

# Rule Update

## Vermont Rule for the Control of Pesticides – CVR-20-31-12

## Rule Process

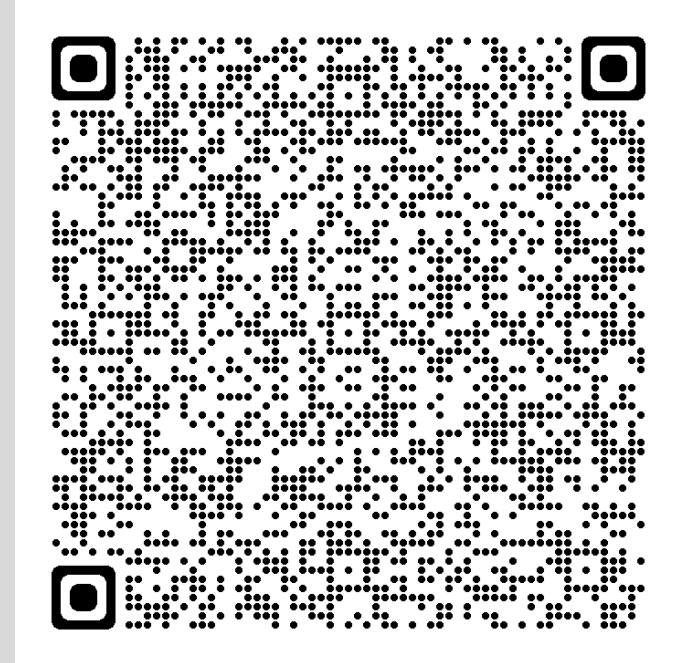
- ICAR (03/14/22 and 03/29/22)
- Filed with Secretary of State 4/13/22
- Published in 15 “papers of record”
- Public hearing (06/15/22); comments open until 06/23/22
- LCAR 12/01/22, 12/15/22, 01/05/23, 01/19/23, and 2/02/23

Final rule in effect on 02/24/23

# Summary of Amendments

Changes made to the following sections of the rule:

- Section 3 – Pesticide Classification
- Section 4 – Certified Applicators
- Section 5 – Standards of Use
- Section 6 – Permits
- Section 7 – Notification and Posting
- Section 8 – Record Keeping
- Sections 9 & 10 – Certification Standards
- Section 11 – Transportation and Storage
- Section 12 – Bulk Pesticide Storage
- Section 13 - Disposal



Don't rely on this presentation to comply with the rule – read the rule.

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Section 6 – Permits

Section 7 – Notification and Posting

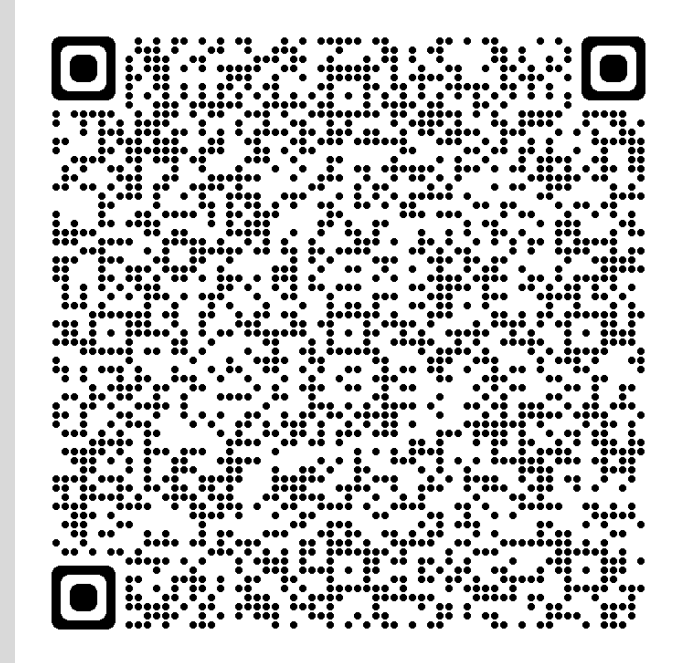
**Section 8 – Record Keeping**

Sections 9 & 10 – Certification Standards

**Section 11 – Transportation and Storage**

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**Section 13 - Disposal**



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# Pesticide Classification

## Section 4. Classification of Pesticides and Limitations on Sale

### 4.01 Classification and Registration

(a) Vermont ...classifies any registered pesticide used, sold, distributed, or manufactured within the State into three categories known as:

