

**VERMONT AGENCY OF AGRICULTURE, FOOD AND MARKETS (AAFM)
VERMONT PESTICIDE ADVISORY COUNCIL (VPAC)**

APRIL 26, 2021 MEETING MINUTES

Virtual Meeting

DRAFT

Members in Attendance	Guests
Ballard, Katie Decker, Kathy Giguere, Cary Hazelrigg, Ann Levey, Rick Palmer, Eric Shively, Andy Vose, Sarah Royer, Liz	Boccuzzo, Linda Boucher, RT (VRS) Callahan, Jenn (VTRANS) Chateauvert, Brian (RWC, Inc.) Gandhi, Kanika Heindel, Craig (NECR & SLR) Puls, Dexter (VTRANS) Young, Peter (VRS) Wilcox, Jarod (GMP) Disorda, Jeff (VELCO) Carlson, Scott (VELCO) Packer, Sarah (VEC) Bloomberg, Annette (Bayer) Spak, David (Bayer) Shambaugh, Nat Knight, Sylvia Conrad, Ross Lintilhac, Crea

Meeting Called to Order: 9:05 AM EST

Meeting Adjourned: 11:45 AM EST

Announcements:

This is the third virtual VPAC meeting via Microsoft Teams and the meeting audio is being recorded.

Public Comment:

1. Sylvia Knight –

- Expressed concern that there was not adequate notice for spraying in areas throughout the state
- Requested that even if there were changes to VPAC that permits continue to be posted on the sharepoint site
- Expressed concerns about the lack of information on inactive ingredients in the permitting process
- Expressed concerns about VTRANS spraying at the Middlebury Airport, given that the airport is above the town aquifer
- Expressed concerns regarding the absence of certain standards in aquatic benchmarks used by the agency in statewide water testing
- Expressed concerns relating to glyphosate usage and endocrine disruption

Cary Giguere confirmed with Agriculture staff that permit applications had been posted with the meeting agenda the week before. The site could be made clearer to assist.

2. Ross Conrad –

- Expressed concerns about spraying at Middlebury Airport given the town aquifer is directly under the airport. He continued to express that there is a potential threat to underground water supplies posed by applications made near the water supply.
- Expressed concerns about applications made near the Middlebury airport wetlands and the potential threat posed to wildlife in those wetlands. He requested that VPAC deny any requests by VTRANS to apply pesticides along the fence line of the Middlebury airport and focus on prevention over remediation.
- Cary Giguere responded that the agency focuses thoroughly on ground water but that he will be in touch with Mr. Conrad after the meeting adjourns.

3. Nat Shambaugh –

- Requested that VPAC look into neonicotinoid-treated seeds and asked to present on it at the next meeting
- Requested that VTRANS revise their start date to be after their application is approved
- Expressed concerns with the 48 ft spray radius in the NECR permit application at every road crossing

Business:

Rick Levey motioned to approve meeting minutes from 4/26/2020. Sarah Vose seconded the approval. Members approved the minutes, with one minor correction of a typo in the attendance list.

Eric Palmer abstained from voting due to his absence at the last meeting.

Right of Way Permits

UTILITIES

1. **Green Mountain Power Transmission Permit** –

Jarod Wilcox mentioned that there was a usage error for Vastlan in previous reporting and that he would update the report accordingly. Mr. Wilcox noted a decrease in glyphosate usage in the past year and that GMP is no longer planning to use Glyphosate in 2021. GMP will use Vastlan instead of Glyphosate in the year ahead.

GMP is employing a new strategy in terms of application notification and outreach to homeowners. This would be a more targeted approach based on where they are spraying instead of broader outreach. Their notification letters and ads in newspapers have been sent out.

GMP is seeking to start applications on 5/24/2021, pending approval of the permit.

Cary Giguere asked about the use of triclopyr and if the 30 foot buffer zone is functional for the applications. Mr. Wilcox responded that the buffer zone was sufficient.

Rick Levey asked how the Emerald Ash Borer (EAB) treatment program was going. Mr. Wilcox explained that the utilities have been meeting regularly to discuss strategies and mitigation. There have been instances of EAB damage noted, which reveals that EAB has probably been in the state prior to 2018. So GMP and others are being extremely proactive based off of tree failures throughout the state. There is a lot more preventative work to do and utilities are very concerned that EAB will cause more failures than anticipated.

Kathy Decker mentioned that an updated map is currently in the works to provide more detailed information on EAB infestations and that they plan to share the maps with utilities and towns.

There was continued discussion on EAB mitigation on transmission lines and customer requests for potential threats. There was also mention of a decrease in field experts for EAB treatment.

Mr. Wilcox discussed concerns about contractors and the Distribution Program. GMP is not seeking a Distribution permit this year.

Katie Ballard motioned to recommend the permit application, as submitted, for approval to the Secretary of Agriculture. Andy Shively seconded the motion.

