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H.861

Introduced by Committee on Agriculture and Forest Products

Date:

Subject: Agriculture; control of pesticides; treated articles

Statement of purpose of bill as introduced: This bill proposes to authorize the Secretary of Agriculture, Food and Markets to regulate “treated article” pesticides under the Secretary’s existing authority to regulate pesticides in the State.

An act relating to regulation of treated article pesticides

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

Sec. 1. 6 V.S.A. § 1101 is amended to read:

§ 1101. DEFINITIONS

As used in this chapter unless the context clearly requires otherwise:

\* \* \*

(4) “Economic poison” shall have the meaning stated in subdivision 911(5) of this title, provided that as used in this chapter “economic poison” shall include treated articles.

(5) “Pest” means any insect, rodent, nematode, fungus, weed, or any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organisms, which the ~~secretary~~ Secretary declares as being

1 injurious to health or environment. Pest shall not mean any viruses, bacteria,  
2 or other micro-organisms on or in living man or other living animals.

3 (6) "Pesticide" for the purposes of this chapter shall be used  
4 interchangeably with "economic poison".

5 (7) "Treated article" means a pesticide or class of pesticides exempt  
6 under 40 C.F.R. § 152.25(a) from regulation under the Federal Insecticide,  
7 Fungicide, and Rodenticide Act, 7 U.S.C. § 136-136y.

8 Sec. 2. AGENCY OF AGRICULTURE, FOOD AND MARKETS;

9 RULEMAKING; TREATED ARTICLES

10 On or before July 1, 2018, the Secretary of Agriculture, Food and Markets  
11 shall adopt under 6 V.S.A. §1104 rules regulating treated articles used or sold  
12 in the State that may require additional restrictions under 6 V.S.A. § 1104(3)  
13 when use of the treated article will have a hazardous or long-term deleterious  
14 effect on the environment or use of the treated article has been determined by  
15 the Secretary of Agriculture, Food and Markets to be of such a nature that its  
16 use is deemed to be unwise or dangerous.

17 Sec. 3. EFFECTIVE DATE

18 This act shall take effect on July 1, 2016.