

H. 706 An act relating to banning the use of neonicotinoid pesticides

Major components:

1. Prohibition on use of neonicotinoid treated article seeds
2. Prohibition on use (e.g. application) of neonicotinoid pesticides
3. Administrative rules

Prohibition on Use of Neonicotinoid Treated Article Seeds

- Applies to soy beans and any crop in the cereal grain crop group (15, 15-22, 16, 16-22)
- VAAFMM may (in consult w/ ANR) issue exemption orders for use of neonicotinoid treated article seeds
 - Person seeking an exemption must
 - Complete IPM training & submit a completed pest risk assessment to VAAFMM
 - Maintain current records of the PRA report and records of when (NtASs) are planted
 - Seeds can only be planted on properties identified in the pest risk assessment report
- Exemption orders can not be for longer than a year & must specify the types of seeds, start date, and duration
- Exemption order may establish additional restriction related to use of seeds to minimize harm to environment (birds, and bees) and public health or other restrictions deemed necessary by VAAFMM

Prohibition on Use of Neonicotinoid Pesticides

- Types of applications prohibited
 - Outdoor applications to any crop during bloom
 - Outdoor applications to soybeans or any crop in the cereal grain groups
 - Outdoor applications to crops in the leafy vegetables; brassica, bulb vegetables, herbs, and spices, and stalk, stem and leaf petiole veggie crop groups harvested after bloom
 - Application to ornamental plants
- VAAFM may (in consult w/ ANR) issue exemption orders for use of neonicotinoid pesticides
- Conditions for issuance of an exemption
 - Valid Agricultural or environmental emergency exist
 - Pesticide would be effective in addressing the emergency
 - No other less harmful pesticide or pest management practice would be effective in addressing the emergency
- Exemption orders can not be for longer than a year and must
 - specify the neonicotinoid pesticides, uses, and crops, or plants to which the order applies; the effective date, duration; and the order's geographic scope, which may include specific farms, fields, or properties
 - provide a detailed evaluation determining that an agricultural emergency or an environmental emergency exists.
- Exemption order may establish additional restriction related to use of seeds to minimize harm to environment (birds, and bees) and public health or other restrictions deemed necessary by VAAFM

Rulemaking (6 V.S.A. § 1105a(c))

- VAAFAM (in consult w/ the AIB) shall, by rule, adopt BMPs for:
 - neonicotinoid treated article seeds when used prior to January 1, 2031;
 - 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;
 - neonicotinoid pesticides when the Secretary issues a written exemption order pursuant to section 1105c of this chapter authorizing the use of neonicotinoid pesticides; and
 - the agricultural use after July 1, 2025 of neonicotinoid pesticides the use of which is not otherwise prohibited under law.

Contingent Repeal

- Prohibition on use of neonicotinoid treated article seeds will be repealed if similar prohibition in NY is repealed
- Prohibition on use of neonicotinoid pesticides will be repealed if similar prohibition in NY is repealed

Effective Dates

- Prohibition on Neonicotinoid treated article seeds – January 1, 2029
- Prohibition on use of neonicotinoid pesticide – January 1, 2025