Roll Call Vote:

Ann Hazelrigg – Yes

Kathy Decker – Yes

Cary Giguere – Yes

Katie Ballard – Yes

Rick Levey – Yes

Liz Royer – Yes

Eric Palmer – Yes

Sarah Vose – Yes

Andy Shively - Yes

2. **VELCO** –

Scott Carlson reviewed applications and treatments from 2020. Mr. Carlson continued to discuss changes in herbicide treatment locations from 2020 – 2021. VELCO will continue to use the same herbicide mixes as permitted in 2020. VELCO is on a 4-year cycle, so the correct comparison year for usage for 2020 would 2016. They estimate that application acreage will decrease and they will continue to provide habitat for species such as the monarch butterfly.

Nat Shambaugh asked if the management plan for monarch butterflies was available on the website. Jeff Disorda said it is not available on the website yet given the novelty of the program but suggested a google search for the national program. Cary Giguere asked about milkweed growth. Mr. Disorda said that they would avoid milkweed applications when identified in rights of way spraying paths. Mr. Carlson mentioned that the habitat program protects a variety of species.

Katie Ballard motioned to recommend the permit application, as submitted, for approval to the Secretary of Agriculture. Ann Hazelrigg seconded the motion.

Ann Hazelrigg – Yes

Kathy Decker – Yes

Cary Giguere – Yes

Katie Ballard – Yes

Rick Levey – Yes

Liz Royer – Yes

Eric Palmer – Yes

Sarah Vose - Yes

Andy Shively – Yes

3. **Vermont Electric Co-op** –

Sara Packer from VEC explained that there were no significant changes to the 2021 permit. There were some changes in applicators, using the same company. In addition, they used a wand method attached to a tank in an ATV for pesticide applications.

Ms. Packer expressed that the notification process during COVID was extremely difficult. The notification process for VEC members is usually quite hands on; however, VEC was not able to go door to door. VEC used automated and individual calls to inform members but this method was significantly less effective than face-to-face notification. This led to a decrease in application acreage and poor coverage.

Ann Hazelrigg asked if this decline was due to members saying no to herbicide applications on Rights of Way and if VEC is changing their approach this year. Ms. Packer expressed that it was easy for members to say no without understanding the situation fully and that this year VEC will go door to door with notifications following COVID protocols. Ms. Packer expressed that VEC will not revisit locations that were not treated with herbicides last year, with a few specific exceptions.

Ann Hazelrigg asked why the equipment changed to ATVs with wands attached. Ms. Packer explained that equipment changes occur depending on the contractor.

Ann Hazelrigg motioned to recommend the permit application, as submitted, for approval to the Secretary of Agriculture. Andy Shively seconded the motion.

Ann Hazelrigg – Yes

Kathy Decker – Yes

Cary Giguere – Yes

Katie Ballard – Yes

Rick Levey – Yes

Liz Royer – Yes

Eric Palmer – Yes

Sarah Vose - Yes

Andy Shively - Yes

RAILROADS

1. VT Rail Systems

Brian Chateauvert explained that there were no significant permit changes from 2020 to 2021. Mentioned that the permit application requests Opensight or Milestone because Opensight is not permitted for use in New York and they alternate spraying between New York and Vermont. They will never use both, they will use either or depending on where they are applying products during a given application. Mr. Chateauvert continued to explain the application process has no significant changes from prior years. There are no major changes to the notification process as well. All previously restricted applications in high-pedestrian areas of Burlington and Montpelier will be made prior to 6am.

Sarah Vose asked about high-pedestrian areas and if Burlington and Montpelier are the only areas that raise human health concerns. Mr. Chateauvert expressed that those two areas were the main high-pedestrian areas, but all citizens should avoid walking on railroad tracks in other areas. Sarah Vose expressed concerns with the EPA risk assessment for indaziflam use and that identified one exposure to this active ingredient can have an effect on human health.

David Spak and Annette Bloomberg from Bayer spoke about indaziflam and health assessments. Ms. Bloomberg expressed that acute, one-time exposure with allowable levels on product labels will not have human health effects and indicated that a new risk assessment had been conducted. Ms. Bloomberg said the rates mentioned on labels are conservative and acute exposure should not have any level of concern for bystanders or applicators. There was continued discussion about the potential hazards, and lack thereof, posed by the use of these products on railroads and surrounding areas.

There was continued discussion of historic indaziflam usage and potential health impacts based on a new EPA study from 2020. The council felt comfortable with the use of the product this year, with all the previous time restrictions on permits to carry forward. Sarah Vose agreed to review the new data.

Andy Shively motioned to recommend the permit application, as submitted, for approval to the Secretary of Agriculture. Katie Ballard seconded the motion.

Ann Hazelrigg – Yes

Kathy Decker – Yes

Cary Giguere – Yes

Katie Ballard – Yes

Rick Levey – Yes

Liz Royer – Yes

Eric Palmer – Abstained

Sarah Vose - Abstained

Andy Shively - Yes

2. Pan-Am Railway -

Brian Chateauvert explained that there were no significant permit changes from 2020 to 2021. No areas near wells will be sprayed. Last year, there had been concerns by water operators raised and Pan-Am verified the well locations before applications. All other particulars are the same from the 2020 permit. There were similar concerns regarding the safety of indaziflam.