- (1) Class A - Restricted Use – Federal and State;
- (2) Class B - Controlled Sale; and
- (3) Class C - Homeowner.

Classifications of pesticides will be published on VAAFM website

# **Pesticide Classification**

## **Class A – Federal and State Restricted**

Criteria for classification:

- Federal Restricted Use
- Toxicological profile, including acute, subchronic, and chronic effects.
- Environmental profile, including aquatic and wildlife effects.
- Physical hazard profile, including the potential for fire, explosion, and reactivity.
- Potential for ground and surface water contamination.
- Potential for misuse.
- Potential for drift.
- Container construction and size.
- Those requiring training due to special concerns.
- Method of application.
- Product label statements, such as “professional use”.

# Pesticide Classification

## Class B – Controlled Sale

### Criteria:

All Turf products not otherwise classified as Class A

Pesticides for use outside of the home and not marketed as ready to use

### EXCLUDES:

- Bti products
- Potassium fatty acids

Others classified by the Secretary

# Pesticide Classification

## Class C - Homeowner

### Criteria:

- Any pesticide applied in or around the home and marketed as ready-to-use and have total active ingredients of 3% or less
- dichlorvos-impregnated strips (DDVP) with concentrations not over 20% in resin strips and pet collars
- pet supplies including shampoos, dips, and tick and flea control products.
- wood preservatives and sapstain control agents other than creosote, inorganic arsenicals, and pentachlorophenol.
- animal and insect repellents.
- moth flakes, crystals, cakes, and nuggets.
- indoor aquarium products.
- swimming pool products.
- pediculicides and mange cure on humans.
- pheromone baits and lures.
- premixed paints that make pesticidal claims.
- antimicrobial agents such as disinfectants, bacteriostats, bactericides, mildewcides, mildewstats, viricides, sanitizers, slimicides, sterilants, and industrial preservatives.
- insecticides containing bacillus thuringiensis, bacillus popilliae, bacillus lentimorbus, or potassium fatty acid; and animal ear tags.



# Certified Applicator

**Section 3.04 (e ):** A noncertified applicator shall not use a *federally restricted use* pesticide *under direct supervision*

**Section 3.05 (a):** A candidate for certification shall: be at least 18 years of age

**Section 3.07 (c ):** re: private certification: The Secretary shall require that private applicators obtain certification, regardless of the class of pesticide used, for certain use patterns, including, but not limited to, soil and commodity fumigation or aerial application

**Section 3.07 (d):** re: private certification: A certificate not renewed by April 1st of the year following the expiration of the certificate shall be considered lapsed and shall require re-examination.

# Standards of Use

- use properly functioning equipment that is free of leaks and defects and is calibrated according to manufacturer's calibration instructions
- maintain a minimum 50-foot buffer when applying a pesticide to soil *or vegetation* around any potable water source unless the label prescribes a greater buffer;
- maintain a minimum buffer distance around any public water source when applying a pesticide to soil or vegetation, unless the label prescribes a greater buffer:
  - (1) 100-foot buffer for all public non-community groundwater drinking water sources; and
  - (2) 200-foot buffer for all public community drinking water sources and intakes, and surface water public non-community drinking water intakes.

