

VERMONT PESTICIDE ADVISORY COUNCIL (VPAC)

May 6, 2014 MEETING MINUES

MEMBERS IN ATTENDANCE

Bosworth, Sid
Giguere, Cary
Hoffman-Contois, Razelle (Chair)
Levey, Rick
LaValley, Jenn (Admin)
Palmer, Eric

MEMBERS ABSENT

Decker, Kathy
Gary, Lené

GUESTS

Andy Shively
Bert Stewart
Jason Magoon
John Cookson
Jarod Wilcox
John Snell
Sara Packer
Brian Chateauvert
Ben Delorme
Randy White
Jeffrey Disorda
Justin Miller
Sean Macphee
Jeff Taylor
Bill Clough
Tami Calliope
Jamie Pope
Robert Wright
Compton
Sylvia Knight
Kari Bradley
Michael Levine
Barbara Burnett
Michael Mainer
Nat Shambaugh
Lauren Andy
Karin Nissen
Dianne Richardson
Robert Nuner

Meeting Called to Order

1:04 pm EDT

Meeting Adjourned

5:50 pm EDT

Announcements and General Business

- Razelle welcomed all to the meeting and briefly described the advisory role of the Council.
- The VPAC SharePoint site continues to evolve. Documents for posting or requests for removal of posted materials should be sent directly Razelle or Jenn as they are working together to keep the Share running smoothly. Council members, and others who request to be on the distribution list, will be notified by e-mail as documents are posted. The VPAC webpage http://agriculture.vermont.gov/pesticide_regulation/vpac includes a list of meeting dates/times/locations as well as a link to the VPAC Share site <https://outside.vermont.gov/agency/agriculture/vpac>.
- Razelle announced she was notified that a VTRANS representative to Council has not yet been secured.
- Minutes of the March 26, 2014 meeting were reviewed and approved (1 abstention - E. Palmer not present at March meeting). The document will be posted to the Share site.

Public Comment

Several members of the Montpelier community addressed the Council expressing concerns regarding proposed pesticide use specifically in the railroad right of way that passes through a particular area of Montpelier.

- Ms. Barbara Burnett identified herself as a resident of the River Station Apartments which abut a section of track. Ms. Burnett expressed many concerns regarding potential exposure to herself and the community at large, including but not limited to, the potential for drift and impact to a nearby recreational trail; potential implications of exposure for those who may be chemically sensitive or have other medical conditions; the potential for cumulative exposure; environmental persistence and a desire to have improved public notification of impending treatment. Ms. Burnett requested that herbicides not be permitted for use in the right of way and that a non-chemical means of vegetation control, such as mechanical removal of weeds, be conducted. Ms. Burnett requested a way to be able to determine which areas of rail have been treated across the state so that she may plan her travel accordingly. Cary Giguere of the Agency of Agriculture, Food and Markets (AAFM) responded that AAFM will work with the rail line to establish a no spray zone in the area under discussion. He offered to advise her of the statewide treatment schedule when one is established.
- Mr. Michael Levine identified himself as a business person associated with 85 Granite Shed Lane, Montpelier which abuts a section of track. Mr. Levine stated he was speaking on behalf of himself as well as a few other business people in that area. He noted his general

opposition to the use of herbicides and expressed several concerns including but not limited to, herbicide use in populated areas; the potential for drift and runoff; efficacy of current methods of delineating no spray areas; potential impacts of such herbicide use on Lake Champlain; potential impact to recreational paths that abut tracks and potential impact to aesthetics of the city center (i.e., concern that dying vegetation may create a visual nuisance). He detailed a desire for improved notification of not just impending treatment but of VPAC meeting dates and agendas as well as establishment of a landowner opt out program. Cary Giguere (AAFM) noted the Council's interest as to how the public notification process may be improved. Some utilities have adopted a door to door notification policy. Increasing public awareness of the recently created VPAC Sharepoint site was noted as a means to provide advance notice of permit applications up for discussion and increase public awareness of impending VPAC meetings.

- Mr. John Snell identified himself as a resident of Montpelier, Chair of the City's Tree Board and member of the Pedestrian Committee. Mr. Snell expressed several concerns including but not limited to, improved public notification of Council meetings and permit applications submitted for review; use of herbicides on the stretch of track that runs through the highly populated area of Montpelier under discussion; potential public exposure to active ingredients such as glyphosate as well as potential exposure to other chemicals that may be present in formulated products but not considered to be an active ingredients and the importance of understanding the use pattern and finding ways to lessen any potential impacts. Mr. Snell described the resources expended to improve the pedestrian access in the area along the corridor under discussion and concerns regarding potential drift. Given the current use of the stretch of track under discussion, he requested that the Council consider potential use of nonchemical control options such as hand cutting and/or flame weeding and establishment of no spray zones. Mr. Snell noted the flail mechanism of cutting brush had been unsightly. Cary Giguere explained that method of non-chemical control had been employed based on a recommendation from the Council.
- Ms. Sylvia Knight identified herself as a resident of Charlotte and echoed many of the concerns previously described. In addition, she questioned how New England Central Railroad intended on managing brush within 15 feet of waters' edge as the permit application under consideration proposed this distance as a no use buffer. She expressed several concerns, including but not limited to, potential for migration; reducing pesticide use consistent with the provisions of 6V.S.A. 1102; protection of Public Water Supplies; and the potential impact of mixtures and undisclosed ingredients on the environment and public health. She supported establishment of a no-spray zone through the area of Montpelier under discussion and encouraged investigation of ecologically responsible ways to invest vegetation management funds.
- Dianne Richardson echoed the concerns of previous speakers and encouraged establishment of a no-spray zone.