Ann Hazelrigg motioned to recommend the permit application, as submitted, for approval to the Secretary of Agriculture. Liz Royer seconded the motion.

Ann Hazelrigg – Yes

Kathy Decker – Yes

Cary Giguere – Yes

Katie Ballard – Yes

Rick Levey – Yes

Liz Royer – Yes

Eric Palmer – Yes

Sarah Vose - Abstained

Andy Shively - Yes

3. New England Central Railroad

Craig Heindel expressed that there some changes in products, same actives from the 2020 permit. NECR will be using Asplundh as a contractor once again and there will be no spraying to deck bridges and will continue to work on their well location maps before the treatments. There was a brief discussion on passenger traffic changes in the past year.

Katie Ballard motioned to recommend permit application, as submitted, for approval to the Secretary of Agriculture. Andy Shively seconded the motion.

Ann Hazelrigg – Yes

Kathy Decker – Yes

Cary Giguere – Yes

Katie Ballard – Yes

Rick Levey – Yes

Liz Royer – Yes

Eric Palmer – Yes

Sarah Vose - Yes

Andy Shively - Yes

4. St. Lawrence Railway -

Craig Heindel expressed that the permit application, similar to NECR, does not have significant changes. They will continue their work on well identification, there is less area in this line, so should be less than NECR.

Ann Hazelrigg motioned to recommend the permit application, as submitted, for approval to the Secretary of Agriculture. Liz Royer seconded the motion.

Ann Hazelrigg – Yes

Kathy Decker – Yes

Cary Giguere – Yes

Katie Ballard – Yes

Rick Levey – Yes

Liz Royer – Yes

Eric Palmer – Yes

Sarah Vose - Yes

Andy Shively - Yes

5. Vermont Agency of Transportation (VTRANS) -

Dexter Puls explained that the permit is fairly similar, the only change in chemistry is the addition of Polaris for basal and stump treatment on the Newport Airport for selective treatment. VTRANS would have to edit the permit to adjust the start date to be after the permit is potentially approved. All spraying of guard rails will be done by in-house applicators as opposed to contracted out. VTRANS is working with VAAF to train applicators.

Mr. Puls shared maps with the group, including that of Middlebury Airport. Sylvia Knight asked that Polaris not be used in Middlebury Airport. Mr. Puls clarified that

Polaris will only be used at Newport Airport and nowhere else. Ms. Knight asked that no chemicals be used near the water sources in Middlebury Airport.

There was a continued discussion about the risk posed in Middlebury and what the town is doing to manage the risk associated with pesticide spraying at the airport. Ross Conrad expressed that he has worked with the town operator at the Public Works Department in Middlebury. Andy Shively advised that management and prevention be dealt with at the town level, as opposed to at the state level. Cary Giguere proposed that the council further discuss the source protection area so that the group, in conjunction with the town of Middlebury, can come up with a plan to address the issues raised by citizen participants. Mr. Conrad also raised concerns about using pesticides in the wetland areas near the airport. Mr. Giguere advised that there are buffer zones associated with spraying near wetlands and that the group needs more time to analyze the issues. There will be follow up discussion on the topic with more investigation outside of the council meeting. Mr. Shively offered to coordinate that meeting.

Katie Ballard asked if the no-spray area maps are easily accessible to applicators. Mr. Puls confirmed that they were given detailed maps of no-spray areas.

Andy Shively asked if all airports had applications planned. Mr. Puls confirmed that they all apply pesticides in various capacities, but he had not yet received Aviation's request.

Cary Giguere asked that VTRANS speak with VAAF and others to ensure that applications made to the Middlebury airport were discussed before executed.

Nat Shambaugh reminded the council that the permit start date needs to be amended upon approval. Mr. Puls clarified that the date was drafted prior to the VPAC meeting and that VTRANS has no intention of making pesticide applications prior to permit approval.

Katie Ballard motioned to recommend the permit application, as submitted, for approval to the Secretary of Agriculture. Rick Levey seconded the motion.

Ann Hazelrigg – Yes

Kathy Decker – Yes

Cary Giguere – Yes

Katie Ballard – Yes

Rick Levey – Yes

Liz Royer – Abstained

Eric Palmer – Yes

Sarah Vose - Yes

Andy Shively – Abstained

Agency of Natural Resources – Emerald Ash Borer PUIA

Kathy Decker explained that there is a pesticide use impact assessment (PUIA) done on all potential treatments done on state lands. ANR is therefore presenting the draft to the council for comment.

Nat Shambaugh asked if the trees will be tracked for treatment. Ms. Decker explained that each tree will be evaluated prior to any treatment and went into further detail about specifics outlined in the PUIA about ANR's treatment plan. Ms. Decker explained that tracking individual trees is something that ANR can look into.

Cary Giguere explained that there is no need for VPAC to vote on this proposal but that it was for council awareness.

Kanika Gandhi described pending legislation about an Ag Innovation Committee.

Andy Shively motioned to adjourn the meeting. Katie Ballard seconded the motion.

Unanimous agreement from the Council Members.