state environmental requirements (e.g., nutrient management, cover cropping, no-till practices) that already constrain agronomic flexibility. We urge the Agency to acknowledge these risks and commit to continued consultation with seed companies and dairy stakeholders to ensure feed supply continuity.

We appreciate the Agency's decision to frame these practices as recommendations rather than enforceable mandates. This approach recognizes the diversity of Vermont farming operations, the need for flexibility, and the evolving science around neonicotinoid alternatives. We strongly encourage the Agency to maintain this distinction and resist efforts to convert BMPs into enforceable requirements, absent clear data demonstrating necessity.

Our member companies remain committed to pollinator protection and agricultural sustainability. At the same time, it is critical that BMPs do not unintentionally undermine pest resistance management, restrict growers' use of legally approved products, or jeopardize the economic viability of Vermont's dairy and feed production.

We thank you for your consideration and stand ready to engage further with the Agency to ensure these BMPs achieve both environmental protection and agricultural resilience.

The Agency understands the significant impact a mandatory rule would have on the farming community without the necessary research and time to pragmatically implement such a rule. As a recommended best management practice, the Agency believes the language provided in Section 4.02(e) is sufficient as written given the qualifying phrase "to effectively manage target pests".

Four Hills Farm

My name is Chanin Hill, and I am the Executive Director of the Vermont Dairy Producers Alliance (VDPA) and a member of Four Hills Farm in Bristol, Vermont.

Our farm is currently a second-generation farm with plans for the third generation to take over in the next few years. We have operated at our current location since Robert & Jeanette Hill purchased it in 1971. We are a conventional dairy with an operating methane digester that powers a turbine that sends power directly to the power grid. What started as a 60-cow dairy in one of the first free stall barns constructed in the state, has grown to a 2500 cow dairy today. As a conventional dairy farm, we strive to be good stewards of our environment. We have kept up with changes in regulations throughout the years and have invested heavily in new technologies.

I would like to thank the committee for your hard work on the proposed rules and your commitment to your duties under Act 182. I also appreciated the chance to share my concerns at the public meeting in Vergennes. While most of my questions were addressed, I remain concerned about Section 4.05(d) on vegetative buffers. Without a clear standard, disagreements could arise between farmers and inspectors. Establishing a number, such as 5 or 10 feet, would ensure consistency and fairness.

I am equally concerned about the proposed restrictions on neonicotinoid seed treatments and the unintended consequences they could have on Vermont's dairy industry. Vermont was built on agriculture, with dairy as the pillar, contributing $5.4 billion to the state's economy. Reliable and affordable feed crops, such as corn, are critical for herd health and farm viability. Neonic seed treatments protect these crops from early-season pests, reduce the need for repeated pesticide applications, and support climate-smart practices like reduced tillage.

Removing this tool would increase costs, lower yields, and force farmers back to older, less targeted pesticides with greater environmental impact. These burdens would ripple through the dairy sector, compounding the economic challenges farms already face.

I urge policymakers to carefully weigh these impacts before finalizing restrictions. Vermont farmers need clear, practical, and science-based rules that allow them to continue producing food responsibly while protecting the land we all share.

The Agency agrees that Vermont farmers need clear, practical, and science-based guidance that allows successful crop production while protecting the environment. The Agency is supporting research at UVM to develop this guidance.

Cornell/PSU

Thank you for your efforts to develop best management practices (BMPs) to guide enactment of Act 182. As a group of scientists and Extension experts with decades of combined experience in integrated pest management (IPM) and field crops research, we appreciate the opportunity to provide comments. Our concerns focus primarily on the sections pertaining to neonicotinoid seed treatments (NSTs).

The science is clear: prophylactic use of NSTs provides little to no yield benefit in corn and soybean, the primary uses of NSTs in Vermont. Federal agencies and several land grant universities, including the U.S. Environmental Protection Agency, Cornell University, and Purdue University, have concluded that neonicotinoid seed treatments do not measurably improve soybean yields.1 Multi-state field trials, including recent work in the Northeast and Midwest and current trials at Cornell and University of Vermont, have consistently shown that NSTs rarely improve crop performance for both soybean and corn in the absence of severe pest outbreaks.

Corn plants incorporate a mere 2-3% of the neonicotinoids applied to their seed. On average, another 2-3% is abraded off the seed coating and lost as dust during planting - although in some cases, estimates of the percentage lost in planter exhaust range up to 12% for vacuum planters.3 This contaminated dust has been shown to cause acute bee mortality during corn planting, increase neonicotinoid residues in bee-collected pollen, and lead to slower colony growth in exposed hives. Highly soluble, the remaining NSTs move readily into soils, surrounding habitats, and water. Neonicotinoid contamination of US surface waters is pervasive and impacts to pollinators, aquatic invertebrates, and terrestrial and aquatic food webs are well-documented.

Integrated Pest Management (IPM) is the cornerstone of effective and sustainable pest management. It focuses on minimizing the risks of pests and pest management tools and emphasizes prevention, monitoring, and use of pesticides only when pests exceed economic thresholds, reducing the need for pesticide inputs and minimizing associated environmental and human health risks. Prophylactic use of NST applies insecticides regardless of pest presence, directly contradicting the basic tenets of IPM.

We commend VAAFM for providing a more detailed and substantive discussion of IPM in the section on agricultural uses of neonicotinoids besides seed treatments, and urge you to bring the same level of depth to the section on seed treatments by incorporating science-based IPM strategies that reduce or effectively eliminate the need for routine insecticidal seed coatings. We offer more detail on these specific strategies below.

Several of the practices listed in the BMPs are not voluntary suggestions but are already enforceable requirements under federal law because they appear on pesticide labels. Presenting these measures in the BMPs without clarification risks confusing growers, who may interpret them as optional. We urge VAAFM to include very clear language stating that many of these are label guidelines that are required, not simply recommended. Clear language is essential to avoid misinterpretation and to ensure that growers and their consultants understand their compliance obligations.

Additionally, we recommend future proofing these BMPs and associated educational outreach and materials as much as possible. We encourage VAAFM to ensure that BMP language anticipates future changes in equipment and application technology (e.g., improved seed lubricants or dust reduction kits) so that growers are guided to always use the most effective tools currently available to minimize neonicotinoid contamination. Similarly, we expect that seed companies will be moving from neonicotinoids to coating seeds with other insecticides (e.g., diamides, spinosad, isocycloseram). As these insecticidal seed treatments are likely to carry a similar risk-benefit ratio to the neonicotinoid seed treatments, offering limited yield benefit in field crops while posing risks to non-target organisms, we

encourage VAAFM to be inclusive of other seed coating insecticides when developing educational materials and programs on treated seed use in field crops.

The following comments refer to specific sections of the BMPs.

3.04 Dust and non-target exposure mitigation of treated seed

3.04a: Based on previous drift research, a wind limit of 15mph is too high to minimize drift; research supports a maximum of 8 mph. For clarity, we suggest additionally specifying "shrubs and trees" in addition to "plants" here.

3.04c: Guidance should direct growers to "use the most effective seed lubricants available" rather than focusing on what not to use, which will help to future-proof this statement.

The wind speed provided in Section 3.04(a) is based on previously published BMPs and is consistent with the National Weather Service definition of "breezy conditions" in forecasts, which is the readily accessible guidance that growers can use when planning operations. Trees and shrubs are included in the common definition of a plant and this comment was not included. The Agency's language in 3.04(c) is sufficient to accommodate for changes in seed lubricant technology.

3.05 Integrated Pest Management. While we agree that IPM should be central to BMPs for insecticidal seed treatments, the recommended practices for treated seed are too general and vague to be useful. We recommend incorporating well-researched IPM strategies in field crops that reduce pressure and damage from seed pests.

3.05a: There are specific, well-researched IPM tools and strategies that prevent problems with seed germination, establishment, and pest pressure, and effectively eliminate the need for prophylactic insecticidal seed treatments. We recommend including the following vetted strategies to reduce pest pressure and avoid pest damage in field crops:

○ Monitoring and risk assessment. This is a foundational IPM approach to knowing and understanding pests for effective pest management.

o Planting in conditions that are more optimal for seed germination and reduce the likelihood of seed damage (e.g., when soil temperatures are >50F).

o Crop rotation. Rotate fields out of corn within three years; sod-based or more diversified crop rotations disrupt and reduce pressure from insect pests, diseases, and weeds.

o Cover cropping.

o No till or reduced tillage planting

3.05b: Monitoring is part of the foundation of IPM and should be emphasized as a central practice. Regular scouting and risk assessment allow growers to identify which pests are present, determine whether populations are likely to exceed thresholds, and make informed decisions about whether control is necessary.

3.05c: We recommend removing mention of rate reductions. Research indicates that there is no agronomically justified rate for prophylactic NST use, and sublethal rates may accelerate resistance development.

We also recommend that the following be added as a subsection: "Insecticide mixtures should only be used if confirmed resistance challenges are present." Otherwise, mixtures of multiple insecticides result in unnecessary pesticide use with no additional benefit.

IPM training will be required prior to the use of any NTS under a prospective exemption order. Research is underway under Vermont specific conditions to determine what practices will result in successful crop production. Lacking clear and definitive practices in Vermont specific conditions, the Agency is reluctant to require specific practices. Nonetheless, Section 3.05 of the proposed rule has been revised to include "monitor and assess the risk of potential pest damage based on available guidance" as subsection (a) and subsection (b) now reads "(c) utilize multiple pest management methods (cultural, mechanical, biological) based on the best available research to avoid or reduce pest risk".

3.06 Communication and Continuous Education

3.06b: The recommendation to notify neighbors when NSTs are used within 200 feet of drinking water sources is insufficient. NSTs should not be used near community water supplies due to their high solubility and persistence.

The Agency consulted the Agency of Natural Resources who has the statutory authority to regulate water supplies and the language included in the proposed rule was provided by them.

3.08 Disposal. Aside from field applications, disposal is an important pathway by which NSTs can contaminate the environment. Highly water soluble NSTs will readily move through soil and water. The BMPs should specify that treated seed must not be buried in ways that can leach to groundwater, and should provide clear, practical disposal options.

The Agency has revised the proposed rule to include the following two subsections within Section 3.08(b): "A person using a neonicotinoid treated article seed should not:" "(3) dispose of any neonicotinoid treated article seed in any manner that may leach to groundwater" and "(4) dispose of any neonicotinoid treated article seed within a wetland, floodplain, or shoreland".

4.03 Drift Prevention. This section is too vague and should explicitly reference label requirements and ensure consistency with enforceable restrictions.

Section 4.01(c) does reference label requirements that are enforceable.

With more than 85 years of collective expertise in IPM, we encourage VAAFM to clarify and strengthen the BMPs to incorporate evidence-based IPM practices in field crops, anticipate future technologies, and clearly distinguish between voluntary practices and label-mandated requirements. Greater clarity and detail in the sections on drift, IPM, and disposal will ensure that the BMPs provide more meaningful and practical guidance to growers.

Looking forward, we hope that VAAFM will follow the science in crafting both the risk assessment and exemption process under Act 182. Given the limited utility of neonicotinoid seed treatments in field crops and their well-documented risks, the agency should ensure that exemptions are narrow and evidence-based.

Xerces

Strengthen the section on integrated pest management (IPM) for seed treatments.

Section 3.05 of the draft rule includes some general language around integrated pest management (IPM) for neonicotinoid treated article seeds, but is missing key elements of an IPM framework for seed treatments. Seed treatments applied prophylactically, without regard for monitoring or thresholds, cannot be considered part of an IPM approach. Integrated pest management for seed treatments includes monitoring, documentation of pest presence and pressure, action thresholds, and the use of preventive, non-chemical practices to break cycles of pests and diseases.

We urge the Agency to:

- Include scouting and monitoring to identify and assess seed pest risk.

- Incorporate recommended cultural practices that reduce seed pest pressure and damage, such as short-interval crop rotations, cover cropping, and no-till planting.

- Remove the suggestion that users "choose the lowest appropriate rate." Encouraging lower rates risks accelerating insecticide resistance in target and non-target insects without addressing the fundamental problem of unnecessary use.

IPM training will be required prior to the use of any NTS under a prospective exemption order. Research is underway under Vermont specific conditions to determine what practices will result in successful crop production. Lacking clear and definitive practices in Vermont specific conditions, the Agency is reluctant to require specific practices. Nonetheless, Section 3.05 of the proposed rule has been revised to include "monitor and assess the risk of potential pest damage based on available guidance" as subsection (a) and subsection (b) now reads "(c) utilize multiple pest management methods (cultural, mechanical, biological) based on the best available research to avoid or reduce pest risk".

Use enforceable language where appropriate.

Many of the best management practices outlined in the rule are written in advisory language, using "should" rather than "shall," even in areas where the law anticipates enforceable action, such as drift prevention, seed disposal, and pollinator protection. At a minimum, the disposal and aerial application language should be mandatory.

Some of the practices listed in the BMPs are already label-mandated requirements, not optional recommendations. Presenting these as "should" could create confusion for applicators. The Agency should more clearly distinguish between voluntary practices, state-mandated practices, and label-enforceable requirements.

The proposed rule adopts a set of recommended best practices as noted in Section 1.02 and elsewhere in the proposed rule. The best management practices (BMPs) are recommendations instead of enforceable requirements, primarily because (1) the law authorizes best management practices—not mandated legal rules—and (2) the AIB recommended voluntary best management practices for the use of neonicotinoid treated article seeds and neonicotinoid pesticides. For a more comprehensive response, please refer to Part 1 B I "Voluntary BMPs / Enforceability (Section 1.02)" of the Public Response Summary.

Provide transparency in developing pest risk assessment and exemption process

The success of Act 182 in reducing unnecessary use of neonicotinoid insecticides and associated impacts on pollinators, birds, and aquatic life hinges on the successful development of an evidence-based pest risk assessment and exemption process. Given that the current evidence from field trials suggests that neonicotinoid seed treatments do not provide a pest or yield benefit in >95% of fields, we expect that few exemptions will be granted, but we ask that VAAFM provide transparency in the development of this process and opportunity for public input before the 2029 effective date.

We urge the Agency to clarify its approach and commit to public reporting of exemptions and criteria and encourage VAAFM to grant exemptions only when pest pressure or risk is clearly documented and cultural/mechanical practices that limit pest risk are actively used.

Per 6 V.S.A. § 1105a(c)(2), the Agency was directed to adopt, by rule, "Best Management Practices" for the use of Neonicotinoid Treated Article Seeds and Neonicotinoid Pesticides in the four enumerated scenarios provided in subsections (A-D). The specifics of the exemption processes are laid out in 6 V.S.A. §§ 1105b, 1105c and are outside the scope of the proposed rule.

Research is currently being conducted under Vermont conditions to quantify the risk factors that will be part of the Pest Risk Assessment (PRA) a person seeking an exemption order will be required to complete per 6 V.S.A. § 1105b(b)(2). The Agency will further consult with the AIB in the development of the PRA at AIB public meetings. Exemptions, if granted, will be provided to the Legislature for subsequent posting on their webpage per 6 V.S.A. § 1105b(e).

Prohibit aerial application of neonicotinoids.

The risks posed by aerial applications of neonicotinoids to pollinators, waterways, and surrounding ecosystems are simply too great. Drift from aerial spraying is difficult to control even under ideal conditions; fine droplets can travel far beyond the target field, contaminating flowering plants, wetlands, and waterways.

While we appreciate the Agency's additional language to protect Significant Natural Communities, a 50 foot buffer distance is simply not adequate to protect nearby sensitive areas and surface water from an aerial application of a neonicotinoid. Aerial drift can extend hundreds of feet or more, depending on wind speed and direction, temperature, formulation, and droplet size. In practical terms, there is no way to ensure that aerial applications of neonicotinoids will not expose pollinators and waterways to unacceptable risks.

We understand that part of the reluctance to prohibit aerial application may stem from the potential future use of drone-based spraying. In some cases, drone applications may drift less far than fixed-wing aircraft or helicopters because of lower operating heights. However, small droplet sizes can increase the likelihood of drift in some conditions, and there is little independent research on the patterns of off-target drift from drone applications. EPA's AgDRIFT model does not include drones as an application type, and there is no alternative tool for predicting or managing drift risks from this application method. Without more field research or predictive models, it is difficult to set protective buffer distances with confidence.

We believe Vermont should take a precautionary approach and simply prohibit aerial applications of neonicotinoids. If the Agency believes drones are meaningfully different from other aerial application methods, that should be addressed through a separate, drone-specific permitting system rather than by allowing aerial use under the current rule.

The Vermont Rule for Control of Pesticides regulates any pesticide use, including aerial applications. Under that rule, no aerial application of any pesticide, including neonicotinoid pesticides, can be made without obtaining an approved permit from the Agency Secretary. The Agency maintains a robust permitting program whereby restrictions can be imposed on a case-by-case basis for permitted applications in addition to those under the Vermont Rule for Control of Pesticides. Currently there are no aerial applications of neonicotinoids in Vermont. Nonetheless, the Agency has amended the proposed rule to remove all language addressing aerial applications in deference to the concerns raised by commenters.

Prevent pollution from leftover treated seed and associated containers.

Neonicotinoid-treated seed poses risks not only during planting but also after use. If left exposed, treated seed can poison granivorous birds and mammals; a single kernel may contain enough active ingredient to kill a songbird. Studies from the U.S. and Europe have documented bird mortality linked to consumption of spilled treated seed, as well as chronic effects such as reduced reproduction.

