

CONFIDENTIAL
LEGISLATIVE BILL REVIEW FORM: 2015

Bill Number: H. 236 Name of Bill: An act relating to the use of neonicotinoid pesticides

Agency/ Dept: ANR/FPR Author of Bill Review: Steve Sinclair, Barbara Schultz

Date of Bill Review: 2/18/15 Related Bills and Key Players: Rep. Pearson of Burlington, Martin of Wolcott, and McCullough of Williston

Status of Bill: (check one): Upon Introduction As passed by 1st body As passed by both

Recommended Position:

Support Oppose Remain Neutral Support with modifications identified in #7 below

Analysis of Bill

Summary of bill and issue it addresses. This bill proposes to ban the use, sale, or application of neonicotinoid pesticides.

1. **Is there a need for this bill?** According to the sponsors, in order to help preserve Vermont's bee populations and, consequently, its native plant species, and to maintain the essential role of bees as pollinators of crops in Vermont, the sale and use of neonicotinoid pesticides should be banned in Vermont.

FPR has concerns over how the hemlock woolly adelgid (HWA), emerald ash borer (EAB) and other forest pests can be managed in recreation areas and the urban landscape, as well as critical habitat areas, where the use of neonicotinoid pesticides is warranted and necessary to control these forest pests. Applications may be targeted for these forest pests to allow management of these invasive pests which threaten the survival of their host tree species, while minimizing risk to pollinators.

The bill should be amended to allow for the use of neonicotinoid pesticides for forest pest control.

2. **What are likely to be the fiscal and programmatic implications of this bill for this Department?** It's not clear what the Secretary of AAFM is allowed, specifically what is intended by the limit of "eight succeeding months" in proposed section 1113(b). In order to effectively treat hemlock woolly adelgid and preserve high-value hemlocks, which are not a food source for pollinators, the treatment would generally need to be ongoing, with individual trees treated every 3-5 years. If no use can be authorized for more than 8 months, this would affect long-term management of HWA, EAB and other pests to protect tree survival in recreation areas, including State Parks, and the urban landscape, as well as in critical habitat areas. Neonicotinoids are also one of the tools currently used in Asian longhorned beetle eradication areas, should we ever be faced with that concern; the need to use insecticide would continue over a multi-year period.

As drafted, the only exception in the bill is for "Vermont crops" when the Secretary of Agriculture, Food and Markets determines that a threat exists to Vermont crops and then the pesticide cannot be used for more than 8 successive months. At a minimum this exception should apply to forest pests identified by the Commissioner of Forests, Parks and Recreation and such treatment should not be limited to 8 successive months.

Please return this bill review as a Microsoft Word document to laura.gray@state.vt.us and jessica.mishaan@state.vt.us

3. What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it? Where shoreline protection and fish habitat are important, this bill will reduce our ability to save hemlocks that buffer and shade lakes and rivers.
4. What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it? (for example, public, municipalities, organizations, business, regulated entities, etc.)

Towns would have less flexibility in slowing the mortality of ash after EAB arrives, so tree removals would be make a major impact on municipal budgets. The public and businesses would not be able to protect their landscape trees. Campgrounds and other recreation areas would not be able to protect trees, and would need to remove hazard trees.

5. Other Stakeholders:

6.1 Who else is likely to support the proposal and why? Beekeepers, organic farmers and gardeners

6.2 Who else is likely to oppose the proposal and why? Arborists, Nursery owners and some property owners will not be able to use a pesticide which is effective for combating certain tree pests.

6. Rationale for recommendation: Justify recommendation stated above. We would lose our ability to protect tree species threatened by invasive pests, even when the risk to pollinators is minimal.

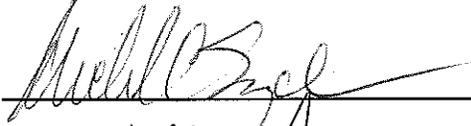
7. Specific modifications that would be needed to recommend support of this bill: Not meant to rewrite bill, but rather, an opportunity to identify simple modifications that would change recommended position.

Allow broad exemptions for non-native pest species and other critical uses.

Eliminate the time limit for use to be allowed by the Secretary of AAFM.

Add exception to allow Commissioner of Forests, Parks and Recreation to make targeted applications for these forest pests to allow management of these invasive pests which threaten the survival of their host species, while minimizing risk to pollinators.

8. Gubernatorial appointments to board or commission? We seek this ability within the bill.

Commissioner has reviewed this document:  Date: 3/31/15

Secretary has reviewed this document:  Date: 4-8-15