

● PESTICIDE CONTROL LAW

STATUTORY CITATION: Vt. Stat. Title 6, §§ 1101 – 1112

RELATED REGULATIONS: Vt. Code R. 20-031-012

GENERAL SUMMARY: Chapter 87 of the Vermont agriculture laws grants broad authority to the state agriculture agency to regulate and license the sale, use, storage, treatment and disposal of pesticides.

SPECIFIC TERMS AND CONDITIONS

LICENSING AND CERTIFICATION OF APPLICATORS — Agricultural producers who use or supervise the use of restricted pesticides on their crops are required to obtain a private applicator certificate from the state. Such a certificate may not be issued unless the applicant passes written examinations demonstrating competency in the safe handling of restricted-use products. Similarly, anyone who charges a fee to apply any type of pesticide must have a commercial applicator certificate, which requires passing written examinations specific to the category of operation he or she will engage in.

APPLICATOR RECORDKEEPING — Private applicators must record prescribed information concerning each application of restricted-use pesticides, including the product name and EPA registration number, the amount used, the date of application, the location of the treatment, and the pest or pests targeted. Commercial users are required to make similar records and to annually report all pesticide usage to the state agency.

PESTICIDE STORAGE AND DISPOSAL — Among other requirements and restrictions, pesticide storage areas must not be accessible to unauthorized users or to wildlife. Excess pesticides and pesticide containers must be disposed of in accordance with instructions on the product label.

SPECIAL NOTES OR ADVISORIES

EFFECT OF FEDERAL RULE CHANGES ON STATE APPLICATOR CERTIFICATION REQUIREMENTS — Effective March 6, 2017, amendments to the U.S. Environmental Protection Agency's regulations governing the certification of pesticide applicators (*see entry, U.S. — Pesticides & Agricultural Chemicals — General Application Standards*) may require state pesticide regulatory agencies to strengthen their requirements for the certification of commercial and private applicators of restricted-use pesticides. In general, existing state rules approved by EPA before the effective date of the new federal regulations will remain in effect until March 6, 2020. If, however, the state agency submits an amended certification plan before that date, the existing state rules will remain in effect until EPA has reviewed and responded to the plan, but generally no longer than two more years.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Pesticide Management Section, Vermont Agency of Agriculture, Food and Markets, Montpelier, Vermont 05620 (802-828-2431)*. This agency has authority to license and certify pesticide applicators in the state, and to revoke or suspend licensing and certification for failure to adhere to the regulations governing their operations. The agency is authorized to levy an administrative penalty of up to \$1,000 for each violation committed by a private applicator, and up to \$5,000 per violation committed by a commercial or non-commercial applicator. In addition, the law provides for a civil fine of up to \$25,000 for any violation of the statutory or regulatory pesticide provisions, and violators may be subject to criminal prosecution.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None.*