Disposal practices also have implications for water quality. Neonicotinoids leach readily from buried seed and can persist in soil and move into surface water and groundwater. Improper burial or disposal of leftover treated seed further contributes to this contamination pathway.

We appreciate the inclusion of new drinking water definitions and notification requirements, but the rule still lacks specific, enforceable disposal standards. With more than four in ten Vermont households sourcing their drinking water from private wells, strong disposal standards that are protective of groundwater are needed. The **disposal language** should be mandatory and supported by clear, protective criteria when disposal takes place on the farm, e.g.:

- Establish setbacks, including at least a 200-foot buffer from private wells and a 1,000-foot buffer from public supplies.
- Require minimum burial depths and soil cover to prevent seed from resurfacing or being consumed by wildlife.
- Encourage development of safe collection programs for unused treated seed, seed bags, and containers to reduce on-farm disposal burdens.

Without these requirements, leftover treated seed could remain a persistent source of contamination to wildlife and water resources.

The Agency consulted the Agency of Natural Resources who has the statutory authority to regulate water supplies and the language included in the proposed rule was provided by them. The Agency has revised the proposed rule to include the following two subsections within Section 3.08(b): "A person using a neonicotinoid treated article seed should not:" "(3) dispose of any neonicotinoid treated article seed in any manner that may leach to groundwater" and "(4) dispose of any neonicotinoid treated article seed within a wetland, floodplain, or shoreland".

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 currently cites 2031, which is a holdover from an error in the statutory language. This discrepancy should be resolved and the date for implementation corrected to 2029 to prevent further confusion.

Act 182 represents a landmark opportunity to reduce pollinator and environmental harm from neonicotinoid pesticides in Vermont. To fulfill this promise, the rules must set enforceable standards, prohibit high-risk practices like aerial application, and ensure that exemptions are grounded in true IPM principles.

The Agency has revised the proposed rule to align with the contingently effective date of prohibition, January 1, 2029.

Audubon Society

We appreciate the Agency of Agriculture, Food, and Market's work to develop best management practices (BMPs) and recognize improvements in the April 30 draft. However, several core issues remain unaddressed. Audubon Vermont suggests the following changes to the BMPs to ensure the safety and health of pollinators, birds and our ecosystems.

Use enforceable language where appropriate. Many of the best management practices outlined in the rule are written in advisory language, using the word "should" or "must" rather than "shall," even in areas where the law anticipates enforceable action. For example, the disposal and aerial application language should be mandatory. The Agency should more clearly distinguish between voluntary practices, mandatory state rules, and label-enforceable requirements.

The proposed rule adopts a set of recommended best practices as noted in Section 1.02 and elsewhere in the proposed rule. The best management practices (BMPs) are recommendations instead of enforceable requirements, primarily because (1) the law authorizes best management practices—not mandated legal rules—and (2) the AIB recommended voluntary best management practices for the use of neonicotinoid treated article seeds and neonicotinoid pesticides. For a more comprehensive response, please refer to Part 1 B I "Voluntary BMPs / Enforceability (Section 1.02)" of the Public Response Summary.

Correct the timeline for protections. The rule must be consistent with the law by prohibiting neonic-treated seeds beginning in 2029, not 2031 as the draft rule states.

The Agency has revised the proposed rule to align with the contingently effective date of prohibition, January 1, 2029.

Prevent pollution from leftover treated seeds. Stronger disposal rules are needed to protect drinking water, public health, wildlife, and the environment. Leftover seeds should be buried far from wells, wetlands, and other vulnerable areas. The disposal language should be mandatory. Some specific suggestions are that disposed treated seed: Is located more than 200 feet away from any water-supply well used for human or animal drinking water and be more than 1,000 feet from any public water supply;

- Is not within a wetland, floodplain, or shoreland;
- Is no deeper than 5 ft above the water table;
- Is deep enough to be covered by 2 feet of soil with the top foot capable of sustaining vegetative growth; and
- Has the final cover contoured and sloped to divert surface water drainage around and away from the burial location and to prevent erosion.

The Agency consulted the Agency of Natural Resources who has the statutory authority to regulate water supplies and the language included in the proposed rule was provided by them. The Agency has revised the proposed rule to include the following two subsections within Section 3.08(b): "A person using a neonicotinoid treated article seed should not:" "(3) dispose of any neonicotinoid treated article seed in any manner that may leach to groundwater" and "(4) dispose of any neonicotinoid treated article seed within a wetland, floodplain, or shoreland".

Strengthen protection for pollinators under exemptions and include **BMPs for all use under exemption.** Foliar sprays are among the highest risk uses for pollinators and must be addressed with their own best management practices. This should include advance notice to nearby beekeepers and additional precautions for nursery production and ornamental applications.

The rule provides that the BMPs are applicable for use under exemptions. The pesticide label includes mandatory requirements related to foliar applications. The Vermont Rule for Control of Pesticides requires beekeeper notification under Section 5.04.

Prohibit aerial applications. A 50-foot buffer from water and pollinator habitat isn't enough to prevent contamination from aerial spraying.

The Vermont Rule for Control of Pesticides regulates any pesticide use, including aerial applications. Under that rule, no aerial application of any pesticide, including neonicotinoid pesticides, can be made without obtaining an approved permit from the Agency Secretary. The Agency maintains a robust permitting program whereby restrictions can be imposed on a case-by-case basis for permitted applications in addition to those under the Vermont Rule for Control of Pesticides. Currently there are no aerial applications of neonicotinoids in Vermont. Nonetheless, the Agency has amended the proposed rule to remove all language addressing aerial applications in deference to the concerns raised by commenters.

Vermont Dairy Producers Alliance

The Vermont Dairy Producers Alliance (VDPA) is comprised of dairy farmers and industry partners in the agriculture industry, representing dairy farms of all sizes throughout Vermont. VDPA works together with members, industry partners, and state government to adopt regulations that won't cripple the economic viability of the Vermont dairy industry. We support and encourage the growth and viability of agriculture in Vermont while being mindful of the environmental impacts to Vermont's working landscape and waterways.

VDPA was formed to increase the voices of dairy farmers both within the legislative and regulatory arenas. Members are from farms of all sizes working in conjunction with industry members to ensure a sustainable dairy sector in Vermont.

I would like to thank the committee for all your hard work on the proposed rules and your commitment to your duties under the new regulations as passed in Act 182. Many of our members attended the public hearings across the state, and we appreciate you taking the time to hear our concerns.

However, we still have concerns about the effect the ban would have on the dairy industry in Vermont. Dairy farming is the backbone of Vermont agriculture, contributing $5.4 billion annually to the state's economy and supporting thousands

of jobs in rural communities. A reliable and affordable feed supply, primarily corn and other forage crops, is essential to maintaining the health of our herds and the competitiveness of our farms. Neonicotinoid seed treatments play a critical role in protecting these crops from destructive early-season pests, ensuring consistent yields, and reducing the need for repeated pesticide applications throughout the growing season.

Continued climate challenges with flooding during some years and droughts other years, we need ALL the tools to help us to compete across the national level. Without these seeds, there is a high potential for crop loss which translates too inability to feed our herds. The proposed Best Management Practices (BMPs) add another layer of regulation and economic burden for farms to adhere to.

While most farmers are exercising care when using pesticides, and in some cases, already following these practices, we would recommend that edits be made in section 4.02 for integrated pest management practices to make them less burdensome to the farmer. We believe subsections a, d, and f are difficult to monitor and will only add additional burden trying to get crops in the ground in a timely manner. Additionally, Section 4.05 and 4.06 are equally challenging. While we do everything possible to prevent runoff and exposure to pollinators and others, it is not entirely preventable as it is not possible to predict weather patterns and when the window is open to plant crops. This needs to be done in a timely fashion.

The Agency agrees that growers need flexibility to perform planting when weather and operational circumstances allow. The pest management practices in Section 4.02 are recommended practices to be implemented when reasonable and practical.

As our dairy farm numbers continue to dwindle, VDPA will continue to push back against this and other similar legislation that puts not just dairy farmers at a disadvantage, but all of agriculture. We appreciate all the efforts to protect our pollinators and wish to be a partner in this endeavor, but we do not want to lose more farms because of it.

The proposed rule adopts a set of recommended best practices as noted in Section 1.02 and elsewhere in the proposed rule. The best management practices (BMPs) are recommendations instead of enforceable requirements, primarily because (1) the law authorizes best management practices—not mandated legal rules—and (2) the AIB recommended voluntary best management practices for the use of neonicotinoid treated article seeds and neonicotinoid pesticides. For a more comprehensive response, please refer to Part 1 B I "Voluntary BMPs / Enforceability (Section 1.02)" of the Public Response Summary.

Sylvia Knight, Earth Community Advocate & Researcher

I have read notes from Nov & Dec 2024 Agricultural Innovation Board meetings regarding Best Management Practices for neonicotinoid {neonic) insecticides.

I also read the letter from Xerces Society, UVM, Cornell and others about Best Management Practices for using any neonic insecticides or treated seeds, as well as many scientific articles about these toxic pesticides.

Having read these materials carefully, I believe that the BMPs as proposed by the AIB are not protective of pollinators and must be strengthened as follows, at the very least:

1. No aerial use should be allowed at all. Aerial use will endanger both wild and domestic pollinators as well as many beneficial insects and birds.

   The Vermont Rule for Control of Pesticides regulates any pesticide use, including aerial applications. Under that rule, no aerial application of any pesticide, including neonicotinoid pesticides, can be made without obtaining an approved permit from the Agency Secretary. The Agency maintains a robust permitting program whereby restrictions can be imposed on a case-by-case basis for permitted applications in addition to those under the Vermont Rule for Control of Pesticides. Currently there are no aerial applications of neonicotinoids in Vermont. Nonetheless, the Agency has amended the proposed rule to remove all language addressing aerial applications in deference to the concerns raised by commenters.

2. Notify any beekeepers within a mile radius of any neonic use.

   Under Sections 5.04(a), (b) of the Vermont Rule for Control of Pesticides, any application of pesticides to a flowering crop requires 48 hours advance notice to an apiculturist on the premises. The provision was included in the 2023 amendment of the rule as recommended in the 2017 Pollinator Protection Report.

3. Include 4 major tenets of integrated pest management to inform the basis of any decision to use neonics.

- Regularly scout to correctly identify and monitor pest populations. Use scouting results to inform decisions about interventions.
- Adopt multiple non-chemical methods including prevention, mechanical, and cultural methods to limit insect pests. These methods should always be used first before a chemical application is considered.
- Apply only when pest pressure reaches a predetermined threshold where control is necessary to prevent significant yield loss or where pest damage threatens the survival of ornamental plants, and other methods of control are not feasible or effective.
- Do not use neonicotinoids for cosmetic pest problems or routine maintenance.

4. IF the Bayer Fluency Agent Advanced is used with the treated seed, do NOT follow the recommendation on the label to eliminate all flowering plants from the crop field. This will harm and eliminate many beneficial species and kill milkweed plants essential for seriously imperiled Monarch butterflies. Killing all plants other than the crop is antithetical to integrated pest management.

   Thank you for your comment.

The main point of the BMPs is to protect pollinators, both managed and wild, common and endangered, so that they can pollinate crops and other plant life.

Sylvia Knight: Supplemental Comments on Draft BMPs for Neonicotinoids, Rule #25P031

Dear Steve, David:

Thank you for the time for questions and comments during the hearing in Vergennes on August 13. I sincerely hope that you will adopt suggestions and take to heart the comments offered by beekeepers Ross Conrad and Charles Mraz and the two farmers, Sid Varnaway and Tom Ferguson in your review and revision of the BMPs for use of neonicotinoids (neonics) between now and 2030.

Transcribed notes from Nov & Dec 2024 Agricultural Innovation Board meetings regarding BMPs for use of neonic-treated seeds and neonic insecticides indicate to me that the AIB has not incorporated the important recommendations of Xerces Society, UVM, Cornell and other pollinator experts into the BMPs, rendering the BMPs inadequate to truly protect pollinators, domestic and wild, common and endangered.

So I urge you to make the following changes at the least:

1. All through the BMPs, replace the word "should" with the word "shall". Please remove the element of choice whether to follow these rules.

The proposed rule adopts a set of recommended best practices as noted in Section 1.02 and elsewhere in the proposed rule. The best management practices (BMPs) are recommendations instead of enforceable requirements, primarily because (1) the law authorizes best management practices—not mandated legal rules—and (2) the AIB recommended voluntary best management practices for the use of neonicotinoid treated article seeds and neonicotinoid pesticides. For a more comprehensive response, please refer to Part 1 B I "Voluntary BMPs / Enforceability (Section 1.02)" of the Public Response Summary.

2. In Section 3.05: Integrated Pest Management: add as first principle:

"Regularly scout to correctly identify and monitor pest populations."

IPM training will be required prior to the use of any NTS under a prospective exemption order. Research is underway under Vermont specific conditions to determine what practices will result in successful crop production. Lacking clear and definitive practices in Vermont specific conditions, the Agency has nonetheless revised Section 3.05 of the rule to include "monitor and assess the risk of potential pest damage based on available guidance".

3. In Section 3.05 (a), remove words "whenever feasible".

The Agency has removed the language.

4. In Section 3.06: Change (b) to read: "A person *shall not use* neonicotinoid treated article seeds within 200 feet of public community drinking water sources and public drinking water surface water intakes; or 100 feet of public non-community drinking water sources."

(As the rule stands, notification protects no one and nothing from pesticide exposure. Use the precautionary and preventive approach. Neonicotinoid pesticides are mobile in soil and can reach water sources easily.)

The Agency consulted the Agency of Natural Resources who has the statutory authority to regulate water supplies and the language included in the proposed rule was provided by them. The Agency has revised the proposed rule to include the following two subsections within Section 3.08(b): "A person using a neonicotinoid treated article seed should not:" "(3) dispose of any neonicotinoid treated article seed in any manner that may leach to groundwater" and "(4) dispose of any neonicotinoid treated article seed within a wetland, floodplain, or shoreland".

5. In Section 4.03:

(f) and (h), *No aerial use* should be allowed *at all.* Aerial use will endanger both wild and domestic pollinators as well as many beneficial insects and birds.

The Vermont Rule for Control of Pesticides regulates any pesticide use, including aerial applications. Under that rule, no aerial application of any pesticide, including neonicotinoid pesticides, can be made without obtaining an approved permit from the Agency Secretary. The Agency maintains a robust permitting program whereby restrictions can be imposed on a case-by-case basis for permitted applications in addition to those under the Vermont Rule for Control of Pesticides. Currently there are no aerial applications of neonicotinoids in Vermont. Nonetheless, the Agency has amended the proposed rule to remove all language addressing aerial applications in deference to the concerns raised by commenters.

6. Replace my earlier comment no. 4 regarding the Bayer Fluency Agent Advanced with this comment:

The Corn Dust Research Consortium (CDRC) studied the use of alternative seed lubricants including Bayer Fluency Agent. The Executive Summary and Recommendations includes the following:

p.4: "The CDRC results are not consistent with other research regarding the extent to which synthetic lubricants reduce net emission of dust-borne pesticide during planting of treated seed; however, the CDRC research showed sufficiently significant reductions to warrant use of these synthetic lubricants compared to talc or graphite."

p.9: "Remove flowering vegetation within fields through tillage, mowing or use of herbicides where appropriate prior to planting."

https://www.pollinator.org/pollinator.org/assets/generalFiles/CDRC-FINAL-REPORT-October-2017.pdf

With the AIB's charge to reduce pesticides, use of IPM in combination with elimination of neonic seeds would eliminate the need for herbicides in this situation.

7. Please do not dismiss the exposure of neonic residues in food moving up the food chain. Research documents the residues of pesticides, including neonics, in food. EPA assesses risk for one pesticide at a time, but we are exposed to multiple pesticide residues daily. We cannot be casual about the accumulated effects of combined small exposures, especially to children and vulnerable populations. Researchers are finding that "neonicotinoids may cause neurotoxicity, reproductive toxicology, hepatotoxicity, and genotoxicity. Neonicotinoids may harm nontarget organisms through other

less-studied toxicity pathways. Our results showed that the neonicotinoid imidacloprid induced mitochondrial dysfunction and oxidative stress in the human SH-SY5Y cells, and subsequently triggered DNA damage and apoptosis…"

https://doi.org/10.1016/j.scitotenv.2024.175422

The main point of the BMPs is *to protect pollinators, both managed and wild, common and endangered,* so that they can pollinate crops and other plant life. Reducing their use will protect birds and aquatic life as well.

Thank you for your comment.

Lake Champlain Committee, Conservation Law Foundation, Natural Resources Defense Council, Vermont Natural Resources Council, Vermont Public Interest Research Group

The undersigned organizations submit the following comments on the draft Best Management Practices for the Use of Neonicotinoid Treated Article Seeds and Neonicotinoid Pesticides ("Draft Rule") proposed by the Vermont Agency of Agriculture, Food & Markets ("AAFM" or "Agency"). The Draft Rule is proposed under Act 182 (H. 706 (2024)), an act relating to banning the use of neonicotinoid pesticides, which prohibits several uses of neonicotinoid pesticides ("neonics"), effective July 1, 2025, except pursuant to an exemption granted by the Secretary.

