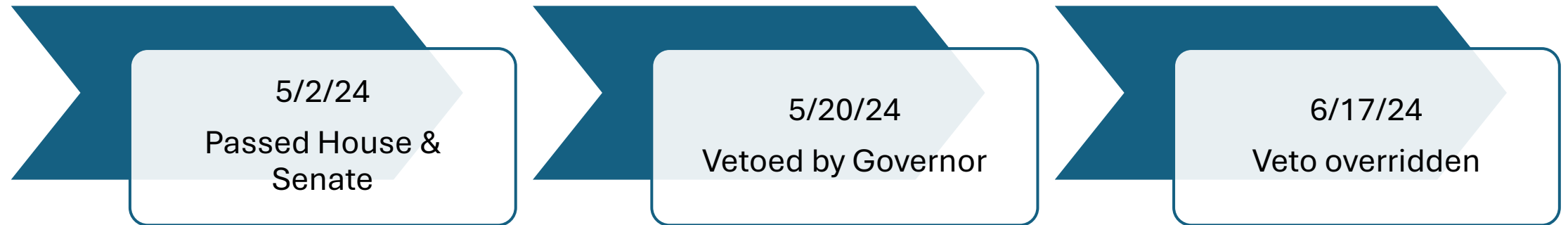


# H. 706 / Act 182

## An act relating to banning the use of neonicotinoid pesticides

Overview and AIB responsibilities

# Timeline in Legislature



[ACT182 As Enacted.pdf \(vermont.gov\)](#)

# Sec. 3 Treated Seed Prohibition

- **Selling, offering for sale or distribution, distributing, or using soybean or cereal grain seeds treated with neonicotinoids is prohibited**
- Neonicotinoids
  - Nithiazine, acetamiprid, dinotefuran, thiacloprid, thiamethoxam, clothianidin, imidacloprid
- Cereal grains crop groups
  - Corn (field, sweet, pop) millet, oats, rice, rye, sorghum, teosinte, triticale, wheat, wild rice, Amaranth, barley, buckwheat, canarygrass, canihua, chia, cram cram, fonio, Huanzonthle, Inca wheat, Job's tears, Prince's feather, psyllium, quinoa, teff, wheatgrass
- Takes effect January 1, 2029

# Treated Seed Prohibition – Exemption Order

- Prohibition can be suspended with issuance of an exemption order from Secretary of Agriculture when the following conditions are met:
  - Grower completes an integrated pest management training (provided by AAFM or approved 3<sup>rd</sup> party)
  - Grower completes a pest risk assessment and submits to AAFM
  - Seeds authorized under exemption order can only be planted on the properties identified on pest risk assessment
  - Grower maintains current records of pest management assessment report including when treated seeds are planted

# Treated Seed Exemption Orders

- Valid for 1 year or less
- Specify types of neonic treated seeds that can be used/sold, date exemption takes effect, and duration of exemption
- Exemption orders **may**
  - Establish additional restrictions to the use of neonic treated seeds to minimize harm to pollinators, birds, ecosystem or public health or that the AAFM considers necessary
- AAFM has to submit exemption orders to Senate Committees on Natural Resources and Energy and on Agriculture; the House Committee on Environment and Energy and on Agriculture, Food Resiliency, and Forestry; and the AIB
  - General Assembly shall post exemption order to website of General Assembly
- AAFM can rescind exemption order but no sooner than 30 days after issuance and cannot rescind if treated seeds have already been planted

# Sec. 4 Neonicotinoid Pesticides Prohibition

- The following uses of neonicotinoid pesticides are prohibited:
  - Outdoor application to any crop during bloom
  - Outdoor application to soybeans or any cereal grain crop
  - Outdoor application to crops in the leafy vegetables, brassica, bulb vegetables, herbs and spices, and stalk, stem leaf petiole vegetable crop groups **harvested after bloom**
    - Garlic, leek, onion, shallot, chive, daylily, elegans hosta, fritillaria, kurrat
    - Amaranth, arugula, cardoon, celery, celtuce, chervil, chrysanthemum, cress, dandelion, dock (sorrel), endive, fennel, lettuce, orach, parsley, purslane, radicchio, rhubarb, spinach, swiss chard
    - Broccoli, broccoli raab, cabbage, cat's whiskers, cham-na-mul, cham-chwi, chipilin, cilantro, collards, cosmos, dang-gwi, dillweed, dol-nam-mul, ebolo, escarole, fameflower, feather cockscomb, Good King Henry, Hanover salad, huauzontle, Jute, Kale, maca, mizuna, mustard greens, buckthorn plantain, primrose, radish, rape greens, wild rocket, shepard's purse, turnip greens, Chinese violet, watercress, brussel sprouts, cauliflower, cavalo broccoli, kohlrabi
    - Herbs & Spices i.e. anise, basil, dill, fenugreek, horehound, mint, juniper berry, lavender, lemongrass, mustard seed, nasturtium, nutmeg, poppyseed, rosemary, **saffron**, sage, wintergreen, wormwood, barberry bark, birch bark, cinnamon, echinacea, milk thistle, sassafras, skunk cabbage, sumac, willow, witch hazel, yellow gentian
    - Agave, aloe vera, asparagus, bamboo, palm hearts, prickly pear
    - Barberry bark
  - **Application to ornamental plants**
- Takes effect July 1, 2025

