



AGENCY OF AGRICULTURE, FOOD & MARKETS

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## MEMORANDUM

TO: Agricultural Innovation Board (AIB)

FROM: Stephanie Smith, Deputy Director, PHARM

DATE: 11/6/2023

RE: Neonicotinoid Treated Seed disposal options

### Background

The AIB is charged with making recommendations to the secretary on “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. § 1101a (a) (1)].

The management of treated article seed starts with stewardship before disposal. Stewardship includes: Follow the language on the seed tag/label

- Use the treated article seed as intended and labeled. Examples of seed label language are:
  - “Treated seed must be planted into the soil at a depth greater than 1.5 to 2.0 inches.”
  - “Left over treated seed maybe double-sown around the headland...”
- If seeds are spilled, follow guidance on the seed label/tag.
  - “Cover or collect treated seed spilled during loading and planting, in particular at row ends and field corners.”
  - “Left over treated seed may be ... buried away from water sources in accordance with local requirements.”
- Take care not to contaminate ground water or surface water.
  - “A level, well-maintained vegetative buffer strip between areas to which [treated seed] product is applied and surface water features such as ponds, streams, and springs will reduce the potential loading of [seed treatment] from runoff water and sediment.”

If the treated seed is not needed by the farmer and is in an original unopened container, contact the distributor to return the unused seed.

### Disposal

What are the disposal options when the seed is no longer useful to the farmer?

Neonicotinoid treated article seeds are treated article seeds.<sup>1</sup> Treated articles are exempt from FIFRA.<sup>2</sup> This exemption makes the treated article exempt from disposal as a pesticide, and as hazardous waste. The options for disposal are the landfill or incineration. Treated seed may not be composted.

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<sup>1</sup> “Neonicotinoid treated article seeds” are treated article seeds that are treated or coated with a neonicotinoid pesticide. [6 V.S.A. § 1101 (9)].

<sup>2</sup> “Treated article” means a pesticide or class of pesticides exempt under 40 C.F.R. § 152.25(a) from regulation under the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. § 136-136y. [6 V.S.A. § 1101 (7)].