Act 182 also bars the sale, use, or distribution of most neonic treated article seeds, effective January 1, 2029, except pursuant to an exemption.

Act 182 includes extensive findings about the harms caused by neonics. Specifically, the General Assembly finds that many pollinator species in Vermont "are in decline or have disappeared," with three bee species listed by the State as endangered. The Act is also rooted in the premise that neonics "are extremely toxic to bees and other pollinators" and that several recent studies linked this decline in pollinators, as well as a reduction in bird biodiversity, to exposure to neonics.[4] Because of these documented harms, Act 182 prohibits the use of neonics in almost all instances in order to provide maximum protection to pollinators.

The Draft Rule, as required by Act 182, establishes best management practices ("BMPs") for the use of neonics during the limited circumstances when their use is allowed – before the ban on the use of neonic treated seeds goes into effect in 2029, if an exemption from the ban on the use of neonic treated seeds or the application of neonics is granted by the Agency, and for the limited uses that are not prohibited under the Act. In our view, the Draft Rule is inconsistent with the intent of the Vermont Legislature to eliminate most uses of neonics in the state of Vermont. Most significantly, the Draft Rule establishes voluntary provisions that will allow for status quo use of neonic treated seeds for the next several years. Further, several criteria set in the Draft Rule appear to be arbitrarily determined rather than aligning with the intent of the Act.

I. Voluntary Best Management Practices Undermine the Language and Intent of Act 182

The Vermont Legislature passed Act 182 to protect pollinators and other non-target insect species, as well as Vermonters, from exposure to neonic pesticides. The provisions of Act 182 were intended to work together as a whole – to protect pollinators not only through use bans, but also in circumstances where a ban does not apply, or does not yet apply, to a particular use. The BMPs represent a foundational element of this holistic and protective approach. Act 182 establishes that AAFM "shall adopt by rule BMPs" for use: (1) prior to the effective date of the prohibition on the use of neonic-treated article seed; (2) in situations where neonic-treated article seed and neonic pesticides are used after an exemption is granted; and (3) regarding neonic uses that are not otherwise prohibited by law.

The statutory text makes clear the Legislature's intent that BMPs outline required standards and practices. AAFM must adopt BMPs "by rule," underscoring AAFM's duty to provide BMPs as well as the mandatory nature of the BMPs themselves. Here, the intent of this rulemaking mandate is to "implement" or "prescribe"[7] required protections for pollinators from the use of neonic-treated article seed and other uses by establishing the necessary conditions and approvals for neonic use.[8] For example, among other things, the rules "shall address" the "establishment of threshold levels of pest pressure required prior to use of neonicotinoid treated article seeds or neonicotinoid pesticides" and "criteria for a system of approval of neonicotinoid treated article seeds or neonicotinoid pesticides."

Contrary to the plain intent of Act 182, however, the Draft Rule contains language making the BMPs voluntary, not mandatory. The Purpose section in the Draft Rule states that "these practices are recommended best practices to be used whenever reasonable and practicable." This blanket provision stating that the BMPs are purely discretionary, and therefore, voluntary, is contrary to Act 182. Nowhere in the Draft Rule does AAFM provide language requiring that farmers follow the listed practices, and the use of the word "should" rather than "shall" throughout the rule suggests that they are voluntary in nature.

Making the BMPs voluntary instead of mandatory undermines the intent of the Vermont Legislature to provide maximum protection to pollinators from the impacts of neonic use. The statute prohibiting the application of neonics, in most instances, is unambiguous:

(a) The following uses of neonicotinoid pesticides are prohibited:

(1) the outdoor application of neonicotinoid pesticides to any crop during bloom;

(2) the outdoor application of neonicotinoid pesticides to soybeans or any crop in the cereal grains crop group (crop groups 15, 15-22, 16, and 16- 22);

(3) the outdoor application of neonicotinoid pesticides to crops in the leafy vegetables; brassica; bulb vegetables; herbs and spices; and stalk, stem, and leaf petiole vegetables crop groups (crop groups 3, 3-07, 4, 4-16, 5, 5-v16, 19, 22, 25, and 26) harvested after bloom; and

(4) the application of neonicotinoid pesticides to ornamental plants.

The Vermont Legislature mandated that BMPs be incorporated by rule with the intent that there will be some level of protection for pollinators before the prohibition on the use of neonic treated seed goes into effect, when a neonic is used in a manner that is not banned, or if an exemption is granted.

The rulemaking provision, 6 V.S.A. § 1105a(c), reads:

(c)(1) Under subsection (a) of this section, the Secretary of Agriculture, Food and Markets, after consultation with the Agricultural Innovation Board, shall adopt by rule BMPs for the use in the State of:

(A) neonicotinoid treated article seeds when used prior to January 1, 2031;

(B) neonicotinoid treated article seeds when the Secretary issues a written exemption order pursuant to section 1105b of this chapter authorizing the use of neonicotinoid treated article seeds;

(C) neonicotinoid pesticides when the Secretary issues a written exemption order pursuant to section 1105c of this chapter authorizing the use of neonicotinoid pesticides; and

There are some instances where neonic application is permissible, such as on apple trees that are not in bloom. Further, neonic use is allowed when an applicant applies for an exemption and meets the specific conditions set in the statute. 6 the agricultural use after July 1, 2025, of neonicotinoid pesticides the use of which is not otherwise prohibited under law.

The language of the statute supports the conclusion that the Legislature intended the BMPs to have the force of law. The addition of subsection (c)(1), and its mandatory language, unambiguously requires that the Agency "shall adopt by rule BMPs for the use in the State" that are applicable in these specific instances. By contrast, elsewhere in 6 V.S.A. § 1105a the Legislature provided AAFM with discretion whether to undergo rulemaking for BMPs for "the sale, use, storage, or disposal of treated articles," stating that "[t]he Secretary of Agriculture, Food and Markets, upon recommendation of the Agriculture Innovation Board, *may* adopt" rules [emphasis added], including BMPs, which applies broadly for the use of to all treated articles.

The proposed rule adopts a set of recommended best practices as noted in Section 1.02 and elsewhere in the proposed rule. The best management practices (BMPs) are recommendations instead of enforceable requirements, primarily

because (1) the law authorizes best management practices—not mandated legal rules—and (2) the AIB recommended voluntary best management practices for the use of neonicotinoid treated article seeds and neonicotinoid pesticides. For a more comprehensive response, please refer to Part 1 B I "Voluntary BMPs / Enforceability (Section 1.02)" of the Public Response Summary.

II. The Draft Rule Should Make or Clarify That Specific Best Management Practices Are Mandatory

Most of the provisions in the Draft Rule are prefaced that they "should" be followed or implemented, not that they "shall" be followed or implemented. To the extent these subsections of the Draft Rule are construed as voluntary, many undermine Act 182 and the intent of the Legislature. We maintain that because the BMPs are intended to be mandatory, the vast majority of these must be changed to "shall." In particular, the following provisions appear potentially inconsistent with Act 182's findings or with other legal requirements:

A. Following Label Requirements

In some instances, the use of "should" appears to characterize a legal requirement as a voluntary choice. For example, the Draft Rule states that a "person using a neonicotinoid pesticide *should*... follow[] label restrictions for the maximum amount of neonicotinoid allowed per acre." [emphasis added] Label restrictions are governed by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. § 136-136y (1996) and Chapter 87 of the Vermont Agriculture Title which provides administrative penalties for licensed applicators that "use[] a pesticide inconsistent with its labeling."

Further, paragraph 5.01(a) of the *Vermont Rule for Control of Pesticides* in accordance with 6 V.S.A. Chapter 87 provides that "[a] pesticide use shall comply with that pesticide's label, which shall be registered with the EPA and the Agency, except as provided under authority for pesticide use in Sections 18 and 24(c) of FIFRA." Indicating or implying that otherwise mandatory label instructions are merely advisory undercuts not only Act 182 but also other state and federal pesticide law. Accordingly, the BMPs regarding following label requirements must be mandatory.

The Agency has amended the proposed rule to remove discretionary language where the language conflicts with State and Federal law. The Agency recognizes that the use of non-mandatory language in Section 4.06(c) in reference to pesticide labels is inconsistent with State and Federal Law and that the inconsistency in language can provide confusion to the regulated community. The Agency has therefore removed the specific section.

B. Use of Integrated Pest Management

Act 182 evinces an intent that Integrated Pest Management (IPM) be implemented as an overall practice for pest control in which the use of neonics is the method of last resort, not the first option. To this end, Act 182 specifies that in order to qualify for an exemption from the prohibition on the use of neonic treated seeds "the person seeking the exemption order shall complete an integrated pest management training, provided by the Secretary or an approved third party."

Further, under the Findings of Act 182:

The General Assembly finds that: (5) Integrated pest management is a pest management technique that protects public health, the environment, and agricultural productivity by prioritizing nonchemical pest management techniques. Under integrated pest management, pesticides are a measure of last resort. According to the European Academies Science Advisory Council, neonicotinoid seed treatments are incompatible with integrated pest management.

Contrary to Act 182's finding that neonic seed treatments are inconsistent with IPM, however, in the Draft Rule, the use of IPM appears voluntary:

A person using a neonicotinoid treated article seed *should* implement integrated pest management practices including the following practices: [emphasis added]

(a) utilize multiple pest management methods (cultural, mechanical, biological) to avoid or reduce pest risk, whenever feasible;

(b) learn which crop production practices increase or reduce risk of insect pest damage; and

(c) choose the lowest appropriate rate of neonicotinoid seed treatment that can effectively manage target pests.

This language suggesting that employing IPM is voluntary runs contrary to the intent expressed in Act 182's legislative findings and the requirement of IPM training as a condition precedent to receiving an exemption from the neonic treated seed ban. Indeed, with no clear requirement in the Draft Rule that the IPM practices identified in the training be followed, they could be ignored by the holder of the exemption, subverting the purpose and intent of the IPM requirement. The language of the Draft Rule also may create confusion regarding the mandatory nature of the training itself, contravening the statutory directive.

IPM training will be required prior to the use of any NTS under a prospective exemption order. Research is underway under Vermont specific conditions to determine what practices will result in successful crop production. Lacking clear and definitive practices in Vermont specific conditions, the Agency is reluctant to require specific practices. Nonetheless, Section 3.05 of the proposed rule has been revised to include "monitor and assess the risk of potential pest damage based on available guidance" as subsection (a) and subsection (b) now reads "(c) utilize multiple pest management methods (cultural, mechanical, biological) based on the best available research to avoid or reduce pest risk".

C. Use of Neonics Near Drinking Water Supplies

The Draft Rule suggests that a user of neonic treated article seeds "should" provide advance notification to water system managers if the use occurs within "200 feet of public community drinking water sources and public drinking water surface water intakes" and within "100 feet of public non-community drinking water sources," but only if contact information can be found in the Department of Environmental Conservation database. At the very least, the Draft Rule should require that this notification be mandatory. However, a prohibition is more appropriate.

Growing evidence demonstrates that neonic exposures pose an underappreciated threat to human health. While more research needs to be done, a health protective approach would dictate prohibiting the use of neonics within these buffer areas, rather than just suggesting notification if, and only if, contact information can be found. Further, there is no mention of disposal of neonic treated article seeds in areas adjacent to drinking water sources.

This suggested notification of the use of seeds in areas adjacent to water sources seems particularly arbitrary considering the Required Agricultural Practices ("RAPs") governing nutrient management on farms – namely the spreading of manure – prohibit application within a certain distance to a water source. Under the RAPs, "[m]anure or other agricultural wastes shall not be mechanically applied within 100 feet of a private water supply or 200 feet of a public water supply." While the distances are similar, it is counterintuitive that manure spreading is prohibited but planting a seed coated with pesticides is allowed.

The Agency consulted the Agency of Natural Resources who has the statutory authority to regulate water supplies and the language included in the proposed rule was provided by them. The Agency has revised the proposed rule to include the following two subsections within Section 3.08(b): "A person using a neonicotinoid treated article seed should not:" "(3) dispose of any neonicotinoid treated article seed in any manner that may leach to groundwater" and "(4) dispose of any neonicotinoid treated article seed within a wetland, floodplain, or shoreland".

The application of manure and other agricultural wastes and the use of neonicotinoid treated article seeds are not comparable because of the significant differences in volume of material and frequency of application. Further, applications of manure can be applied by hand within the buffer zone as it results in a lower rate of application which is more comparable to the use of a NTS.

D. Specific Measures to Protect Pollinators and Other Important Natural Resources

There are other apparently voluntary measures in the Draft Rule that undermine the central legislative intent to protect pollinators as well as other critical natural resources, like groundwater. For example:

Dust and Non-target Exposure Mitigation: A person using a neonicotinoid treated article seed should minimize dust generation and potential drift or other non- target exposure from the seed as follows: [followed by eleven practices]

Drift Prevention: A person using a neonicotinoid pesticide should implement measures to reduce drift, including the following practices: [followed by ten practices]

Dust generation and drift pose an acute threat to pollinators and therefore protective practices to reduce dust and potential drift should be mandatory.

Under the Draft Rule, measures to prevent contamination of groundwater infiltration from neonic application are similarly voluntary.

Runoff Protection: A person using a neonicotinoid pesticide should implement measures to prevent runoff and groundwater infiltration, including the following practices: [followed by five practices]

Measures to prevent contamination of groundwater infiltration should likewise be mandatory. As a final example, the Draft Rule provides:

Pollinator Protection: A person using a neonicotinoid pesticide should implement measures to prevent exposure to pollinators, including the following practices: [followed by five practices]

As Act 182 was enacted to protect pollinators, those specific practices listed as "Pollinator Protection" should be mandatory as well.

These are just a few examples of Draft Rule's voluntary measures that should instead be required to reduce the impacts on pollinators, non-target insect species, and other important natural resources.

See comment response above regarding the Agency interpretation of the law requiring adoption of these recommended BMPs.

III. The Implementation Date for the Ban on Neonic Treated Seeds in the Draft Rule is Inconsistent with the Effective Date of Act 182

Under Act 182, the prohibition on the use of neonic treated article seeds goes into effect on January 1, 2029, with the BMPs providing some protection of pollinators prior to this date. However, the Draft Rule states that the BMPs apply to the use of neonic treated article seeds prior to January 1, 2031, not prior to January 1, 2029. The implementation date of 2031 in the Draft Rule is inconsistent with the effective date in Act 182 as established by the Legislature. The language of 6 V.S.A. § 1105a(c)(1)(A) uses a 2031 date, creating understandable confusion. Regardless, the Draft Rule should change the BMP use date to prior to 2029 to be consistent with the Effective Date established in the Act and the actual starting date of the prohibition on the use of neonic treated article seeds.

The Agency has revised the proposed rule to align with the contingently effective date of prohibition, January 1, 2029.

IV. The Draft Rule is Incomplete Because It Does Not Address the Standards and Practices Required By 6 V.S.A § 1105a(c)(2)

The Draft Rule is incomplete as it does not address the standards and practices needed to properly utilize IPM to ensure that pesticide use is a last resort. It was the intent of the Legislature that 6 V.S.A § 1105a(c)(1) requiring rulemaking for BMPs be conditioned on the factors in § 1105a(c)(2) and therefore these two subsections cannot be looked at in isolation.

Specifically, Section 1105a(c)(1) requires rule adoption for BMPs, and § 1105a(c)(2) obligates AAFM and the Agricultural Innovation Board to incorporate the factors listed when developing "the rules" – an internal reference to the rulemaking required by § 1105a(c)(1). In particular, § 1105a(c)(2) provides that:

In developing the rules with the Agricultural Innovation Board, the Secretary shall address:

(A) establishment of threshold levels of pest pressure required prior to use of neonicotinoid treated article seeds or neonicotinoid pesticides;

(B) availability of nontreated article seeds that are not neonicotinoid treated article seeds;

(C) economic impact from crop loss as compared to crop yield when neonicotinoid treated article seeds or neonicotinoid pesticides are used;

(D) relative toxicities of different neonicotinoid treated article seeds or neonicotinoid pesticides and the effects of neonicotinoid treated article seeds or neonicotinoid pesticides on human health and the environment;

(E) surveillance and monitoring techniques for in-field pest pressure;

(F) ways to reduce pest harborage from conservation tillage practices; and

(G) criteria for a system of approval of neonicotinoid treated article seeds or neonicotinoid pesticides.

The provisions in § 1105a(c)(2) were initially incorporated in statute in Act 145 (2022) and at that time applied to voluntary rulemaking for treated articles in general in § 1105a(a).

However, in Act 182, this subsection was amended to make the provisions in § 1105a(c)(2) clearly apply to mandatory rulemaking required in § 1105a(c)(1). As these Draft Rules do not appear to address these provisions, the Draft Rule is incomplete.

Under Act 182, the standards and practices outlined in 6 V.S.A. § 1105a(c)(2) are clearly mandatory and must be incorporated "when developing the [BMP] rules" required by § 1105a(c)(1). While AAFM may be waiting on research from the University of Vermont and Cornell University to inform some of the standards and practices outlined in § 1105a(c)(2), the statute is clear. As the Draft Rule does not address threshold levels of pest pressure, economic impacts, relative toxicities, or other factors whose consideration is required, the Draft Rule is incomplete as written and contrary to the plain text of the law.