# Neonicotinoid Pesticides Prohibition – Exemption order

- Prohibition can be suspended with issuance of exemption order by AAFM if the Secretary determines that:
  - Valid environmental or agricultural emergency exists
  - Neonicotinoid pesticide would be effective in addressing the emergency
  - No other, less harmful, pesticide or pest management practice would be effective in addressing the emergency

# Neonicotinoid Pesticides Exemption order

- Valid for 1 year or less
- Specify the neonicotinoid pesticides uses and crops, date exemption takes effect, duration of exemption, and exemption's geographic scope (may include specific farms, fields, or properties)
- Include detailed evaluation determining emergency exists
- Exemption orders may:
  - Establish additional restrictions to the use of neonic pesticides to minimize harm to pollinators, birds, ecosystem or public health or that the AAFM considers necessary
- AAFM has to submit exemption orders to Senate Committees on Natural Resources and Energy and on Agriculture; the House Committee on Environment and Energy and on Agriculture, Food Resiliency, and Forestry; and the AIB
  - General Assembly shall post exemption order to website of General Assembly
- AAFM can rescind exemption order but no sooner than 15 days after issuance



# Sec. 5 Registration of Neonicotinoid Pesticides

- Unless the use or sale of a neonicotinoid pesticide is otherwise prohibited, AAFM registers neonic products approved for outdoor use as a state restricted use product (Class A)
- Removed treated article seeds from list of products that AAFM shall not register as restricted use pesticides (unless federally restricted)

# Sec. 6 AAFM BMPs by Rule

- AAFM, after consultation with AIB, shall adopt by rule BMPs for use in VT of:
  - Neonicotinoid treated seeds when used prior to Jan 1, 2031
  - Neonicotinoid treated seeds when used under an exemption order
  - Neonicotinoid pesticides when used under an exemption order
  - Agricultural use of neonicotinoid pesticides after July 1 2025, the use of which is not otherwise prohibited

# Sec. 6 AAFM BMPs by Rule – AIB Responsibility

- In developing rules with the AIB, the Secretary shall address:
  - (A) establishment of threshold levels of pest pressure required prior to use of neonicotinoid treated seeds **or neonicotinoid pesticides**
  - (B) availability of nontreated article seeds that are not neonicotinoid treated seeds
  - (C) economic impact from crop loss as compared to crop yield when neonicotinoid treated seeds **or neonicotinoid pesticides** are used
  - (D) relative toxicities of different neonicotinoid treated seeds **or neonicotinoid pesticides** and the effects of neonicotinoid treated 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
  - (G) criteria for a system of approval of neonicotinoid treated seeds **or neonicotinoid pesticides**

## Sec. 7 Timing of Rules

- On or before March 1, 2024, AAFM shall submit to Senate and House Ag committees a copy of proposed rules for use of neonicotinoid treated seeds when used prior to Jan 1 2031
  - Shall not file final rules until at least 90 days from submission of proposed rules or July 1 2024, whichever shall occur first

# Sec. 8 Contingency Repeal

- Prohibition of use and sale of neonicotinoid treated seeds shall be repealed if the prohibition on the use of neonicotinoid treated seeds in NY is repealed
- Prohibition on certain uses of neonicotinoid pesticides shall be repealed if prohibition of neonicotinoid pesticides on ornamental plants in NY is repealed

# Sec. 9 Effective Dates

- Prohibition of outdoor use of neonicotinoid pesticides on certain crops (Sec. 4) takes effect on July 1, 2025 (provided that NY prohibition is in effect on July 1, 2025)
- Prohibition of use and sale of neonicotinoid treated seeds takes effect on January 1, 2029 (provided that NY prohibition is in effect on Jan 1, 2029)

# Questions / Comments / Suggestions for approaching AIB responsibilities