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# Standards of Use

- Applicators, licensed companies, and dealers shall maintain a legible *manufacturer label* on pesticide containers at all times.
- *Service containers* shall be made of similarly durable material to the original container, be free of leaks and have a *label* affixed to the container or have clearly written information that shall, at a minimum, contain the following:
  - (1) *The name, address, and telephone number of the applicator or commercial company, if applicable.*
  - (2) *Product name.*
  - (3) *EPA registration number.*
  - (4) *Name and percentage of active ingredient in container.*
  - (5) *Indication whether the material is dilute or concentrate and the pertinent dilution concentration or ratio.*

# Standards of Use

- No person shall apply a pesticide ...without prior notification of *at least 48 hours* to an apiculturist who has an established apiary on the premises.
- A person hiring a commercial applicator... shall notify...the apiculturist *at least 48 hours* prior to the application
- A person applying a pesticide that is highly toxic to bees shall:
  - (1) apply the pesticide during periods and conditions of least exposure, such as early morning or late evening; and when winds are less than nine mph; and
  - (2) include a 50-foot buffer from pollinator foraging sites, such as natural and semi-natural areas or intentional pollinator plantings or a 20-foot-wide non-pollinator-attractive vegetative barrier higher than the spray
- A person shall avoid the application of a fungicide or soil fumigant to pollinator-attractive plants when in bloom.

# Record Keeping

- Private Applicators – for Class A pesticides only  
Routine operational records shall be maintained **on a daily basis** and shall contain:
  - (1) The pest treated for
  - (2) The location of the pesticide application.
  - (3) *The size of the area treated.*
  - (4) *The crop, commodity, stored product, or site to which the pesticide was applied.*
  - (5) *The time and date of the pesticide application.*
  - (6) The brand or product name of the pesticide applied
  - (7) The EPA registration number of the pesticide applied.
  - (8) *The total amount of the pesticide applied per location per application.*
  - (9) *The name and certification number of the certified applicator that made or supervised the application, and, if applicable, the name of any noncertified applicator(s) that made the application under the direct supervision of the certified applicator.*

Records must be kept for three years.

# Record Keeping

## Commercial and Non-Commercial Applicators

Routine operational records shall be maintained *on a daily basis* and shall contain:

- (1) *The name and address of the person for whom the pesticide was applied.*
- (2) Pest treated for.
- (3) The location of the pesticide application.
- (4) *The size of the area treated.*
- (5) *The crop, commodity, stored product, or site to which the pesticide was applied.*
- (6) *The time and date of the pesticide application.*
- (7) The brand or product name of the pesticide applied
- (8) The EPA registration number of the pesticide applied.
- (9) The total amount of the pesticide applied *per location per application.*
- (10) *The name and certification number of the certified applicator that made or supervised the application, and, if applicable, the name of any noncertified applicator(s) that made the application under the direct supervision of the certified applicator.*

Records must be kept for three years.

# Transportation and Storage

- Any pesticide or container that has not been triple rinsed shall be stored in a separate room and.. to prevent contamination to food, feed, seed, ..
- Earthen floors shall be prohibited in a pesticide storage area unless all containers are placed in a containment vessel designed to recover and contain any discharge
- The pesticide storage area shall be identified by legible signage clearly indicating that a pesticide is in storage
- Floor drains not used in conjunction with catch basins prohibited in a pesticide storage area
- The following minimum buffer distances are maintained around any public water source:
  - (1) 100-foot buffer for all public non-community groundwater drinking water sources; and
  - (2) 200-foot buffer for all public community drinking water sources and intakes, and surface water public non-community drinking water intakes

# Disposal

- Unused or unwanted pesticide being stored prior to disposal, whether in a sealed or previously opened container, and any pesticide container that has not been or cannot be rinsed shall be:
  - (1) kept in a secure enclosure; and
  - (2) maintained to prevent:
    - (A) deterioration of containers;
    - (B) unauthorized use;
    - (C) mishandling;
    - (D) loss;
    - (E) contamination of the environment; and
    - (F) risk to the public health.