The Draft Rule must address all of the factors in 6 V.S.A. § 1105a(c)(2) – including: the "establishment of threshold levels of pest pressure required prior to use of neonicotinoid treated article seeds or neonicotinoid pesticides;" practices for "surveillance and monitoring techniques for in-field pest pressure;" and "criteria for a system of approval of neonicotinoid treated article seeds or neonicotinoid pesticides" – even if these standards and practices may be later refined or clarified in rule or in guidance in response to new information.

In developing the proposed rule with the AIB the Agency did "address "each of the criteria in § 1105a(c)(2). We do not believe that a requirement to "address" issues with the AIB is a mandate to write related legal requirements. Our interpretation of this language is that the legislature provided a list of factors to consider when developing rules with the AIB. In addition to the plain language, our interpretation is bolstered by the broad scope of the enumerated factors, and the Agency's lack of authority to write rules mandating specific action related to each factor. As examples, the Agency could not write pesticide rules that require companies to provide untreated seeds, nor dictate the economic impact from the use of different types of seeds. The list is plainly a series of factors to consider—not instructions to develop any specific legal requirement. The Agency met its charge and presented draft rules to the Legislative Committees of jurisdiction prior to submitting the proposed rule.

Prior to the adoption of Act 182 and its related expansion of scope, the AIB heard testimony from 17 different experts (including academics, industry professionals, and NGOs) in 24 public meetings. Experts were scheduled and selected based on the criteria in § 1105a(c)(2). The results of those meetings are reflected in the AIB's 2024 recommendation to the Secretary of Agriculture, Food and Markets and also the proposed rule.

Act 182 expanded the scope of rulemaking under § 1105a(c)(1) and, similarly, the criteria in § 1105a(c)(2). The additional criteria were also addressed in development of the proposed rule. With regards to the criteria in subsection (C), the AIB reviewed Act 182 at a meeting in July 2025, and the impact of the inclusion of the neonicotinoid ban was

seen as only having a potentially significant impact due to the impact on ornamentals, but the prohibition for the specific crop groups listed was not seen as economically impactful because the crop groups were not typically harvested after bloom so the prohibition was inapplicable. Regarding the criteria in subsections (D) and (G), AIB heard testimony on the progress of EPA registration review of neonic active ingredients that includes the public health and environmental risk assessments of each labeled use. The AIB also continued to learn about proposed and implemented neonic treated seed and neonic pesticide legislation in other states.

V. Additional Suggestions for Inclusion in the Final Rule

The Rule should include an introduction explaining the purpose of the Rule

Section 1 should include a paragraph of introduction to explain the reasoning of the statute and the subsequent Rule, provide an overview of the provisions in the statute, a timeline of the prohibitions, and the use of BMPs. While some of this is explained on the AAFM website, it is important to provide the context in the rule as well.

Section 1.02 of the rule provides a purpose statement and that is the rule is intended to be recommended best practices for the use of neonicotinoid treated article seeds and neonicotinoid pesticides. The Agency with the help of UVM Extension will provide educational and outreach efforts to the regulated community.

The Rule should address enforcement and penalties

There are no enforcement provisions in the Draft Rule, which is not surprising to the extent that the Agency views the BMPs as voluntary. However, if the BMPs represent requirements, then enforcement provisions will need to be added. Enforcement authority for this Rule does not have to be specifically granted by the Legislature as the Secretary already has broad authority to enforce its laws under Title 6.

Even if AAFM lacks staff capacity for inspections to ensure the BMPs are followed, it seems likely if the rules are mandatory, most farmers will follow them. The few others would likely be compelled to comply if the threat of enforcement and a penalty in the form of a fine exists.

The proposed rule adopts a set of recommended best practices as noted in Section 1.02 and elsewhere in the proposed rule. The best management practices (BMPs) are recommendations instead of enforceable requirements, primarily because (1) the law authorizes best management practices—not mandated legal rules—and (2) the AIB recommended voluntary best management practices for the use of neonicotinoid treated article seeds and neonicotinoid pesticides. For a more comprehensive response, please refer to Part 1 B I "Voluntary BMPs / Enforceability (Section 1.02)" of the Public Response Summary.

VI. Conclusion

The Vermont Legislature enacted Act 182 to offer broad protection to pollinators, other non- target insects, and birds from the impacts of the use of neonicotinoid pesticides. The intent and plain text of the law require that the Draft Rule provide mandatory BMPs for the use of neonic treated articles seeds prior to their prohibition or pursuant to a written exemption order, as well as the use of other neonic pesticides not otherwise prohibited or pursuant to a written exemption order. The Draft Rule must also address the standards and practices outlined in 6 V.S.A. § 1105a(c)(2), including the standards for pest surveillance and monitoring and the thresholds and criteria for granting a written exemption order. As the Draft Rule in its current form fails to make clear that the BMPs are mandatory or address the required standards and practices, it contravenes both the letter and the spirit of Act 182.

Thank you for the opportunity to submit these comments.

Thank you for your comments.

Beyond Pesticides

Mr. Steve Dwinell and Mr. Zach Szczukowski,
We appreciate the opportunity to submit comments on proposed Rule 25P031, Best Management Practices for the Use of Neonicotinoid Treated Article Seeds and Neonicotinoid Pesticides, being considered by the Agency of Agriculture, Food

and Markets (VAAFM). Beyond Pesticides is a national, grassroots, membership organization that represents community-based organizations and a range of people seeking to improve protections from pesticides and promote alternative pest management strategies that eliminate a reliance on pesticides. Our membership spans the 50 states, the District of Columbia, and groups around the world. We are providing these comments on behalf of our members and supporters in the state of Vermont.

We urge the VAAFM, specifically the Public Health & Agricultural Resource Management Division, to adopt the implementation of an Ecological Pest Management (EPM) or strongly defined Integrated Pest Management (IPM) program for indoor environments, and Organic Land Care (OLC) practices in the outdoor environment. While the proposed rule recognizes a problem, we urge the Agency to strengthen the criteria of best management practices to consider a broader approach in response to the biodiversity and public health threats referenced in the rule and ensure a more robust response to regulatory failures at the federal level that exacerbate risks to nontarget organisms from neonicotinoid insecticides and neonicotinoid-treated seeds, as defined in a large body of peer-reviewed scientific findings.

There are several provisions of the rule that undermine the protections needed and additional issues that must be addressed to affect a meaningful response to pollinator decline and adverse ecosystem effects associated with the use of neonicotinoid-based or coated products.

The following amendments should be made, as all pesticides in commerce, including neonicotinoids, are regulated by the U.S. Environmental Protection Agency (EPA) and are said to not cause "unreasonable adverse effects" under federal and state of Vermont law. Therefore, under this language in the proposed rule (particularly Section 3.05 and 4.02 pertaining specifically to defining Integrated Pest Management), all neonicotinoids have already met this standard. The purpose and intent of this authorizing legislation, which as we understand it, however, is to create a higher standard of environmental protection and transition us away from their continued use with clear timelines and benchmarks for success and accountability. The need for improved protection is supported by this testimony, the scientific literature, and findings of EPA deficiencies cited herein.

1. Add the definition of EPM (or Strong IPM) to include:
    a. "Eliminates or mitigates economic and health damage caused by pests;
    b. Minimizes, or eliminates to the extent possible, the use of pesticides and the risk to human health and the environment associated with pesticide applications; and
    c. uses integrated methods, site or pest inspections, cultural practices, pest population monitoring, an evaluation of the need for pest control, and one or more pest management methods, including sanitation, structural repairs, cultural practices, habitat manipulation, mechanical and living biological controls, other nonchemical methods, and, if nontoxic options are unreasonable and have been exhausted, a defined set of least-toxic pesticides."
2. Add the six EPM Program essentials, including Prevention, Identification, Monitoring, Record-Keeping, Action Levels, Tactics Criteria, and Evaluation (more details in next section).
3. Add definition for what is considered a "least-toxic pesticide" to include:
    a. EPA-classified minimum risk pesticides; (7 CFR 205.601) and
    b. USDA organic certified pesticides. (40 CFR § 152.25)
4. Add definition for what is not considered a "least-toxic pesticide" to include:
    a. An EPA registered pesticide that is **not organic certified**.

It is important that the proposed rule prioritize ecological pest management practices, best defined in federal law as "organic," as the alternative that must be assessed relative to the use of neonicotinoids and related compounds because of the numerous deficiencies in the EPA pesticide registration process on which the State of Vermont relies for determinations of safety. With a proper assessment of the need for these highly toxic chemicals to be dispersed in an already vulnerable environment, the state can find that management strategies are available that utilize mechanical, biological, and cultural (operational) practices that prevent the need for toxic pesticides that escalate the destruction of biodiversity and ecosystem services. Regulations that protect ecosystem services support the key role that soil organisms, bats, birds, goats, and other animals/forms of wildlife play in preventing pest populations that exceed damage thresholds.

The continued dependence on pesticides fails to respond to the pesticide treadmill effect that elevates pest populations by

depressing ecological balance while increasing pest resistance to pesticide applications and reducing plant resiliency to pest populations.

Ecological Pest Management (EPM) and Organic Land Care (OLC)
The first step in pest management is pest prevention. EPM or OLC are Integrated Pest Management (IPM) approaches that place strong emphasis on addressing pest issues at the source. Because the term "IPM" has been co-opted by the chemical industry to mean virtually anything a practitioner wants it to mean, Beyond Pesticides has embraced the phrase "Ecological Pest Management." Ecological Pest Management better represents the focus practitioners need to have – emphasizing the broader ecology of pest management and avoiding toxic chemicals unless there are no alternatives. Some, but certainly not all, IPM programs will follow this approach. For both indoor and outdoor pest problems, the following criteria are critical:

- **Prevention**. Preventive measures must be incorporated into the existing structures and designs for new structures. Prevention is and should be the primary means of pest management in an EPM program.
- **Identification**. Many pests can look alike but may have different ecologies that necessitate different management methods. It's important to make sure pest managers correctly identify insects and other problem pests.
- **Monitoring**. This includes regular site inspections and trappings to determine the types and infestation levels of pests at each site.
- **Record-Keeping**. A record-keeping system is essential to establish trends and patterns in pest outbreaks. Information recorded at every inspection or treatment should include pest identification, population size, distribution, recommendations for future prevention, and complete information on the treatment action.
- **Action Levels**. Pests are virtually never eradicated. An action level is the population size which requires remedial action for human health, economic, or aesthetic reasons.
- **Tactics Criteria**. Under EPM, chemicals should be used only as a last resort, after mechanical, cultural, and biological approaches have been attempted and shown ineffective. When chemicals are used, the least-toxic materials should be chosen, and applied to minimize exposure to humans and all non-target organisms.
- **Evaluation**. A regular evaluation program is essential to determine the success of the pest management strategies.

In terms of the decision-making process for pest management decisions, there must be "action thresholds" set for the level of pest populations at which remedial action is necessary. For indoor settings such as cafeterias, decision makers should be professionals who know about pest needs and the risks of pesticides for that context, as well as someone who does not have a financial interest in selling a pesticide product. Sites such as playing fields face heavy traffic and may need more intensive land management (i.e., cultural practices) than other fields.

If monitoring and taking preventive actions (as currently detailed in the proposed rule) do not work, it is recommended to use mechanical traps, such as sticky traps, and biological controls, such as pheromones, parasitic insects, or, in outdoor areas, goats. If the pest issue persists after these steps are taken, then consideration of spot treatment of least- toxic pesticides is warranted. Beyond Pesticides has been gathering information on identifying sources for least- toxic products and materials, which can be found in our toolkit on Products Compatible with Organic Landscape Management, including fertilizers and pesticides. The Organic Materials Review Institute also has helpful information in this regard. In terms of non-coated seeds, Beyond Pesticides also has the Pollinator-Friendly Seeds and Nursery Directory as a reference for your review in terms of examples of sourcing of organic or non-coated seeds. Organic Seed Alliance also has additional resources that may be helpful for the purpose of implementing this rule.

Neonicotinoid Risks
If there are instances in which Vermont is asked to allow the use of neonicotinoid insecticides, as staff officials you may be aware, and should take into account, the grave hazards associated with their use under your discretionary authority. Neonicotinoids, intended for targeting insects with this mechanism, have been found to affect mammalian nicotinic acetylcholine receptors (nAChRs). These receptors are of critical importance to human brain function, especially during development and for memory, cognition, and behavior. A review of the scientific evidence finds that there are reported associations between chronic neonicotinoid exposures and adverse developmental outcomes, including neurological effects. Additional studies report that neonicotinoid pesticides impair mammalian reproduction and have developmental effects in mammals including reduced sperm production and function; reduced pregnancy rates; higher rates of embryo death, stillbirth, and premature birth; and reduced weight of offspring.

In addition, "the first comprehensive assessment of unpublished rodent developmental neurotoxicity (DNT) studies on five neonicotinoids that were submitted to EPA by neonicotinoid manufacturers" highlights evidence of developmental neurotoxicity. The study finds that exposure to five neonicotinoids causes statistically significant shrinkage of brain tissue. The authors report that even with this data, "EPA dismissed statistically significant adverse effects, accepted substandard DNT studies despite lack of valid positive control data, and allowed neonicotinoid registrants to unduly influence agency decision-making."

Under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), a pesticide is presumed to pose an unreasonable risk until reliable data demonstrate otherwise. Moreover, if the agency lacks the data and/or resources to fully evaluate endocrine system risks to human health and wildlife, then the agency is obliged to suspend or deny any pesticide registration until it has sufficient data to demonstrate that the pesticide's registration is in compliance with the statutory standard—no "unreasonable adverse risk" of endocrine disruption. EPA does not consider neonicotinoids to be endocrine disruptors, despite the wide body of science that finds neonicotinoid pesticides suppress natural hormone function, interfere with thyroid functions, disrupt hormone synthesis and metabolism, and adversely affect reproduction and the nervous system.

Research shows that neonics can lead to a decrease in crop yields by killing insects such as pollinators and natural predators of pests. The questionable effectiveness of neonicotinoids, while they also present a threat to nontarget organisms, highlights the need for safer practices that protect all organisms and the environment. EPA's own non-pollinator assessments confirm that harm to nontarget organisms and systems from neonicotinoid exposures is ubiquitous. The agency identifies risks to aquatic insects, birds, and small mammals, coupled with significant harm to honeybees and other native bees.

The risks from continued use of neonicotinoids far outweigh their perceived benefits. Reports of declines in bird populations, studies of the pervasiveness of these chemicals in the Great Lakes, and the loss of natural pollination services for all pollinator reliant crops underscore the imminent danger faced by the natural world. Additional studies show the effects of neonicotinoids in amphibians, algae, and farmland birds that threaten biodiversity. Continued use of neonicotinoids presents more risk than benefit. There is no place for neonicotinoids in the environment based on the prevailing scientific literature.

Conclusion

While we support the elimination of toxic insecticides such as neonicotinoids, it must be noted that these chemicals are merely the "poster children" for broader problems associated with EPA's evaluation and registration of pesticides. At a time of cascading and intersecting public health, biodiversity, and climate crises, we must stop the use of chemical classes causing immense harm; yet, we must also move toward an approach that incentivizes sustainable practices that do not necessitate these chemicals in the first place.

In addition, no human health or environmental safety findings associated with the Endocrine Disruptor Screening Program (EDSP) were made in the registration process for various pesticide products. EPA must examine all ingredients in these products, including so-called "inert" or "other" ingredients for endocrine disrupting properties. An Endocrine Disruptor Screening Program FFDCA § 408(p) determination is required for registration. It is simply unacceptable to continue to register new pesticides without EDSP findings, thus creating an even greater backlog, while evaluating chemicals presented good affinities in silico for proteins associated with breast cancer, oxidative stress, and metabolism of xenobiotic compounds.

In summation, we urge the adoption of our suggested additions to Rule 25P031 with the language proposed in our statement. With the adoption of these changes, we urge the state of Vermont to act in the context of eliminating damaging pesticides that can be replaced by practices and materials compatible with the environment and public safety.
We would be happy to work with VAAFM to achieve these broader health and sustainability goals going forward. Vermont has the opportunity to reverse adverse ecosystem impacts exacerbated by neonicotinoids, while concurrently increasing eco-sensitive protections for public health and the wider environment.

Thank you for your consideration of our comments.

The proposed rule (25P031) is designed to help individuals make informed decisions – not direct individuals to a specific product choice or limit decision making. IPM training will be required prior to the use of any NTS under a prospective exemption order. Research is underway under Vermont specific conditions to determine what practices will result in successful crop production. Lacking clear and definitive practices in Vermont specific conditions, the Agency is reluctant to require specific practices. Nonetheless, Section 3.05 of the proposed rule has been revised to include "monitor and assess the risk of potential pest damage based on available guidance" as subsection (a) and subsection (b) now reads "(c) utilize multiple pest management methods (cultural, mechanical, biological) based on the best available research to avoid or reduce pest risk". Section 4.02 further includes traditional IPM practices that persons should consider prior to making an application of a neonicotinoid pesticide.

Brian Champney, Dairy Air Farm in Holland, VT.

As a Vermont born dairy farmer who constantly struggles to farm in this state, I feel that this is yet another direct attack on the conventional farmer. With a limited wage base and continued state and federal regulations you are restricting our ability to take the best care of our cows and our crops. We already have a hard time finding vendors and products that service dairy farmers in Vermont, not to mention, there fact that we can't find or afford help on $5 a hundred weight.

