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S.272

Introduced by Senators Lyons, Campion, McCormack, Pearson and Pollina

Referred to Committee on

Date:

Subject: Public health; agriculture; pesticides; Pesticide Advisory Council

Statement of purpose of bill as introduced: This bill proposes to transfer the oversight and administration of the Pesticide Advisory Council from the Agency of Agriculture, Food and Markets to the Department of Health. The bill would also amend the membership of the Pesticide Advisory Council.

An act relating to the use and management of pesticides

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

Sec. 1. FINDINGS

The General Assembly finds that:

(1) The overuse of pesticides has been linked to: harms to public health and welfare; negative impacts on animals, aquatic life, insects, and wildlife habitat; and impaired water quality.

(2) Pesticide use in Vermont has increased in recent years, despite the current State goal to reduce the use of pesticides and herbicides.

1 (3) The State of Vermont should work to decrease the application of
2 pesticides in residential, commercial, and agricultural use and should seek to
3 develop viable alternatives.

4 (4) In order to better protect human health and the environment, the
5 State of Vermont should monitor and promote the use of Integrated Pest
6 Management.

7 (5) The State of Vermont is behind in data collection and synthesis,
8 which is key to any successful reduction program, and this process should be
9 modernized in order to be used as a tool for decreased pesticide use.

10 (6) The current Vermont Pesticide Advisory Council has not met its
11 statutory charge and should be refocused on protecting public health and
12 welfare from the overuse of pesticides.

13 (7) To better focus the work and goals of the Vermont Pesticide
14 Advisory Council on public health, oversight of the Vermont Pesticide
15 Advisory Council should be transferred from the Agency of Agriculture, Food
16 and Markets to the Department of Health.

17 Sec. 2. 6 V.S.A. § 1101 is amended to read:

18 § 1101. DEFINITIONS

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

20 (1) “Secretary” ~~shall have~~ has the same meaning ~~stated as~~ in subdivision
21 911(4) of this title.

1 (2) “Cumulative,” when used in reference to a substance, means that the
2 substance so designated has been demonstrated to increase twofold or more in
3 concentration if ingested or absorbed by successive life forms.

4 (3) “Dealer or pesticide dealer” means any person who regularly sells
5 pesticides in the course of business, but not including a casual sale.

6 (4) “Economic poison” ~~shall have~~ has the same meaning stated as in
7 subdivision 911(5) of this title.

8 (5) “Pest” means any insect, rodent, nematode, fungus, weed, or any
9 other form of terrestrial or aquatic plant or animal life or virus, bacteria, or
10 other microorganisms, which the Secretary declares as being injurious to health
11 or environment. Pest shall not mean any viruses, bacteria, or other
12 microorganisms on or in living humans or other living animals.

13 (6) “Pesticide” for the purposes of this chapter shall be used
14 interchangeably with “economic poison.”

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

18 (8) “Integrated pest management” means an ecosystem-based strategy
19 that focuses on long-term prevention of pests or their damage through a
20 combination of techniques such as biological control, habitat manipulation,
21 modification of cultural practices, and use of resistant varieties. Under

1 integrated pest management, pesticides are used only after monitoring
2 indicates they are needed according to established guidelines, and pesticide
3 treatments are made with the goal of removing only the target organism. Pest
4 control materials are selected and applied in a manner that minimizes risks to
5 human health, beneficial and nontarget organisms, and the environment.

6 Sec. 3. 6 V.S.A. § 1102 is amended to read:

7 § 1102. PESTICIDE ADVISORY COUNCIL ESTABLISHED

8 (a) The Pesticide Advisory Council is established and attached to the
9 ~~Agency of Agriculture, Food and Markets~~ Department of Health. Members of
10 the Council, except those public members appointed by the Governor, shall be
11 qualified individuals who, by experience and training, are knowledgeable in
12 ~~one or more areas associated with pest control~~ human health and welfare,
13 including medicine, chemical research, and the impacts of chemicals on human
14 physiology. The Secretary, or Commissioner as the case may be, of each of
15 the following State agencies shall represent each Department or Agency on the
16 Council:

17 (1) The ~~Department of Fish and Wildlife~~ Department of Health.

18 (2) The ~~Department of Environmental Conservation~~ Agency of Natural
19 Resources.

20 (3) The Agency of Agriculture, Food and Markets.

21 (4) The Department of Forests, Parks and Recreation.