## Disposal of Empty Containers:

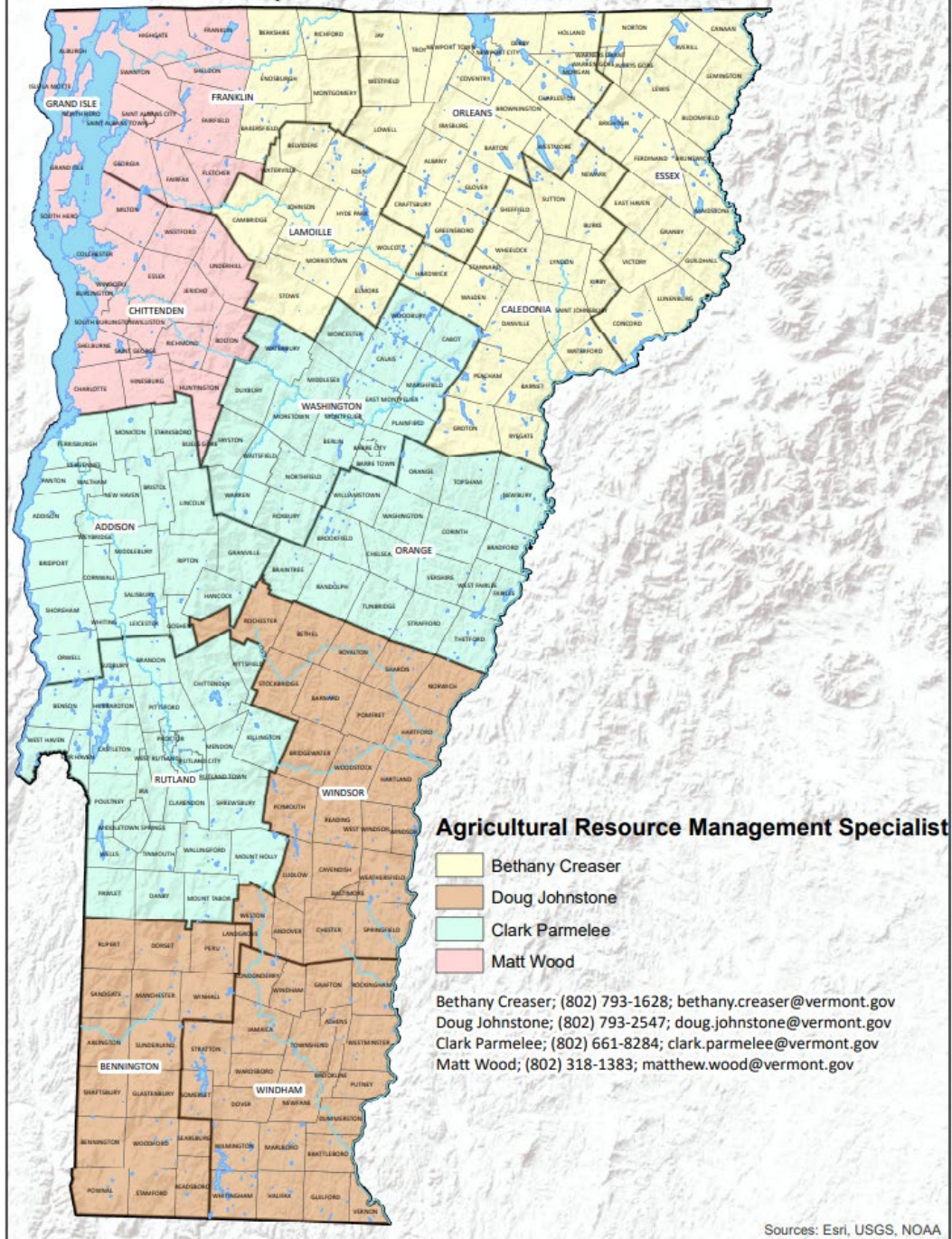
- All containers made of materials other than paper shall be triple-rinsed *and punctured* prior to disposal.



# Rule Questions

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## **Survey to Understand Agricultural Inputs**

The Agricultural Innovation Board is charged with surveying farmers from every county in the State to help better understand how agricultural inputs, such as pesticides, synthetic fertilizers, and plastics

1. are currently used; and
2. the current challenges farmers face in reducing these inputs