The seeds we plant on our soil provide the best yield and nutritional value we can get for our cows. The corn grown in Vermont is less than 1% of the corn grown in the US.

Is it realistic to think that a major seed company is going to continue to do business with Vermont farmers if this is passed? I personally don't.

I have been milking cows for myself, since 1995. I was 17 years old. I'll be 47 in a few days, and now have 3 boys of my own. They want to continue farming, but it's changes and challenges like this, that convince me more and more they should think about doing something else. Something that provides more than just a suicide hotline. Vermont has been overregulating and blaming its conventional farmers for its environmental issues, which we all know were caused by other state regulations, for years. Why are inexperienced, non ag, people making these decisions for us? When do the people who are doing the job, dedicating their lives, and are the true experts get to decide?

Now that you have passed this bill:

Is the VT legislature or beekeepers' association going to cover the cost for us to make these changes?

Are you going to find seed dealers that can provide us with what we need, at the same rate?
Are you going to pay us for the loss of crop yields?

OR maybe what you really want is to push all farmers out and for those who haven't sold their development rights, start growing houses or solar panels on our thousands of acres instead of crops.

The proposed rule adopts a set of recommended best practices as noted in Section 1.02 and elsewhere in the proposed rule. The best management practices (BMPs) are recommendations instead of enforceable requirements, primarily because (1) the law authorizes best management practices—not mandated legal rules—and (2) the AIB recommended voluntary best management practices for the use of neonicotinoid treated article seeds and neonicotinoid pesticides. For a more comprehensive response, please refer to Part 1 B I "Voluntary BMPs / Enforceability (Section 1.02)" of the Public Response Summary.

Champlain Valley Farmers Coalition

Dear Steve,
Please note that The Champlain Valley Farmer Coalition (CVFC) supports the recommendations of the Agriculture Innovation Board (ArB) with respect to the above referenced rule "BM P's for the use of Neonicotinoid Treated Article Seeds and Neonicotinoid Pesticides".

The proposed rule adopts a set of recommended best practices as noted in Section 1.02 and elsewhere in the proposed rule. The best management practices (BMPs) are recommendations instead of enforceable requirements, primarily because (1) the law authorizes best management practices—not mandated legal rules—and (2) the AIB recommended voluntary best management practices for the use of neonicotinoid treated article seeds and neonicotinoid pesticides. For a more comprehensive response, please refer to Part 1 B I "Voluntary BMPs / Enforceability (Section 1.02)" of the Public Response Summary.

Individuals by Categories

The following includes individual comments submitted to the agency that were not based on any identifiable form letter campaign. Where multiple commenters made the same or similar points, the Agency has provided a single response below the group of comments.

Enforceability

L. Brewer

Having reviewed the best management practices for allowable uses of neonics, I find that there are appropriate suggestions for what a person should do, but no mention of the consequences if a person doesn't follow those practices. If neonics are to be allowed for a period of time before their ban, I believe that there should be a negative consequence if those practices are not followed.

S. Dunning

We were so happy that the legislature passed legislation to ban neonicotinoids. We live across from a farm that farms corn and every year all our bee hives don't make it thru the winter, in part related to high neonic exposure from the corn seed. The farm also doesn't follow rules related to stormwater so all that drains into the lake. This farm does not seem to follow rules so my fear is that they will simply ignore your legislation and our bees will continue to die and the water will continue to accumulate neonics. I think that the State needs to monitor and have some penalty for the farms that continue to use the neonics in order to change their behavior. Also provide a mechanism for residents to request investigation of suspected non-compliance.

If you are aware of a specific incident or location where you are concerned products are being applied in violation of the Vermont Rule for Control of Pesticides, please report to the Agency and we will investigate.

Hugo Liepmann

I urge strong protection for pollinators, with teeth for enforcement.

That is the only way for all of us to avoid being stung, and stung badly, by the loss of vigorous and diverse pollinators.

AAFM Group Response:

The proposed rule adopts a set of recommended best practices as noted in Section 1.02 and elsewhere in the proposed rule. The best management practices (BMPs) are recommendations instead of enforceable requirements, primarily because (1) the law authorizes best management practices—not mandated legal rules—and (2) the AIB recommended voluntary best management practices for the use of neonicotinoid treated article seeds and neonicotinoid pesticides. For a more comprehensive response, please refer to Part 1 B I "Voluntary BMPs / Enforceability (Section 1.02)" of the Public Response Summary.

Aerial / Water Supplies / Beekeeper Notification

E. Maloney

Please do not permit arial spraying of neonicotinoids under any circumstances.
I lived next to an apple orchard for 20 years and remember well the extent to which the chemicals sprayed drifted over onto my land. Any application by arial spraying will inevitably reach large numbers of non-targeted insects even on non-windy days.

C. Anderson

As a former organic farmer, I always questioned any chemical, even those that were considered safe for use on organic vegetables. I know that you are deciding what the best practices should be for farmers before they turn to using neonicotinoid insecticides. I am writing to request that two additional requirements be added to the Best Agricultural Practices for using neonicotinoids:

***Do not allow aerial applications of neonicotinoid insecticides in the Best Management Practices.

***Do not allow use of treated seeds or neonicotinoid pesticides within designated buffers to water supplies.

N. Rivelli

Just a friendly reminder to avoid using aerial applications of neonicotinoid insecticides in the Best Management Practices. We want to protect all our pollinators, so let's make sure to keep them safe and sound. Also, please don't use treated seeds or neonicotinoid pesticides within the designated buffers to water supplies. Thanks a bunch for your cooperation!

W. Day

Please do not allow aerial applications of neonicotinoid insecticides in the Best Management Practices.
Please do not allow use of treated seeds or neonicotinoid pesticides within designated buffers to water supplies.

A. Vanneman

1. Do not allow aerial application of neonicotinoid insecticides in the Best Management Practices.
2. Protect ALL pollinators.
3. Do not allow use of treated seeds or neonicotinoid pesticides within designated buffers to water supplies.

A. Millar

I'm writing to weigh in on the use of insecticides harmful to pollinators.

Neonicotinoid insecticides should not be allowed - ever - to be sprayed aerially, including from drones. No aerial applications.

There should be strict buffers of 200 ft from public drinking water sources or 100 ft from other drinking water sources, these buffers must be enforced. No use of neonics within those buffer areas.

Beekeepers within 1 mile radius of any neonic use must be notified.

Jean Markey Duncan

I am pleased to have the opportunity to weigh in on the use of a class of pesticides known at Neonicotinoids. These chemicals are impacting pollinators. Over the years I have noticed a marked decrease in the bees in my yard and neighborhood and it has concerned me. Just this year I had to use a brush to pollinate the female flowers on my zucchini plant. The bees that I did have were too few to keep up with their chore and my plant was not producing in the manner it should have.

As you know, without pollinators we will not have the robust food supply we need to feed people. I am calling on you to make sure that:
1. Neonicotinoid insecticides not be allowed -ever - to be sprayed aerially, including from drones. No aerial applications.
2. While I am not sure this is nearly adequate, require buffers of 200 ft from public drinking water sources or 100 ft from other drinking water sources and this must be enforced. Absolutely no use of neonics within those buffer areas.
3. Required notification of beekeepers within 1 mile radius of any neonic use.

We must do everything possible to protect pollinators or risk widespread hunger in the future.

M. Genovese

1. Neonicotinoid insecticides should not be allowed -ever - to be sprayed aerially, including from drones. No aerial applications.
2. Buffers of 200 ft from public drinking water sources or 100 ft from other drinking water sources must be enforced. No use of neonics within those buffer areas.
3. Notify beekeepers within 1 mile radius of any neonic use.

AFFM Group Response:
Aerial: *The Vermont Rule for Control of Pesticides regulates any pesticide use, including aerial applications. Under that rule, no aerial application of any pesticide, including neonicotinoid pesticides, can be made without obtaining an approved permit from the Agency Secretary. The Agency maintains a robust permitting program whereby restrictions can be imposed on a case-by-case basis for permitted applications in addition to those under the Vermont Rule for Control of Pesticides. Currently there are no aerial applications of neonicotinoids in Vermont. Nonetheless, the Agency has amended the proposed rule to remove all language addressing aerial applications in deference to the concerns raised by commenters.*

Water Supplies: *The Agency consulted the Agency of Natural Resources who has the statutory authority to regulate water supplies and the language included in the proposed rule was provided by them. The Agency has revised the proposed rule to include the following two subsections within Section 3.08(b): "A person using a neonicotinoid treated article seed should not:" "(3) dispose of any neonicotinoid treated article seed in any manner that may leach to groundwater" and "(4) dispose of any neonicotinoid treated article seed within a wetland, floodplain, or shoreland".*

Beekeeper Notification: *The law requires that the Agency submit any prospective exemption to the legislature for subsequent posting on the Legislature's website. The Agency also intends to contract with a non-profit field registry service that will provide another option for communication between beekeepers and growers.*

Strengthen the Rules / Promote the Ban / Eliminate Neonics

M. LeFluer

Greetings. Staff Members of Vermont agriculture. Please Continue strengthen these rules so that they truly protect pollinators, safeguard other non-target wildlife, defend public health, and support farmers in transitioning to safer, more sustainable practices.

R. Allen

Hello, I'm writing to request that you strengthen the rules for the Vermont Pollinator Protection Act. The health of our pollinators has a direct impact on human health and the health of our planet. The two are inextricably linked.
There are better options than neonics that are not harmful to our pollinators or planet. Now is the time to strengthen these rules so that they truly protect pollinators, safeguard other non-target wildlife, defend public health, and support farmers in transitioning to safer, more sustainable practices.

D. Kyser

It is imperative that we strengthen the rules around neonicotinoid use so that they truly protect pollinators and safeguard other non-target wildlife. Our pollinators are essential for life on this planet, and these toxins, along with other chemicals and human behavior have decimated them year after year. At some point we will hit the point of no return so we must do everything we can to protect them now. This is a public health emergency and should be dealt with as such. Farmers will also need support in transitioning to safer, more sustainable practices.

Dr. Kesson

I have read through the "Best Management Practices For Neonicotinoid Treated Article Seeds and Neonicotinoid Pesticides" - I appreciate the progress that is being made in regards to this toxic chemical and the destruction of bee colonies (as well as harm to human health); however I believe the rules need to be strengthened. In the 12 years I have lived in my current home in Barre, VT I have seen a rapid and disturbing diminishment of the bee population. Because of the importance of the pollinators to our food supply, I believe that their protection outweighs most economic claims of damage and should take precedence. Survival is more important than profit.

B. Brook

I have kept bees for 15 years. Every year I have lost hives. Some years I have even seen the dead bees lying outside the hive with their tongues out—Indicative of poisoning. Please adopt the strongest measures to keep these chemicals out of our environment. Countries in Europe did this years ago because they know the danger of these chemicals. Let's catch up to them.

B. Simoes

It has been proven that neonicotinoids are poison to wildlife—the very foundation of our food system. Other states have outlawed them already and have had very good results with their crops. Because of this, seed companies would have to have seeds without this harmful additive already. Because of this, I don't understand why the delay or hesitancy in making regulations very strong and very soon! Why wouldn't we try to undo the harm we've caused, especially if there is no downside. Our very future is at risk. Thank you for your consideration.

J. Binhammer

I am writing to encourage you to adopt strong Best Management Practices that protect birds and non-target insects while maintaining healthy agriculture in Vermont.

After reading your draft BMPs, I fear that there are too many loopholes that can be exploited to make the ban effective. I fear that the exceptions will be used much like the manure spreading on frozen ground or after the season exemptions have been used. I remember calling the Agency of Agriculture about a particularly egregious example of an exemption that was just "given over the phone", when the BMPs called for a more responsible process for obtaining an exemption.

In my 35 years in Vermont, I have seen steep declines in our aerial insectivore avian fauna, especially swallows. There used to be swallows on every wire throughout the state, and one would always see a swallow doing aerial acrobatics, catching bugs, on a summer day. Now the telephone lines and the skies are empty. I believe this is due in large part to neonicotinoids that came out about the same time as they started to decline.

Thank you for considering strong protections,

R. Timberlake

Please strengthen the ban on neonic pesticides as much as possible. We need to consider the very serious, even catastrophic, effects on our bee populations and of course, our own health. We can't afford to take half-measures. Thank you so much for your efforts in this.

C. Cotnoir

My family has lived in the northeast kingdom of Vermont for at least 10 generations and most have been farmers. When I hear of the abundance and variety of plant and animal life which existed in previous generations, I'm saddened and alarmed, and we all should be. The pollinator collapse is a reality we cannot deny. All life depends upon pollinators. We must do everything we can to protect them! Please keep this bill strong and keep neonicotinoids out of our water and crops. In Quebec, the corn yield wasn't affected when they stopped using them! The damage is NOT worth its use. By the time we feel its effects it will be too late.
I strongly support this ban and see no safe way to use them. Ban them, period.

M. Barsanti

To whom it concerns,

I want to let it be known that the protection of pollinators I paramount to the health of the planet. The convenience of using pesticides has put us in a perilous situation and it is imperative to protect the safety of our pollinators. Please do the right thing and promote the ban on Neonicotinoid Pesticides.

D. Pistilli

Folks, please hold the line on the draft rule to implement it sooner rather than later. We are not speeding — we are way behind. You don't have to be a beekeeper to support this rule — you just have to be a human who enjoys eating the food pollinated by bees and other insects to know it's smarter to feed plants to people over feeding corn to cows. Please, stay strong. Don't be shouted down by farmers, whom I eminently respect, but who have to do what's best for all.

S. Putnam

I urge you to adopt rules that will fully and quickly implement Vermont's Pollinator Protection Act.

P. Macfarlane

To the Vermont Agency of Agriculture:

Whilst neonicotinoid pesticides have undoubtedly helped to control pest insects, their wider effects indicate that their use should be discontinued. They are non-specific, and so kill non-target insects, many of which are beneficial to our agriculture and therefore to our food supply.

Anyone who has driven at dusk or at night for the last few decades can attest to the fact that the density of flying insects has dropped markedly. Windshields used to end up coated with spattered moths and more, but now largely remain clean. A German study, published within the last few years, found that the density of flying insects had dropped by about 90% over 30 years. My own experience is that this seems not to apply to mosquitoes and blackflies (whose food remains abundant), but especially to butterflies, moths, bees and wasps. Honey bee populations in particular have been in drastic decline for many years now.

The insects that seem most affected are many of the beneficial ones, those, for example, which help to pollinate many of our crops. It is ironic that the agricultural industry is one of the largest users of toxins which kill the very insects that benefit that industry. To look on the black side, if the pollinator populations fall too far, crop yields will be drastically reduced, far more than a few pest insects would ever cause.

It is time for the agriculture industry (and any other users of neonicotinoids) to abandon their use of these and similar indiscriminate toxins, and to accept that yields may suffer a little due to insect pests but remain far greater than in a world without pollinators. If the costs associated with reduced yield have to be passed to us, the consumers, so be it. I shall continue to buy food, and shall be happier doing so if I know that it has been produced in a manner which does not drive down populations of beneficial insects.

I therefore urge the VT Agency of Agriculture to do all in its power to restrict, even eliminate, the use of neonicotinoid pesticides in this state. Thank you for considering my comment.

J. Bond

The mix of chemicals in our environment will eventually build into a disaster that we cannot undo. Please stop the use of neonic treated seeds as soon as possible. We know that they are dangerous for insects, and very likely for humans. Will that be harder for farmers? YES, but the state must do everything possible to help find alternatives.

L. Eisenbrey

I am still in shock that Governor Scott did not implement legislation to protect our main beneficial reason for having the foods we have- BEES!

Please make it mandatory that under NO circumstances will neonicotinoids or other chemicals "known" or "recommended as being harmful" to never be used in the state of Vermont.

Our bees make the foods we have possible. Millions of bees have been dying from exposure to these deadly chemicals. They take it into their nests and unknowingly cause the deaths of their colony.

I want to see all of the harmful chemicals that people use willy-nilly, removed from store shelves because they don't read the labels. I deal with this every day that I work and it tears my heart each time. The people who make the chemicals have jobs, okay, but the production was supposed to be regulated has not and therein lies the problem. Now, we have a federal government structured to allow for more human, animal and insect deaths for the sake of profiteering. It's up to each state to set their own standards, their own safety structure.

I vote for our state to remove, forever, neonicotinoids and all other deadly chemicals from our food, the water and the soils. Protect the creatures that help to make the plants we need.

O. Boliver

Neonics in any form should be banned completely in Vermont.

S. Topsham

The best practice would be to ban all of this toxic ecosystem terrorizing crap, along with GMOs, forever chemicals, plastics, and all of the crap produced since the 1950's that's giving everyone cancer.
Hasn't anyone read 'Silent Spring'???

AAFM Grouped Response:
The proposed rule adopts a set of recommended best practices as noted in Section 1.02 and elsewhere in the proposed rule. The best management practices (BMPs) are recommendations instead of enforceable requirements, primarily because (1) the law authorizes best management practices—not mandated legal rules—and (2) the AIB recommended voluntary best management practices for the use of neonicotinoid treated article seeds and neonicotinoid pesticides. For a more comprehensive response, please refer to Part 1 B I "Voluntary BMPs / Enforceability (Section 1.02)" of the Public Response Summary.