1 (5) ~~The Department of Health.~~ One physician from the University of
2 Vermont Children's Hospital Pediatric Endocrinology and Diabetes nominated
3 by its dean.

4 (6) ~~The Agency of Transportation~~

5 ~~(7)~~ One physician from the College of Medicine of the University of
6 Vermont nominated by its dean.

7 ~~(8) One representative in the area of entomology, plant pathology, or~~
8 ~~weed control from the University of Vermont Extension to be named by the~~
9 ~~Director.~~

10 ~~(9)~~(7) ~~One representative~~ Two representatives in the area of pesticide
11 research from the Vermont Agricultural Experiment Station named by the
12 Dean of the College of Agriculture and Life Sciences of the University of
13 Vermont.

14 ~~(10)~~(8) Two members appointed by the Governor. In choosing these
15 members, the Governor shall consider people who have knowledge and
16 qualities that could be useful in pursuing the goals and functions of the
17 Council. One of these members shall have practical experience in commercial
18 agricultural production and shall be appointed in consultation with the
19 Secretary of Agriculture, Food and Markets.

20 (b) Each State or university member of the Council shall serve until his or
21 her resignation or until his or her successor is appointed or otherwise

1 designated in accordance with this chapter. Public members of the Pesticide
2 Advisory Council shall be appointed for terms of three years, except initially,
3 appointments shall be made such that one member shall serve for a term of one
4 year and one for a term of two years.

5 (c) The Chair of the Council shall be ~~designated by the Governor and serve~~
6 ~~as his or her personal representative~~ the Commissioner of Health and shall
7 coordinate activities on the Council.

8 (d) The functions of the Council are:

9 (1) To review insect, plant disease, weed, nematode, rodent, noxious
10 wildlife, and other pest control programs within the State and to assess the
11 effect of such programs on human health and comfort, natural resources, water,
12 wildlife, and food and fiber production and, where necessary, make
13 recommendations for greater safety and efficiency.

14 (2) To serve as the advisory group to State agencies having
15 responsibilities for the use of pesticides as well as to other State agencies and
16 departments.

17 (3) To advise the Executive Branch of State government with respect to
18 legislation concerning the use of ~~various pest control measures~~ all pesticides.

19 (4) To suggest programs, policies, and legislation for wise and effective
20 pesticide use that lead to an overall reduction in the use of pesticides in
21 Vermont ~~consistent with sound pest or vegetative management practices~~.

1 (5) To recommend studies necessary for the performance of its functions
2 as established under this section.

3 (6) To recommend targets with respect to the State goal of achieving an
4 overall reduction in the use of pesticides ~~consistent with sound pest or~~
5 ~~vegetative management practices and to measure~~ and to issue an annual report
6 to the General Assembly detailing the State's progress in reaching those targets
7 and attaining that goal. The targets should be designed to enable evaluation of
8 multiple measures of pesticide usage, use patterns, and associated risks.

9 Targets should take into consideration at a minimum the following:

10 (A) reducing the amount of acreage where pesticides are used;

11 (B) reducing the risks associated with the use of pesticides;

12 (C) increasing the acreage managed by means of integrated pest
13 management techniques;

14 (D) decreasing, within each level of comparable risk, the quantity of
15 pesticides applied per acre; and

16 (E) making recommendations regarding the implementation of other
17 management practices that result in decreased pesticide use.

18 (7) To recommend to the Secretary policies, proposed rules, or
19 legislation for the regulation of the use of a treated article when the Council
20 determines that use of the treated article will have a hazardous or long-term
21 deleterious effect on the environment in Vermont, presents a likely risk to

1 human health, or is dangerous. In developing recommendations under this
2 subdivision, the Council shall review:

3 (A) alternatives available to a user of a treated article; and

4 (B) the potential effects on the environment or risks to human health
5 from use of the available alternatives to a treated article.

6 (e) The Council shall meet ~~semiannually, once in the fall and once in the~~
7 ~~spring~~ quarterly. Meetings at other times may be called by the Governor, by
8 the Chair, or by a member of the Council. Attendance at Council meetings
9 shall not be required of the commissioners of departments within the Agency
10 of Natural Resources or their designees; however, at least one of these
11 commissioners or the commissioner's designee shall attend each meeting of
12 the Council. The Council's proceedings shall be open to the public and its
13 deliberations shall be recorded and made available to the public, along with its
14 work product.

15 Sec. 4. EFFECTIVE DATE

16 This act shall take effect on July 1, 2020.