

CONFIDENTIAL
LEGISLATIVE BILL REVIEW FORM: 2016

Bill Number: H861 Name of Bill: Regulation of Treated Articles

Agency/ Dept: Agriculture, Food and Markets Author of Bill Review: Jim Leland

Date of Bill Review: 4/28/16 Related Bills and Key Players : No related bills

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 #8 below

Analysis of Bill

1. **Summary of bill and issue it addresses.** This bill provides the Secretary the authority to, and process for, regulating “treated articles”. A treated article is something that has been treated with a pesticides for the purpose of protecting the item that has been treated. Common examples are pressure treated wood, railroad ties, insecticide treated clothing, fungicide treated paint and treated seeds. The Secretary has full authority to regulate the “use” of a pesticide in Vermont. Treated articles, however, are not regulated as the pesticide use occurs outside of Vermont. This bill will allow the Secretary, upon advice from the pesticide Advisory Council, to regulate treated articles when they pose a risk to the environment or human health.
2. **Is there a need for this bill?** Past experiences with treated utility poles and drinking water contamination suggest that the Agency should have the authority to appropriately regulate the use of treated articles when they pose a risk to health or the environment.
3. **What are likely to be the fiscal and programmatic implications of this bill for this Department?** There may be resource impacts if the Secretary decides to regulate a specific treated article. As the bill is written there is no requirement for regulation of all treated articles; only on a case by case basis when it has been determined that there is a threat to health or the environment.
4. **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?** None known
5. **What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it?** Those distributing or using treated articles that become subject to regulation may experience impacts. The impacts would be identified case by case and would be managed via the formal rulemaking process.
6. **Other Stakeholders:**

Please return this bill review as a Microsoft Word document to Jahala.Dudley@vermont.gov & Jessica.Mishaan@vermont.gov

6.1 Who else is likely to support the proposal and why? Parties interested in regulating certain treated articles such as treated seed.

6.2 Who else is likely to oppose the proposal and why? Distributors, users and manufacturers of treated articles.

7. Rationale for recommendation: The authority provided by the bill has numerous checks and balances that limit blanket regulation of treated articles but provide adequate authority for the Secretary to address problems if and when they arise.

8. 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.*

9. Will this bill create a new board or commission AND/OR add or remove appointees to an existing one? If so, which one and how many?

Secretary/Commissioner has reviewed this document:



Date:

4/29/16