Per 6 V.S.A. § 1105a(c)(1), the Agency was tasked with developing best management practices for the use of neonicotinoid treated article seeds and neonicotinoid pesticides in the four enumerated scenarios. The proposed rule accomplishes what the legislature directed it to do. The Agency does not have the authority to place an outright ban the use of neonicotinoids.

Miscellaneous Comments

J. Weidman

It's so overdue. Let's get this done sooner! You have the power

Thank you for your comment.

C. O'Connell

I am a 73 year old senior. When I was a child growing up in Vermont, butterflies were everywhere, caught by me and examined closely before being let go. Now the only "butterflies" I see in my yard are cabbage moths. I never imagined that pollinators would go extinct in my lifetime. Please allow other Vermont children to have them to appreciate from now on.

Thank you for your comment.

C. Cook

Thank you for working so diligently on developing a plan for neonicotinoids. It is so important to pollinators to have a safe place to live and be able to pollinate our crops. Pollinators have enough difficulty with diseases without ingesting neonicotinoids.

Thank you for your comment.

S. Nyzio

Dear Agency of Agriculture,

Thank you so much for creating this rule!
Thank you for staying on course and seeing this new rule through to completion and reinforcement. Please stay the course for our future and our children's future. These toxic pesticides and treated seeds are ruining our soil, precious insects, and food!
Grateful for the work you are doing to move this rule forward.

Thank you for your comment.

B. Huibregtse

In section 1105c, Prohibited uses are outlined. Section c within that section outlines the process for a written exemption order. A written exemption should include a fee to cover both the effort to process the paperwork as well as the added risk to the environment created by continuing to use these pesticides.

In addition, given golf is a luxury recreation, often for non-residents, golf courses should not be excluded from the neonicotinoid use ban, or at a minimum, be required to pay a significant fee for exemption. It makes little sense to me to require permanent resident farmers to modify their use of neonicotinoids and not golf courses. As part owner of a flower farm, our business depends on the protection of pollinators, so please consider these comments.

Per 6 V.S.A. § 1105a(c)(1), the Agency was tasked with developing best management practices for the use of neonicotinoid treated article seeds and neonicotinoid pesticides in the four enumerated scenarios. The scope of the ban is outside the Agency's rulemaking authority and, similarly, any imposition of fees.

J. Kareckas

I first became aware of "neonics" as a backyard beekeeper. Honeybees travel up to a 3 mile radius in search of nectar and pollen, and are subject to many poisons and insecticides applied to field crops and lawns. Please consider the spill over impact of these chemicals, not only for the sake of foragers, but others in the food chain who are in runoff patterns from crops to soil to stream to river to lake.

The Agency consulted the Agency of Natural Resources who has the statutory authority to regulate water supplies and the language included in the proposed rule was provided by them. The Agency has revised the proposed rule to include the following two subsections within Section 3.08(b): "A person using a neonicotinoid treated article seed should not:" "(3) dispose of any neonicotinoid treated article seed in any manner that may leach to groundwater" and "(4) dispose of any neonicotinoid treated article seed within a wetland, floodplain, or shoreland". The law requires that the Agency submit any prospective exemption to the legislature for subsequent posting on the Legislature's website. The Agency also intends to contract with a non-profit field registry service that will provide another option for communication between beekeepers and growers.

L. Veatch

Please strictly minimize farmer exemptions to a ban on the use of neonic coated seeds and also please strictly minimize spraying neonics outdoors.

Please protect bees, butterflies, other pollinators and also birds.

Studies have shown that banning neonic seeds and spraying has little if any effect on crops such as corn. Calls for more studies is an unnecessary delay.

Per 6 V.S.A. § 1105a(c)(2), the Agency was directed to adopt, by rule, "Best Management Practices" for the use of Neonicotinoid Treated Article Seeds and Neonicotinoid Pesticides in the four enumerated scenarios provided in subsections (A-D). The specifics of the exemption processes are laid out in 6 V.S.A. §§ 1105b, 1105c and are outside the scope of the proposed rule. Thank you for your comment.

A. Amend

I have just read the Best Management Practices for Neonicotinoids. I appreciate that this bill seeks regulates neonicotinoids and seeks to provide safeguards to pollinators, but I don't think it goes far enough in 2025. Aerial spraying should not be allowed al all. Drift Is unavoidable, and busy farmers will spray when they can, not when weather conditions are perfect. (Are weather conditions every perfect?) Also, we need larger buffers between "Significant Natural Communities". Bees can fly up to 6 miles to collect pollen, so the radius for proximity to hives should be much greater than just protecting hives and colonies on site.

How are these guidelines to be enforced? Droplet size? Drift retardant? Boom height? Wind direction? Properly calibrated equipment? I can't imagine accurate compliance with these regulations.

Thanks for working towards a safer world for our pollinators.

The Vermont Rule for Control of Pesticides regulates any pesticide use, including aerial applications. Under that rule, no aerial application of any pesticide, including neonicotinoid pesticides, can be made without obtaining an approved permit from the Agency Secretary. The Agency maintains a robust permitting program whereby restrictions can be imposed on a case-by-case basis for permitted applications in addition to those under the Vermont Rule for Control of Pesticides. Currently there are no aerial applications of neonicotinoids in Vermont. Nonetheless, the Agency has amended the proposed rule to remove all language addressing aerial applications in deference to the concerns raised by commenters.

The proposed rule adopts a set of recommended best practices as noted in Section 1.02 and elsewhere in the proposed rule. The best management practices (BMPs) are recommendations instead of enforceable requirements, primarily because (1) the law authorizes best management practices—not mandated legal rules—and (2) the AIB recommended

voluntary best management practices for the use of neonicotinoid treated article seeds and neonicotinoid pesticides. For a more comprehensive response, please refer to Part 1 B I "Voluntary BMPs / Enforceability (Section 1.02)" of the Public Response Summary.

Form Letter Advocacy Campaigns

The Agency received a total of 582 comments that can be attributable to advocacy form letter campaigns. Of these comments, 430 were received from the constituent relationship management platform (CRM), everyactioncustom.com, 391 that mirror VPIRG's comments and 39 that mirror Xerxes comments. Another 17 of these comments were sent directly to the Agency, 16 of which mirror VPIRG's comments and one of which mirrors Xerces comments. An additional 135 comments were sent by VPIRG in a single pdf document.

Xerces

The following includes the main comments that are reflective of Xerces comments:

Key improvements needed:
- **Correct the timeline** set forth in the BMPs: The law prohibits sale and use of neonic-treated seed starting January 1, 2029 — not 2031 as currently stated in the draft.
- **Require enforceable protections**: Best management practices must use "shall" rather than "should" in critical areas such as drift prevention, seed disposal, and pollinator protection.
- **Limit exemptions**: Exemptions should be transparent, justified, and rarely granted except in qualifying circumstances. Criteria for granting an exemption, as well as the exemptions themselves, must be made publicly available, tied to documented pest pressure, and conditioned on the use of Integrated Pest Management (IPM).
- **Prohibit aerial applications**: Aerial spraying of neonics poses excessive risk to birds and their habitats. A 50-foot buffer is insufficient for protection.
- **Prevent pollution from unused seeds**: The BMPs should include mandatory disposal standards for unplanted treated seeds, including large buffers from wells and public water supplies, burial depth, soil cover, and runoff control.
- **Clarify prohibitions for ornamentals**: Neonics used on nursery plants, especially blooming ornamentals that attract pollinators, must be explicitly prohibited from use under the rule.

AAFM Group Response:

- *The Agency has revised the proposed rule to align with the contingently effective date of prohibition, January 1, 2029.*
- *The proposed rule adopts a set of recommended best practices as noted in Section 1.02 and elsewhere in the proposed rule. The best management practices (BMPs) are recommendations instead of enforceable requirements, primarily because (1) the law authorizes best management practices—not mandated legal rules—and (2) the AIB recommended voluntary best management practices for the use of neonicotinoid treated article seeds and neonicotinoid pesticides. For a more comprehensive response, please refer to Part 1 B I "Voluntary BMPs / Enforceability (Section 1.02)" of the Public Response Summary.*
- *Per 6 V.S.A. § 1105a(c)(2), the Agency was directed to adopt, by rule, "Best Management Practices" for the use of Neonicotinoid Treated Article Seeds and Neonicotinoid Pesticides in the four enumerated scenarios provided in subsections (A-D). The specifics of the exemption processes are laid out in 6 V.S.A. §§ 1105b, 1105c and are outside the scope of the proposed rule.*
- *The Vermont Rule for Control of Pesticides regulates any pesticide use, including aerial applications. Under that rule, no aerial application of any pesticide, including neonicotinoid pesticides, can be made without obtaining an approved permit from the Agency Secretary. The Agency maintains a robust permitting program whereby restrictions can be imposed on a case-by-case basis for permitted applications in addition to those under the Vermont Rule for Control of Pesticides. Currently there are no aerial applications of neonicotinoids in Vermont. Nonetheless, the Agency has amended the proposed rule to remove all language addressing aerial applications in deference to the concerns raised by commenters.*
- *The Agency consulted the Agency of Natural Resources who has the statutory authority to regulate water supplies and the language included in the proposed rule was provided by them. The Agency has revised the proposed rule to include the following two subsections within Section 3.08(b): "A person using a neonicotinoid treated article*

seed should not:" "(3) dispose of any neonicotinoid treated article seed in any manner that may leach to groundwater" and "(4) dispose of any neonicotinoid treated article seed within a wetland, floodplain, or shoreland".

- *Act 182 prohibits the application of a neonicotinoid pesticide to ornamental plants as of July 1, 2025 (see 6 V.S.A. §§ 1105c(a)(4), 1102(15)(defining "ornamental plants" as "perennials, annuals, and groundcover purposefully planted for aesthetic reasons"). Act 182 directs the Agency to adopt BMPs for the use of a neonicotinoid pesticide in two scenarios (1) under a written exemption order, and (2) non-prohibited agricultural applications (see 6 V.S.A. §§ 1105a(c)(1)(C),(D)). This is reflected in Sections 4.01(a) and (b) of the proposed rule.*

VPIRG

The following includes the main comments that are reflective of VPIRG's comments:

I strongly support the legislation (Act 182) passed in 2024, which protects birds, pollinators, and our environment from harmful neonicotinoid (neonic) pesticides. For the draft rule to be most effective in implementing the law, I urge the Agency to consider making the following changes to the draft before finalizing:

- **Correct the timeline for protections**. The rule must be consistent with the law by prohibiting neonic-treated seeds beginning in 2029, not 2031 as the draft rule states.

- **Strengthen protection for pollinators under exemptions**. The draft rule's requirements for integrated pest management practices are not sufficient. Growers using treated seeds under an exemption should implement IPM practices to ensure these pesticides do not continue to be used by default. The state should also include additional steps to reduce the risk to pollinators when exemptions are granted, like requiring notification to nearby beekeepers in advance.

- **Prevent pollution from leftover treated seeds**. Stronger disposal rules are needed to protect drinking water, public health, wildlife, and the environment. Leftover seeds should be buried far from wells, wetlands, and other vulnerable areas.

- **Address high-risk uses in nursery production**. Even though Act 182 addresses neonic applications to nursery grown ornamental plants, a known high-risk exposure route for pollinators, it is not clear whether the draft rules do. Neonic uses on ornamentals often involves blooming plants attractive to bees. The rules should explicitly cover these neonic uses.

- **Prohibit aerial applications**. A 50-foot buffer from water and pollinator habitat isn't enough to prevent contamination from aerial spraying.

AAFM Group Response:

- *The Agency has revised the proposed rule to align with the contingently effective date of prohibition, January 1, 2029.*
- *IPM training will be required prior to the use of any NTS under a prospective exemption order. Research is underway under Vermont specific conditions to determine what practices will result in successful crop production. Lacking clear and definitive practices in Vermont specific conditions, the Agency is reluctant to require specific practices. Nonetheless, Section 3.05 of the proposed rule has been revised to include "monitor and assess the risk of potential pest damage based on available guidance" as subsection (a) and subsection (b) now reads "utilize multiple pest management methods (cultural, mechanical, biological) based on the best available research to avoid or reduce pest risk".*
- *The Agency consulted the Agency of Natural Resources who has the statutory authority to regulate water supplies and the language included in the proposed rule was provided by them. The Agency has revised the proposed rule to include the following two subsections within Section 3.08(b): "A person using a neonicotinoid treated article seed should not:" "(3) dispose of any neonicotinoid treated article seed in any manner that may leach to groundwater" and "(4) dispose of any neonicotinoid treated article seed within a wetland, floodplain, or shoreland".*
- *Act 182 prohibits the application of a neonicotinoid pesticide to ornamental plants as of July 1, 2025 (see 6 V.S.A. §§ 1105c(a)(4), 1102(15)(defining "ornamental plants" as "perennials, annuals, and groundcover purposefully*

planted for aesthetic reasons"). Act 182 directs the Agency to adopt BMPs for the use of a neonicotinoid pesticide in two scenarios (1) under a written exemption order, and (2) non-prohibited agricultural applications (see 6 V.S.A. §§ 1105a(c)(1)(C),(D)). This is reflected in Sections 4.01(a) and (b) of the proposed rule.

- *The Vermont Rule for Control of Pesticides regulates any pesticide use, including aerial applications. Under that rule, no aerial application of any pesticide, including neonicotinoid pesticides, can be made without obtaining an approved permit from the Agency Secretary. The Agency maintains a robust permitting program whereby restrictions can be imposed on a case-by-case basis for permitted applications in addition to those under the Vermont Rule for Control of Pesticides. Currently there are no aerial applications of neonicotinoids in Vermont. Nonetheless, the Agency has amended the proposed rule to remove all language addressing aerial applications in deference to the concerns raised by commenters.*

Annotated Text

~~State of Vermont~~

~~Agency of Agriculture, Food and Markets~~

VERMONT

AGENCY OF AGRICULTURE, FOOD & MARKETS

~~Public Health & Agricultural Resource Management Division~~

~~116 State Street,~~
~~Montpelier VT, 05620~~

~~Best Management Practices for the Use of Neonicotinoid Treated Article Seeds and Neonicotinoid Pesticides~~

~~Rule Number:~~

~~Effective Date:~~

Table of Contents

Vermont Best Management Practices for the Use of Neonicotinoid Treated Article Seeds and Neonicotinoid Pesticides

Section 1. General

1.01 Enabling Legislation: These rules are adopted pursuant to 6 V.S.A. § 1105a(a)(1) and (c)(1). These rules are intended to be interpreted harmoniously with State and federal law, including the Vermont Rule for Control of Pesticides. If distinct laws are updated, cannot be interpreted harmoniously, and/or conflict, then the following order of precedence applies: 1) federal law (when it preempts state law or incorporates mandatory label requirements), 2) state statute, 3) Vermont Rule for Control of Pesticides, and 4) these rules.

1.02 Purpose: The following best management practices (BMPs) are established for appropriate use of neonicotinoid treated article seeds and neonicotinoid pesticides. Unless otherwise stated, these practices are recommended best practices to be used whenever reasonable and practical.

Section 2. Definitions

2.01 Container means a device in which a neonicotinoid treated article seed or neonicotinoid pesticide is stored, transported, disposed of, or otherwise handled.

2.02 Drinking Water Source means any public water source or any potable water source.

2.03 Groundwater has the same meaning as defined in the Vermont Rule for Control of Pesticides.

2.04 Integrated Pest Management (IPM) has the same meaning as defined in the Vermont Rule for Control of Pesticides.

2.05 Label or Labeling means:

(a) the written, printed, or graphic matter on, or attached to, the seed bag or pesticide, or the immediate container thereon;

(b) the outside container or wrapper of the retail package, if there is one, of the seed bag or pesticide; and

(c) the written, printed, or graphic matter that is incorporated into the label by reference.

2.06 Loading means any act of transferring a neonicotinoid treated article seed or neonicotinoid pesticide to or from any storage container, or planter.

2.07 Neonicotinoid Pesticide has the same meaning as defined in 6 V.S.A. § 1101.

2.08 Neonicotinoid Treated Article Seeds has the same meaning as defined in 6 V.S.A. § 1101.

2.09 Ornamental Plant has the same meaning as defined in 6 V.S.A. § 1101.

2.10 Person has the same meaning as defined in the Vermont Rule for Control of Pesticides.

2.11 Potable Water Source means a component of a potable water supply that withdraws or collects water from soil or bedrock. Potable water sources include springs; drilled, driven, or dug wells; and surface water.

2.12 Public Water Source means the same as it is defined in 10 V.S.A. Chapter 056.

2.13 Secretary means the Secretary of the Agency of Agriculture, Food and Markets, and designees.

2.14 Storage means the holding of a neonicotinoid treated article seed and/or neonicotinoid pesticide for use or distribution in an area other than the sales floor of a licensed retailer.

2.15 Surface Water has the same meaning as defined in the Vermont Rule for Control of Pesticides.

2.16 Treated Article has the same meaning as defined in 6 V.S.A. § 1101.

2.17 Use means:

(a) pre-planting or pre-application activities involving the transporting and loading of a neonicotinoid treated article seed or mixing and loading of a neonicotinoid pesticide;

(b) planting of a neonicotinoid treated article seed or applying a neonicotinoid pesticide;

(c) transporting or storing a neonicotinoid treated article seed, neonicotinoid pesticide, or container that has been opened;

(d) cleaning equipment used for applying, transporting, or planting a neonicotinoid treated article seed or neonicotinoid pesticide; and

(e) disposing of any excess neonicotinoid treated article seed, neonicotinoid pesticide, equipment wash water, or container.

