

25102048D

SENATE BILL NO. 911

Offered January 8, 2025

Prefiled January 5, 2025

A BILL to amend and reenact § 3.2-108.1 of the Code of Virginia and to amend the Code of Virginia by adding in Article 3 of Chapter 39 of Title 3.2 a section numbered 3.2-3934.1, relating to aerial pesticide applications; Virginia Pollinator Protection Strategy; civil penalty.

Patron—Stanley

Referred to Committee on Agriculture, Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That § 3.2-108.1 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 3 of Chapter 39 of Title 3.2 a section numbered 3.2-3934.1 as follows:

§ 3.2-108.1. Virginia Pollinator Protection Strategy.

A. The Department shall develop and maintain a Virginia Pollinator Protection Strategy (the Strategy) to (i) promote the health of and mitigate the risks to all pollinator species and (ii) ensure a robust agriculture economy and apiary industry for honeybees and other managed pollinators.

B. In developing the Strategy, the Department shall seek the assistance of the Department of Conservation and Recreation, the Department of Wildlife Resources, and the Department of Environmental Quality and shall establish a stakeholder group composed of representatives of affected groups, including beekeepers, agricultural producers, commercial pesticide applicators, private pesticide applicators, pesticide manufacturers, retailers, lawn and turf service providers, agribusiness and farmer organizations, conservation interests, Virginia Polytechnic Institute and State University, Virginia State University, and the Virginia Cooperative Extension.

C. The Strategy shall include a plan for the protection of managed pollinators that provides voluntary best management practices for pesticide users, beekeepers, and landowners and agricultural producers. The protection plan shall support:

1. Communication between beekeepers and applicators;
2. Reduction of the risk to pollinators from pesticides;
3. Increases in pollinator habitat;
4. Maintenance of existing compliance with state pesticide use requirements;
5. Identification of needs for further research to promote robust agriculture and apiary industries; ~~and~~
6. Identification of additional opportunities for education and outreach on pollinators; *and*
7. *Awareness among beekeepers and the general public of proposed aerial pesticide applications*

submitted to the Department and posted on the Department's website pursuant to the provisions of § 3.2-3934.1.

§ 3.2-3934.1. Aerial pesticide application; civil penalty.

A. For the purposes of this section, "aerial pesticide application" means the application of pesticides that (i) results in such pesticides reaching a height of 12 feet or more above the ground and (ii) uses any fixed-wing or rotary-wing aircraft, drone or unmanned aerial vehicle, or tractor-mounted sprayer.

B. Any commercial or private applicator performing an aerial pesticide application shall, no less than five days prior to such application, submit to the Department on a form prescribed by the Department the following information:

1. The location and total acreage to be covered by such proposed application;
2. The date and time of such proposed application;
3. The brand names or common product names, manufacturers, and all active ingredients and adjuvants, including percentage of mixture, target pest species, application rate, and U.S. Environmental Protection Agency registration numbers, of the pesticides to be used in such proposed application;
4. The name and contact information of the person submitting proposed application information to the Department; *and*
5. The name, contact information, and license number of the commercial or private applicator that will perform such proposed application.

C. The Department shall post and maintain on its website in a searchable, publicly accessible, and conspicuous manner the information required in subsection B for all aerial pesticide applications in order to support awareness among beekeepers and the general public of such applications pursuant to the Virginia Pollinator Protection Strategy established in § 3.2-108.1.

D. Any commercial or private applicator performing an aerial pesticide application shall, no less than five days prior to such application, provide notice in writing that includes the information in subsection B to

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59 any beekeeper that is (i) located within a five-mile radius of such application and (ii) listed on the BeeCheck
60 apiary registry website.

61 E. Any commercial or private applicator who violates the provisions of this section is subject to a civil
62 penalty of \$500 for a first offense and \$2,500 for each additional offense. Such penalty shall be collected by
63 the Department and the proceeds shall be deposited into the Pesticide Control Fund established in § 3.2-
64 3912.

65 F. Any aggrieved person may institute an action or proceeding for injunctive relief or mandamus against
66 any person or agency that has engaged, is engaged, or is about to engage in any acts or practices in violation
67 of the provisions of this section.