



May 13, 2022

The Honorable Phil Scott  
Executive Office of Governor  
109 State Street, Pavilion  
Montpelier, VT 05609

**Re: Veto H. 626, An act relating to the sale, use, or application of neonicotinoid pesticides**

Dear Governor Scott,

We, the undersigned groups, representing entities engaged in the development and production of agricultural seeds and crop protection products used by many Vermont farmers and dairy producers, urge you to veto H. 626, an act relating to the sale, use, or application of neonicotinoid pesticides.

If H. 626 becomes law Vermont would become the first state to restrict the use of neonicotinoid treated seed, placing Vermont producers at a significant disadvantage. Neonicotinoid and other treated seeds, which reduce the need for residual pesticide applications, are most frequently used by Vermont dairies who use treated corn seed to grow feed for their herds, which saves them the cost of having to purchase feed.

According to 2020 data collected by the Vermont Agency of Agriculture, Food and Markets (VAAFM), Vermont growers purchased 848 tons of treated corn seed versus 68 tons of untreated corn seed. Increased yield production is the primary reason for the disparity. In fact, according to a representative of Vermont-based Bourdeau Brothers who testified before the Senate Agriculture Committee in early April, it was noted that the company (in conjunction with UVM) had conducted research in Vermont fields last summer comparing the efficacy of neonicotinoid treated seed with nontreated seed and that the latter suffered significant crop loss. At a time when inflation is causing food costs to skyrocket, markets for dairy producers are in question, and supply chains have yet to fully recover from the pandemic, H. 626 is counter to supporting Vermont farmers, by removing tools important to protecting their investments and producing a viable crop.

Vermont has placed a priority on Climate Change, and along with that various agricultural climate smart ag practices, land management and soil health laws and initiatives. These new laws and practices, of which farmers have strived to keep up with, have changed crop selection, increased soil biodiversity, and ultimately pest pressures. Neonicotinoid treated seeds are an important tool for farmers that allow them to plant seeds coated with a minute amount of pesticide that protects seeds at their most vulnerable stage and decreases the amount of foliar application sprays and above ground exposure.

It is important to note that VAAFM and the Vermont Agency of Natural Resources have conducted research since 2017 on the prevalence of neonicotinoids in the environment, specifically in Vermont waterways and beehives. The work revealed zero detects of neonicotinoid insecticides in Vermont hives and minimal detections in state waterways, none of which exceeded minimum thresholds set by the U.S. Environmental Protection Agency. To that end, VAAFM staff notes in the minutes for the February 28, 2022 Agricultural Innovation Board (AIB) meeting: "To date we haven't been able to establish a link between treated seeds and pollinator impact." In fact, the data collected over the last few years indicates that varroa mites and pathogens are the biggest threat to pollinators.

The pending legislation directs the VAAFM, in conjunction with the recently created AIB, to **adopt by rule Best Management Practices (BMP) limiting the use of neonicotinoid treated seed.** (While BMPs are typically voluntary and not enforceable, H. 626 codifies the BMPs, making them mandatory.) Specifically, the binding regulations require, among other things, the establishment of threshold levels of pest pressure required prior to the use of neonicotinoid treated article seeds and surveillance and monitoring techniques for in-field pest pressure. As discussed by registrant scientists, academic, and VAAFM witnesses during the Senate Agriculture Committee hearings on the bill, those provisions are impractical and untenable given Vermont's climate and short growing season.

Cost effective surveillance and monitoring techniques do not yet exist nor do reasonable common sense threshold levels. Moreover, Vermont growers make their purchasing decisions in December so is implausible to charge Vermont farmers with guessing in November what conditions they may face in May when they plant. Make no mistake, H. 626 will adversely impact crop production in Vermont.

Created by a 2021 law, the AIB was established at the request of the VAAFM because staff felt it would benefit from a diverse group of stakeholders to look holistically at agricultural matters in the state, such as pesticide use and regulations and to help avoid any unintended consequences from proposed policy. The AIB met for the first time on February 28, 2022, and identified neonicotinoid treated seeds as its top short-term issue at its April 11, 2022 meeting. The group is scheduled to further discuss neonicotinoid treated seeds at its May 23 meeting, and evaluate if BMPs are needed, and what they might include and cover. Such recommendations could include voluntary BMPs or regulations. Unfortunately, the prescriptive, compulsory nature of H. 626 prevents VAAFM from taking full advantage of the broad viewpoints and perspectives of AIB members, which include a divergent group of stakeholders from agricultural and environmental perspectives.

It should also be noted that the precursor to the AIB – the Vermont Pesticide Advisory Council – was granted the authority by 2016's Act 99 to recommend to the VAAFM Secretary the regulation of neonicotinoid treated seed but declined to take such action because of concerns about the human toxicity of the alternatives to neonicotinoid treated seed.

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H. 626 funds two permanent positions within VAAFM to enforce and review the use of treated article pesticides in the state with monies generated by soil amendment, animal health product, and feed supplement registration fees. In other words, the bill robs Peter to pay Paul. This is on top of a provision in the 2019 neonicotinoid law diverting \$25 dollars from every \$200 registration fee to provide educational services, training, and technical assistance to pesticide applicators, beekeepers, and the general public regarding the effects of pesticides on pollinators and the methods or best management practices to reduce the impact of pesticides on pollinators. The 2019 law also pulls monies from pesticide registration fees to fund two full time positions to enforce the legislation. Frankly, if there is enough left-over funding from the soil amendment and animal health product registration fees then the fees should be reduced as opposed to forcing these product registrants to fund a completely unrelated function.

In closing, we'll leave you with an April 29 statement from the Chairman of the Senate Agriculture Committee about H. 626 because it perfectly underscores why you should veto H. 626: "I don't think there is any of us that thinks what is happening to our pollinators is good. It is certainly bad, and we all pretty much agree on that. We know that industry is hurting because of the loss of their bees. We don't want to take another ag industry and have them hurting because we're trying to protect the bees from something we don't know is really happening and then still get that passed and in place, lose our crop yields and still have the same number of bees dying. We really need to get our research done."

Attached with the letter are documents – including Vermont specific data – pertaining to the regulation, effectiveness, and safety of neonicotinoid treated seeds. We appreciate your time and consideration of our request to veto H. 626. Should you or your staff have any questions or wish to meet regarding our matter, please contact Margaret Laggis, our Vermont counsel, at [laggsitics@comcast.net](mailto:laggsitics@comcast.net) or (802) 274-4276.

Sincerely,

American Seed Trade Association  
Biotechnology Innovation Organization  
CropLife America

cc: Mr. Anson Tebbetts, Secretary, Vermont Agency of Agriculture, Food & Markets

Attachments