Section 3. Best Management Practices for the Use of Neonicotinoid Treated Article Seeds

3.01 Applicability

The provisions of this section apply to the use of neonicotinoid treated article seeds when used prior to January 1, 2029~~31~~ and when used under a valid exemption order issued by the Secretary unless otherwise provided for in an exemption order.

3.02 General
A person who uses a neonicotinoid treated article seed should adhere to label requirements. Where provisions of this rule conflict with label language, the label language applies.

3.03 Label Guidance
A person using a neonicotinoid treated article seed should follow the directions and requirements on a neonicotinoid treated article seed bag label including:

(a) proper handling, storage, use, and disposal;

(b) recommended rate and depth of planting; and

(c) hazard statements related to pollinators.

3.04 Dust and Non-target Exposure Mitigation
A person using a neonicotinoid treated article seed should minimize dust generation and potential drift or other non-target exposure from the seed as follows:

(a) avoid planting during windy conditions (>15mph) and when wind is blowing toward a nearby surface water or flowering crops and pollinator attractive plants;

(b) handle seed bags carefully during transport and loading to reduce abrasion and dust generation;

(c) use dust-reducing seed lubricants at appropriate rates and in a manner consistent with manufacturer guidance;

~~(c)~~(d) ~~and~~ avoid using lubricants that increase dust due to abrasion;

~~(d)~~(e) ensure the planter is calibrated and functions properly;

~~(e)~~(f) avoid or reduce releasing excess dust from a seed bag, including by loading planters at least 10 yards inside field borders;

~~(f)~~(g) clean planting equipment without using compressed air;

~~(g)~~(h) clean planting equipment without contaminating surface water, groundwater, and pollinator attractive plants;

~~(h)~~(i) dispose of excess rinse water from cleaning within the crop field and without causing surface ponding;

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~~(i)~~(j) do not broadcast plant or scatter seeds to soil surfaces;

~~(j)~~(k) ensure all planted seeds are thoroughly incorporated during planting and evaluate whether additional incorporation is necessary after initial planting to thoroughly cover any exposed seeds; and

~~(k)~~(l) collect any seeds spilled during loading or planting and store them for subsequent planting in accordance with section 3.07~~;~~ or dispose of any seeds spilled during loading or planting in accordance with section 3.08.

3.05 Integrated Pest Management

A person using a neonicotinoid treated article seed should implement integrated pest management practices including the following practices:

(a) monitor and assess the risk of potential pest damage based on available guidance;

~~(a)~~(b) learn which crop production practices increase or reduce risk of insect pest damage; and

~~(b)~~(c) utilize multiple pest management methods (cultural, mechanical, biological) based on the best available research to avoid or reduce pest risk~~, whenever feasible~~;

~~(c)~~(d) choose the lowest appropriate rate of neonicotinoid seed treatment that can effectively manage target pests.~~.~~

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3.06 Communication and Continuous Education

(a) A person using a neonicotinoid treated article seed should provide at least 48 hours, but no more than 90 days, advance notice to all apiculturists who have an established apiary on the premises, provided that hive locations and apiculturist's contact information are available to the person using a neonicotinoid treated article seed.

(b) A person using a neonicotinoid treated article seed should provide at least 48 hours, but no more than 90 days, advance notice to public water systems managing public water sources, provided that contact information is available through the Agency of Natural Resources ("ANR") Department of Environmental Conservation's Drinking Water and Groundwater Protection Division, and neonicotinoid treated article seeds are used within:

(1) 200 feet of public community drinking water sources and public drinking water surface water intakes; or

(2) 100 feet of public non-community drinking water sources.

(c) A person using a neonicotinoid treated article seed should attend reasonably available education and outreach programs, including those provided by university extension services or the seed industry related to best management practices for using neonicotinoid treated article seeds.

3.07 Storage

A person using a neonicotinoid treated article seed should:

(a) return neonicotinoid treated article seeds that are spilled during loading or planting to the original seed lot container; and

(b) store neonicotinoid treated article seeds away from food, feed, and drinking water sources; and

(c) protect and secure neonicotinoid treated article seeds to prevent unauthorized access by people and wildlife.

3.08 Disposal.

(a) Unless being used for storage in accordance with section 3.07, a person using a neonicotinoid treated article seed should dispose of the neonicotinoid treated article seeds and/or containers:

(1) in accordance with the seed bag label and local requirements; or

(2) by returning to the manufacturer.

(b) A person using a neonicotinoid treated article seed should not:

(1) recycle a neonicotinoid treated article seed container;

(2) compost any neonicotinoid treated article seed or container;

~~(2)~~(3) dispose of any neonicotinoid treated article seed in any manner that may leach to groundwater;

(4) dispose of any neonicotinoid treated article seed within a wetland, floodplain, or shoreland;

~~(3)~~(5) burn or otherwise incinerate any neonicotinoid treated article seed in a stove inside a residence or outbuilding; and/or

~~(4)~~(6) use a treated seed for fuel or ethanol production purposes.

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Section 4. Best Management Practices for the Use of a Neonicotinoid Pesticide

4.01 Applicability

(a) The provisions of this section apply to the use of neonicotinoid pesticides used after July 1, 2025 under a written exemption order issued by the Secretary unless otherwise provided for in an exemption order.

(b) The provisions of this section apply to the agricultural use of a neonicotinoid pesticide after July 1, 2025, the use of which is not otherwise prohibited by law.

(c) In addition to the provisions of this section, any use of a neonicotinoid pesticide shall be made in accordance with product labels and the Vermont Rule for Control of Pesticides.

4.02 Integrated Pest Management

A person using a neonicotinoid pesticide should implement integrated pest management practices, including the following practices:

(a) learn which crop production practices, including crop variety selection and crop rotation, increase or reduce the risk of insect pest damage;

(b) scout crops regularly and use economic thresholds to help determine if, when, and where, to apply;

(c) utilize multiple pest management methods (cultural, mechanical, biological) to avoid or reduce pest risk, whenever feasible;

(d) use perimeter trap-crop treatments, refuge plantings, and other methods that prevent the entire field or population from being treated to help preserve susceptible non-target species;

(e) choose the lowest appropriate labeled application rate that can effectively manage target pests without overapplication or risking increased insecticide resistance;

(f) time applications to target the most vulnerable life-stage of the target pest; and

(g) target applications to specific areas of a crop or field utilizing spot spraying, directed sprays, and band applications based on scouting.

4.03 Drift Prevention

A person using a neonicotinoid pesticide should implement measures to reduce drift, including the following practices:

(a) use a nozzle that produces medium or coarser droplet sizes;

(b) apply during favorable weather conditions;

(c) use a drift retardant or spray additive within label guidance;

(d) use a shielded sprayer, provided that the shield does not compromise uniform deposition;

(e) maintain at least a 25-foot spray buffer zone between the application area and surface water for ground applications;

~~(f) maintain the following buffer zones for aerial applications:~~

~~(0) a 150-foot spray buffer zone between the application area and surface waters;~~

~~(0) a 50-foot spray buffer zone between the application area and Significant Natural Communities within the Champlain Valley, as mapped under "Fish and Wildlife" in the ANR Atlas;~~

~~(l)~~(f) maintain a boom height no more than four feet above the canopy for ground applications;

~~(m) comply with Vermont Rule for Control of Pesticides and all applicable permit conditions for aerial applications;~~

~~(o)~~(g) spray when wind direction is pointed away from non-target areas of concern, such as pollinator attractive plants, surface waters, and drinking water sources; and

~~(p)~~(h) ensure that application equipment is calibrated and functions properly.

4.04 Spills

A person using a neonicotinoid pesticide should implement measures to prevent spills, including the following practices:

(a) mix and load away from waterbodies and ditches;

(b) use a designated spill containment surface or otherwise maintain a 25-foot buffer from surface waters, ditches, and potential surface to groundwater conduits; and

(c) maintain an incident response plan.

4.05 Runoff Prevention

A person using a neonicotinoid pesticide should implement measures to prevent runoff and groundwater infiltration, including the following practices:

(a) avoid applications during rain or when soil is saturated;

(b) avoid foliar applications if rain is predicted in the next 24 or 48 hours;

(c) avoid disposal of leftover pesticide in a single spot in a field;

(d) maintain grass or vegetative buffers near tile outlets, in drainage ways, and along field boundaries; and

(e) implement residue management practices (e.g. conservation tillage, cover crops, filter strips, or vegetative buffers) as applicable to slow runoff.

4.06 Pollinator Protection

A person using a neonicotinoid pesticide should implement measures to prevent exposure to pollinators, including the following practices:

(a) avoid applications during unusually low temperatures or when dew is forecast;

(b) communicate with apiculturists and growers to determine the presence of potential hives or colonies on site;

~~(c) follow label restrictions for the maximum amount of neonicotinoid allowed per acre, per application, per season, or per year;~~

~~(e)~~(c) consider that neonicotinoids applied as seed treatments count towards maximum application rates; and

~~(f)~~(d) minimize potential uptake of neonicotinoids by leaving a buffer strip of two-to-three feet between neonicotinoid treated turf and any naturally occurring native plants (including grasses and sedges) or any other flowering plants or crops.

Section 5. Severability

If any provision of this rule or its application to any person or circumstance is determined to be invalid or in violation of the Constitution or laws of the United States or Vermont, that determination shall not affect any other provision or application of this rule that may be given effect without the invalid provision or application, and to that end all provisions of this rule are severable.

Section 6. Effective Date

This rule shall become effective on [15 days after adoption].

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Vermont Best Management Practices for the Use of Neonicotinoid Treated Article Seeds and Neonicotinoid Pesticides

Section 1. General

1.01 Enabling Legislation: These rules are adopted pursuant to 6 V.S.A. § 1105a(a)(1) and (c)(1). These rules are intended to be interpreted harmoniously with State and federal law, including the Vermont Rule for Control of Pesticides. If distinct laws are updated, cannot be interpreted harmoniously, and/or conflict, then the following order of precedence applies: 1) federal law (when it preempts state law or incorporates mandatory label requirements), 2) state statute, 3) Vermont Rule for Control of Pesticides, and 4) these rules.

1.02 Purpose: The following best management practices (BMPs) are established for appropriate use of neonicotinoid treated article seeds and neonicotinoid pesticides. Unless otherwise stated, these practices are recommended best practices to be used whenever reasonable and practical.

Section 2. Definitions

2.01 Container means a device in which a neonicotinoid treated article seed or neonicotinoid pesticide is stored, transported, disposed of, or otherwise handled.

2.02 Drinking Water Source means any public water source or any potable water source.

2.03 Groundwater has the same meaning as defined in the Vermont Rule for Control of Pesticides.

2.04 Integrated Pest Management (IPM) has the same meaning as defined in the Vermont Rule for Control of Pesticides.

2.05 Label or Labeling means:

(a) the written, printed, or graphic matter on, or attached to, the seed bag or pesticide, or the immediate container thereon;

(b) the outside container or wrapper of the retail package, if there is one, of the seed bag or pesticide; and

(c) the written, printed, or graphic matter that is incorporated into the label by reference.

2.06 Loading means any act of transferring a neonicotinoid treated article seed or neonicotinoid pesticide to or from any storage container, or planter.

2.07 Neonicotinoid Pesticide has the same meaning as defined in 6 V.S.A. § 1101.

2.08 Neonicotinoid Treated Article Seeds has the same meaning as defined in 6 V.S.A. § 1101.

2.09 Ornamental Plant has the same meaning as defined in 6 V.S.A. § 1101.

2.10 Person has the same meaning as defined in the Vermont Rule for Control of Pesticides.

2.11 Potable Water Source means a component of a potable water supply that withdraws or collects water from soil or bedrock. Potable water sources include springs; drilled, driven, or dug wells; and surface water.

2.12 Public Water Source means the same as it is defined in 10 V.S.A. Chapter 056.

2.13 Secretary means the Secretary of the Agency of Agriculture, Food and Markets, and designees.

2.14 Storage means the holding of a neonicotinoid treated article seed and/or neonicotinoid pesticide for use or distribution in an area other than the sales floor of a licensed retailer.

2.15 Surface Water has the same meaning as defined in the Vermont Rule for Control of Pesticides.

2.16 Treated Article has the same meaning as defined in 6 V.S.A. § 1101.

2.17 Use means:

(a) pre-planting or pre-application activities involving the transporting and loading of a neonicotinoid treated article seed or mixing and loading of a neonicotinoid pesticide;

(b) planting of a neonicotinoid treated article seed or applying a neonicotinoid pesticide;

(c) transporting or storing a neonicotinoid treated article seed, neonicotinoid pesticide, or container that has been opened;

(d) cleaning equipment used for applying, transporting, or planting a neonicotinoid treated article seed or neonicotinoid pesticide; and

(e) disposing of any excess neonicotinoid treated article seed, neonicotinoid pesticide, equipment wash water, or container.

Section 3. Best Management Practices for the Use of Neonicotinoid Treated Article Seeds

3.01 Applicability

The provisions of this section apply to the use of neonicotinoid treated article seeds when used prior to January 1, 2029 and when used under a valid exemption order issued by the Secretary unless otherwise provided for in an exemption order.

3.02 General

A person who uses a neonicotinoid treated article seed should adhere to label requirements. Where provisions of this rule conflict with label language, the label language applies.

3.03 Label Guidance

A person using a neonicotinoid treated article seed should follow the directions and requirements on a neonicotinoid treated article seed bag label including:

(a) proper handling, storage, use, and disposal;

(b) recommended rate and depth of planting; and

(c) hazard statements related to pollinators.

3.04 Dust and Non-target Exposure Mitigation

A person using a neonicotinoid treated article seed should minimize dust generation and potential drift or other non-target exposure from the seed as follows:

(a) avoid planting during windy conditions (>15mph) and when wind is blowing toward a nearby surface water or flowering crops and pollinator attractive plants;

(b) handle seed bags carefully during transport and loading to reduce abrasion and dust generation;

(c) use dust-reducing seed lubricants at appropriate rates and in a manner consistent with manufacturer guidance;

(d) avoid using lubricants that increase dust due to abrasion;

(e) ensure the planter is calibrated and functions properly;

(f) avoid or reduce releasing excess dust from a seed bag, including by loading planters at least 10 yards inside field borders;

(g) clean planting equipment without using compressed air;

(h) clean planting equipment without contaminating surface water, groundwater, and pollinator attractive plants;

(i) dispose of excess rinse water from cleaning within the crop field and without causing surface ponding;

(j) do not broadcast plant or scatter seeds to soil surfaces;

(k) ensure all planted seeds are thoroughly incorporated during planting and evaluate whether additional incorporation is necessary after initial planting to thoroughly cover any exposed seeds; and

(l) collect any seeds spilled during loading or planting and store them for subsequent planting in accordance with section 3.07 or dispose of any seeds spilled during loading or planting in accordance with section 3.08.

3.05 Integrated Pest Management

A person using a neonicotinoid treated article seed should implement integrated pest management practices including the following practices:

(a) monitor and assess the risk of potential pest damage based on available guidance;

(b) learn which crop production practices increase or reduce risk of insect pest damage; and

(c) utilize multiple pest management methods (cultural, mechanical, biological) based on the best available research to avoid or reduce pest risk;

(d) choose the lowest appropriate rate of neonicotinoid seed treatment that can effectively manage target pests.

3.06 Communication and Continuous Education

(a) A person using a neonicotinoid treated article seed should provide at least 48 hours, but no more than 90 days, advance notice to all apiculturists who have an established apiary on the premises, provided that hive locations and apiculturist's contact information are available to the person using a neonicotinoid treated article seed.

(b) A person using a neonicotinoid treated article seed should provide at least 48 hours, but no more than 90 days, advance notice to public water systems managing public water sources, provided that contact information is available through the Agency of Natural Resources ("ANR") Department of Environmental Conservation's Drinking Water and Groundwater Protection Division, and neonicotinoid treated article seeds are used within:

(1) 200 feet of public community drinking water sources and public drinking water surface water intakes; or

(2) 100 feet of public non-community drinking water sources.

(c) A person using a neonicotinoid treated article seed should attend reasonably available education and outreach programs, including those provided by university extension services or the seed industry related to best management practices for using neonicotinoid treated article seeds.

3.07 Storage

A person using a neonicotinoid treated article seed should:

(a) return neonicotinoid treated article seeds that are spilled during loading or planting to the original seed lot container; and

(b) store neonicotinoid treated article seeds away from food, feed, and drinking water sources; and

(c) protect and secure neonicotinoid treated article seeds to prevent unauthorized access by people and wildlife.

3.08 Disposal.

(a) Unless being used for storage in accordance with section 3.07, a person using a neonicotinoid treated article seed should dispose of the neonicotinoid treated article seeds and/or containers:

(1) in accordance with the seed bag label and local requirements; or

(2) by returning to the manufacturer.

(b) A person using a neonicotinoid treated article seed should not:

(1) recycle a neonicotinoid treated article seed container;

(2) compost any neonicotinoid treated article seed or container;

(3) dispose of any neonicotinoid treated article seed in any manner that may leach to groundwater;

(4) dispose of any neonicotinoid treated article seed within a wetland, floodplain, or shoreland;

(5) burn or otherwise incinerate any neonicotinoid treated article seed in a stove inside a residence or outbuilding; and/or

(6) use a treated seed for fuel or ethanol production purposes.

Section 4. Best Management Practices for the Use of a Neonicotinoid Pesticide

4.01 Applicability

(a) The provisions of this section apply to the use of neonicotinoid pesticides used after July 1, 2025 under a written exemption order issued by the Secretary unless otherwise provided for in an exemption order.

(b) The provisions of this section apply to the agricultural use of a neonicotinoid pesticide after July 1, 2025, the use of which is not otherwise prohibited by law.

(c) In addition to the provisions of this section, any use of a neonicotinoid pesticide shall be made in accordance with product labels and the Vermont Rule for Control of Pesticides.

4.02 Integrated Pest Management

A person using a neonicotinoid pesticide should implement integrated pest management practices, including the following practices:

(a) learn which crop production practices, including crop variety selection and crop rotation, increase or reduce the risk of insect pest damage;

(b) scout crops regularly and use economic thresholds to help determine if, when, and where, to apply;

(c) utilize multiple pest management methods (cultural, mechanical, biological) to avoid or reduce pest risk, whenever feasible;

(d) use perimeter trap-crop treatments, refuge plantings, and other methods that prevent the entire field or population from being treated to help preserve susceptible non-target species;

(e) choose the lowest appropriate labeled application rate that can effectively manage target pests without overapplication or risking increased insecticide resistance;

(f) time applications to target the most vulnerable life-stage of the target pest; and

(g) target applications to specific areas of a crop or field utilizing spot spraying, directed sprays, and band applications based on scouting.

4.03 Drift Prevention

A person using a neonicotinoid pesticide should implement measures to reduce drift, including the following practices:

(a) use a nozzle that produces medium or coarser droplet sizes;

(b) apply during favorable weather conditions;

(c) use a drift retardant or spray additive within label guidance;

(d) use a shielded sprayer, provided that the shield does not compromise uniform deposition;

(e) maintain at least a 25-foot spray buffer zone between the application area and surface water for ground applications;

(f) maintain a boom height no more than four feet above the canopy for ground applications;

(g) spray when wind direction is pointed away from non-target areas of concern, such as pollinator attractive plants, surface waters, and drinking water sources; and

(h) ensure that application equipment is calibrated and functions properly.

4.04 Spills

A person using a neonicotinoid pesticide should implement measures to prevent spills, including the following practices:

(a) mix and load away from waterbodies and ditches;

(b) use a designated spill containment surface or otherwise maintain a 25-foot buffer from surface waters, ditches, and potential surface to groundwater conduits; and

(c) maintain an incident response plan.

4.05 Runoff Prevention

A person using a neonicotinoid pesticide should implement measures to prevent runoff and groundwater infiltration, including the following practices:

(a) avoid applications during rain or when soil is saturated;

(b) avoid foliar applications if rain is predicted in the next 24 or 48 hours;

(c) avoid disposal of leftover pesticide in a single spot in a field;

(d) maintain grass or vegetative buffers near tile outlets, in drainage ways, and along field boundaries; and

(e) implement residue management practices (e.g. conservation tillage, cover crops, filter strips, or vegetative buffers) as applicable to slow runoff.

4.06 Pollinator Protection

A person using a neonicotinoid pesticide should implement measures to prevent exposure to pollinators, including the following practices:

(a) avoid applications during unusually low temperatures or when dew is forecast;

(b) communicate with apiculturists and growers to determine the presence of potential hives or colonies on site;

(c) consider that neonicotinoids applied as seed treatments count towards maximum application rates; and

(d) minimize potential uptake of neonicotinoids by leaving a buffer strip of two-to-three feet between neonicotinoid treated turf and any naturally occurring native plants (including grasses and sedges) or any other flowering plants or crops.

Section 5. Severability

If any provision of this rule or its application to any person or circumstance is determined to be invalid or in violation of the Constitution or laws of the United States or Vermont, that determination shall not affect any other provision or application of this rule that may be given effect without the invalid provision or application, and to that end all provisions of this rule are severable.

Section 6. Effective Date

This rule shall become effective on [15 days after adoption].

The Vermont Statutes Online

The Statutes below include the actions of the 2025 session of the General Assembly.

NOTE: The Vermont Statutes Online is an unofficial copy of the Vermont Statutes Annotated that is provided as a convenience.

Title 6 : Agriculture

Chapter 087 : Control of Pesticides

(Cite as: 6 V.S.A. § 1105a)

§ 1105a. Treated articles; powers of Secretary; best management practices

(a) The Secretary of Agriculture, Food and Markets, upon the recommendation of the Agricultural Innovation Board, may adopt by rule:

(1) best management practices (BMPs), standards, procedures, and requirements relating to the sale, use, storage, or disposal of treated articles the use of which the Agricultural Innovation Board has determined will have a hazardous or long-term deleterious effect on the environment, presents a likely risk to human health, or is dangerous;

(2) requirements for the response to or corrective actions for exigent circumstances or contamination from a treated article that presents a threat to human health or the environment;

(3) requirements for the examination or inspection of treated articles the use of which the Agricultural Innovation Board has determined will have a hazardous or long-term deleterious effect on the environment, presents a likely risk to human health, or is dangerous;

(4) requirements for persons selling treated articles to keep or make available to the Secretary records of sale of treated articles, and what treatments were received, the use of which the Agricultural Innovation Board has determined will have a hazardous or long-term deleterious effect on the environment, presents a likely risk to human health, or is dangerous; or

(5) requirements for reporting of incidents resulting from accidental contamination from or misuse of treated articles the use of which the Agricultural Innovation Board has determined will have a hazardous or long-term deleterious effect on the environment, presents a likely risk to human health, or is dangerous.

(b) At least 30 days prior to prefiling a rule authorized under subsection (a) or subsection (c) of this section with the Interagency Committee on Administrative Rules under 3 V.S.A. § 837, the Secretary shall submit a copy of the draft rule to the Senate Committee on Agriculture and the House Committee on Agriculture, Food Resiliency, and Forestry for review.

(c)(1) Under subsection (a) of this section, the Secretary of Agriculture, Food and Markets, after consultation with the Agricultural Innovation Board, shall adopt by rule BMPs for the use in the State of:

(A) neonicotinoid treated article seeds when used prior to January 1, 2031;

(B) neonicotinoid treated article seeds when the Secretary issues a written exemption order pursuant to section 1105b of this chapter authorizing the use of neonicotinoid treated article seeds;

(C) neonicotinoid pesticides when the Secretary issues a written exemption order pursuant to section 1105c of this chapter authorizing the use of neonicotinoid pesticides; and

(D) the agricultural use after July 1, 2025 of neonicotinoid pesticides the use of which is not otherwise prohibited under law.

(2) In developing the rules with the Agricultural Innovation Board, the Secretary shall address:

(A) establishment of threshold levels of pest pressure required prior to use of neonicotinoid treated article seeds or neonicotinoid pesticides;

(B) availability of nontreated article seeds that are not neonicotinoid treated article seeds;

(C) economic impact from crop loss as compared to crop yield when neonicotinoid treated article seeds or neonicotinoid pesticides are used;

(D) relative toxicities of different neonicotinoid treated article seeds or neonicotinoid pesticides and the effects of neonicotinoid treated article seeds or neonicotinoid pesticides on human health and the environment;

(E) surveillance and monitoring techniques for in-field pest pressure;

(F) ways to reduce pest harborage from conservation tillage practices; and

(G) criteria for a system of approval of neonicotinoid treated article seeds or neonicotinoid pesticides.

(3) In implementing the rules required under this subsection, the Secretary of Agriculture, Food and Markets shall work with farmers, seed companies, and other relevant parties to ensure that farmers have access to appropriate varieties and amounts of untreated seed or treated seed that are not neonicotinoid treated article seeds.

(Added 2015, No. 99 (Adj. Sess.), § 3; amended 2017, No. 74, § 9; 2021, No. 49, § 6, eff. Jan. 1, 2022; 2021, No. 145 (Adj. Sess.), § 2, eff. July 1, 2022; 2023, No. 182 (Adj. Sess.), § 6, eff. June 17, 2024.)

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Proposed Rules Postings
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Deadline For Public Comment

Deadline: Sep 11, 2025

The deadline for public comment has expired. Contact the agency or primary contact person listed below for assistance.

Rule Details

Rule Number:	25P031
Title:	Best Management Practices for the Use of Neonicotinoid Treated Article Seeds and Neonicotinoid Pesticides.
Type:	Standard
Status:	Proposed
Agency:	Agency of Agriculture, Food and Markets
Legal Authority:	6 V.S.A. § 1105a(c)(1)
Summary:	This rule establishes BMPs for use of: (A) neonicotinoid treated article seeds when used prior to January 1, 2031; (B)neonicotinoid treated article seeds when the Secretary issues a written exemption order pursuant to section 1105b of this chapter authorizing the use of neonicotinoid treated article seeds;(C) neonicotinoid pesticides when the Secretary issues a written exemption order pursuant to section 1105c of this chapter authorizing the use of neonicotinoid pesticides; and (D) the agricultural use after July 1, 2025 of neonicotinoid pesticides the use of which is not otherwise prohibited under law.
Persons Affected:	Users of neonicotinoid treated article seeds (e.g. dairy farms or other cereal grain crop farms); Users of neonicotinoid pesticides (e.g. orchards, pest management professionals, landscape professionals, plant nurseries, golf courses); University of Vermont ("UVM") Extension; and VAAFM.
Economic Impact:	The proposed rule will have a neutral economic impact to users of neonicotinoid treated article seeds or neonicotinoid pesticides as it proposes recommended best management practices as opposed to mandatory management practices. The nature of the proposed rule encourages the use of Integrated Pest Management ("IPM") that has an economic component and provides users a tool to make appropriate decisions about when to use a neonicotinoid treated article seed or neonicotinoid pesticide.
Posting date:	Jul 09,2025

Hearing Information

Information for Hearing # 1

Hearing date:	08-12-2025 5:00 PM ADD TO YOUR CALENDAR
Location:	Virtually Only via MS Teams
Address:	https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting Meeting ID: 275 760 264 671 8 ; Passcode: qN9Ye9Hk
City:	n/a
State:	VT
Zip:	n/a
Hearing Notes:	Virtually Only via MS Teams at https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting Meeting ID: 275 760 264 671 8 ; Passcode: qN9Ye9Hk

Information for Hearing # 2

Hearing date:	08-14-2025 5:00 PM ADD TO YOUR CALENDAR
Location:	Bixby Memorial Free Library
Address:	2 Main Street
City:	Vergennes
State:	VT
Zip:	05491

Hearing Notes:	Virtual option via MS Teams at https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting Meeting ID: 253 157 432 933 1 Passcode: UM3EW6nx

Information for Hearing # 3

Hearing date:	08-14-2025 5:00 PM ADD TO YOUR CALENDAR
Location:	Virtually via MS Teams
Address:	https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting Meeting ID: 253 157 432 933 1 Passcode: UM3EW6nx
City:	n/a
State:	VT
Zip:	n/a
Hearing Notes:	Virtually via MS Teams at https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting Meeting ID: 253 157 432 933 1 Passcode: UM3EW6nx

Information for Hearing # 4

Hearing date:	08-20-2025 5:00 PM ADD TO YOUR CALENDAR
Location:	Poulin Grain
Address:	3916 US-5
City:	Derby
State:	VT
Zip:	05829
Hearing Notes:	Virtual option via MS Teams at https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting Meeting ID: 299 306 540 079 1 Passcode: d5m5mZ9V

Information for Hearing # 5

Hearing date:	08-20-2025 5:00 PM ADD TO YOUR CALENDAR
Location:	Virtually via MS Teams
Address:	https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting Meeting ID: 299 306 540 079 1 Passcode: d5m5mZ9V
City:	n/a
State:	VT
Zip:	n/a
Hearing Notes:	Virtually via MS Teams at https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting Meeting ID: 299 306 540 079 1 Passcode: d5m5mZ9V

Information for Hearing # 6

Hearing date:	08-27-2025 4:30 PM ADD TO YOUR CALENDAR
Location:	St. Albans Free Library
Address:	1 Maiden Lane
City:	St. Albans City
State:	VT
Zip:	05471
Hearing Notes:	Virtual option via MS Teams at https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting Meeting ID: 239 248 720 071 2 Passcode: h34Bb7yt

Information for Hearing # 7

Hearing date:	08-27-2025 4:30 PM ADD TO YOUR CALENDAR
Location:	Virtually via MS Teams
Address:	https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting Meeting ID: 239 248 720 071 2 Passcode: h34Bb7yt
City:	n/a
State:	VT
Zip:	n/a
Hearing Notes:	Virtually via MS Teams at https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting Meeting ID: 239 248 720 071 2 Passcode: h34Bb7yt

Information for Hearing # 8

Hearing date:	09-03-2025 5:00 PM ADD TO YOUR CALENDAR
Location:	Brooks Memorial Library
Address:	224 Main Street
City:	Brattleboro
State:	VT
Zip:	05301
Hearing Notes:	Virtual Option via MS Teams at https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting Meeting ID: 258 187 034 640 8 Passcode: VR3yx2gY

Information for Hearing # 9

Hearing date:	09-03-2025 5:00 PM ADD TO YOUR CALENDAR
Location:	Virtually via MS Teams
Address:	https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting Meeting ID: 258 187 034 640 8 Passcode: VR3yx2gY
City:	n/a
State:	VT
Zip:	n/a
Hearing Notes:	Virtually via MS Teams at https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting Meeting ID: 258 187 034 640 8 Passcode: VR3yx2gY

Contact Information

Information for Primary Contact

PRIMARY CONTACT PERSON - A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE.

Level: Primary
Name: Steve Dwinell
Agency: Agency of Agriculture, Food and Markets
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Telephone: 802-522-6973
Fax:
Email: Steve.Dwinell@vermont.gov
SEND A COMMENT

Website Address: https://agriculture.vermont.gov/best-management-practices-neonicotinoid-treated-article-seeds-and-neonicotinoid-pesticides
VIEW WEBSITE

Information for Secondary Contact

SECONDARY CONTACT PERSON - A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE PRIMARY CONTACT PERSON.

Level: Secondary
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SEND A COMMENT

Keyword Information

Keywords:

Neonicotinoids
Treated Seed
Corn
Corn Silage
Bees
Farming
Pesticides
Pollinators

Back

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	The Islander (islander@vermontislander.com)	Tel: 802-372-5600 FAX: 802-372-3025
	Vermont Lawyer (hunter.press.vermont@gmail.com)	Attn: Will Hunter

FROM: APA Coordinator, VSARA **Date of Fax:** December 8, 2025

RE: The "Proposed State Rules " ad copy to run on **July 16, 2025**

PAGES INCLUDING THIS COVER MEMO: **2**

NOTE **8-pt font in body. 12-pt font max. for headings - single space body. Please include dashed lines where they appear in ad copy. Otherwise minimize the use of white space. Exceptions require written approval.**

If you have questions, or if the printing schedule of your paper is disrupted by holiday etc. please contact VSARA at 802-828-3700, or E-Mail sos.statutoryfilings@vermont.gov, Thanks.

PROPOSED STATE RULES

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By law, public notice of proposed rules must be given by publication in newspapers of record. The purpose of these notices is to give the public a chance to respond to the proposals. The public notices for administrative rules are now also available online at https://secure.vermont.gov/SOS/rules/ . The law requires an agency to hold a public hearing on a proposed rule, if requested to do so in writing by 25 persons or an association having at least 25 members.

To make special arrangements for individuals with disabilities or special needs please call or write the contact person listed below as soon as possible.

To obtain further information concerning any scheduled hearing(s), obtain copies of proposed rule(s) or submit comments regarding proposed rule(s), please call or write the contact person listed below. You may also submit comments in writing to the Legislative Committee on Administrative Rules, State House, Montpelier, Vermont 05602 (802-828-2231).

Best Management Practices for the Use of Neonicotinoid Treated Article Seeds and Neonicotinoid Pesticides.

Vermont Proposed Rule: 25P031

AGENCY: Vermont Agency of Agriculture, Food and Markets

CONCISE SUMMARY: This rule establishes BMPs for use of: (A) neonicotinoid treated article seeds when used prior to January 1, 2031; (B)neonicotinoid treated article seeds when the Secretary issues a written exemption order pursuant to section 1105b of this chapter authorizing the use of neonicotinoid treated article seeds;(C) neonicotinoid pesticides when the Secretary issues a written exemption order pursuant to section 1105c of this chapter authorizing the use of neonicotinoid pesticides; and (D) the agricultural use after July 1, 2025 of neonicotinoid pesticides the use of which is not otherwise prohibited under law.

FOR FURTHER INFORMATION, CONTACT: Steve Dwinell, Vermont Agency of Agriculture, Food and Markets 116 State Street, Montpelier, VT 05620-2901 Tel: 802-522-6973 E-mail Steve.Dwinell@vermont.gov URL: https://agriculture.vermont.gov/best-management-practices-neonicotinoid-treated-article-seeds-and-neonicotinoid-pesticides.

FOR COPIES: Zach Szczukowski, Vermont Agency of Agriculture, Food and Markets 116 State Street, Montpelier, VT 05620-2901 Tel:802-636-7029 E-Mail: Zach.Szczukowski@vermont.gov.