Business

Right of Way Pesticide Treatment Permit Requests

Several permit requests were reviewed and subsequently recommended to the Secretary of the Agency of Agriculture, Food and Markets (Secretary) for approval. At the April 2013 meeting, the Council had requested that a summary of pesticide usage (for at least the last 2 treatment cycles) be included with the 2014 permit applications submitted by each entity or that such information be presented at the 2014 VPAC Right of Way meeting. Some entities provided this information in their permit application package while others distributed during the meeting. Those entities which came prepared to discuss usage and did so but did not provide paper copies either in the application or at the meeting agreed to provide a summary document prior to the next Council meeting.

Vermont Agency of Transportation (VTRANS)

Andy Shively, new manager of the VTRANS Pesticide Program, presented the 2014 permit application. He noted a prime goal is to formalize the public notification and no-spray process. Mr. Shively described that those requesting no-spray zones will be held responsible for maintaining vegetation within that portion of the right of way with the provision that such maintenance must occur from the back side of the guard rail (i.e., not while in roadway). The Council was very interested in hearing how this program develops. Mr. Shively offered to bring forward a proposal for discussion. Cary Giguere (AAFM) noted that paper copies of weekly reports will not need to be submitted if M.A.T.s are used. The 2014 proposed VTRANS program focuses on control of vegetation on the interstate. Limited treatment along some secondary roads could also occur. A new program with a greater focus on mechanical control while respecting buffers is under development. At present, there does not appear to be a need to conduct chemical control for poisonous parsnip or hogweed. Options other than using chemical mixtures that are used around guardrails are being explored for use around mile markers. The Council unanimously voted that the application be forwarded to the Secretary of AAFM for approval (R. Levey moved, S. Bosworth seconded).

Utilities

The Council discussed each proposed treatment plan in detail. Pesticide usage and highlights of the 2014 treatment cycle were provided.

1. **Vermont Electric Power Company (VELCO)** – Jeff Disorda presented the 2014 permit request. The 2013 proposed test plot on private property to examine the potential for offsite impact of spot treatment with Streamline® (aminocyclopyrachlor is one of 2 active ingredients) was not conducted. Streamline was not requested for use in 2014. VELCO recently received ROW Stewardship Accreditation. A presentation on this and summary of chemical usage will be added to the May 28, 2014 meeting agenda. Mr. Disorda noted that quite a new bit of line is being developed. An increase in overall pesticide usage may occur as these areas are being established. He agreed to provide the Council with recently developed best management practices (bmp). A demo day was offered if the Council desired. VELCO is moving towards electronic reporting. The Council unanimously voted that the application be forwarded to the Secretary for approval with the caveat that a summary of pesticide usage and bmps be provided (R. Levey moved, S. Bosworth seconded).

2. **Vermont Electric Cooperative (VEC)** – Sara Packer presented the 2014 permit request. Three changes from the 2013 program were note 1) requested start date of June 20, 2014, 2) use of New England Tree Experts as a contractor for mechanical control and 3) requested use of a third tank mix consisting of Garlon 4 Ultra and Escort XP. The new mix is designed as a more selective mix for use in areas that have been converted to grasslands and also provides control of poison ivy. Cary Giguere (AAFM) noted ongoing discussions with a beekeeper. VEC involves both transmission and distribution lines. To date, selective foliar has been used for chemical control. In the early stages still and working to get high stem density areas under control. In 2013 completed 5 year management cycle of transmission line. Working on an 8 year cycle for the distribution line for which use mechanical control with potentially foliar treatment in 2015. Rick Levey and Cary Giguere noted they are still waiting for VEC to develop and forward rare, threatened and endangered species best management practices. Summary graphs of pesticide use over several years were provided. Ms. Packer noted written notification of treatment is provided to anyone who has ever expressed concerns. Methods of notification include door to door, radio and newspaper. The Council unanimously voted that the application be forwarded to the Secretary for approval (E. Palmer moved, R. Levey seconded).
3. **National Grid** – John Magoon presented the 2014 permit request. Integrated Vegetation Management (IVM) is being used. Are seeing increased biodiversity. David O'Brien noted he would prepare and provide the Council with a summary of pesticide usage data. He noted usage is staying stable. This is the first year the stretch under discussion will be treated. Due to steep terrain mechanical control is not feasible and limited herbicide treatment is proposed. Public notification includes newspaper ads, letter to all abutters and door to door notification. The Council unanimously voted that this application be forwarded to the Secretary for approval (S. Bosworth moved, E. Palmer seconded).
4. **Green Mountain Power**
 - A. **Green Mountain Power Transmission (recently merged with CVPS)** – Bert Stewart presented the 2014 permit request. All treatment will be via hand pump backpack sprayer. Notification will be via newspaper ads, mailings and in person notifications. Pesticide usage was discussed and a summary of usage data will be e-mail to the Council. Although proposed in 2013, a limited pilot (spot treatment) on company owned property with Milestone® (active ingredient aminopyralid) did not occur. 2013 was the first year legacy lines were incorporated into the vegetation management program. Pesticide rates have been kept down due to a combination of practitioner expertise and use of Thin-Vert.
 - B. **Green Mountain Power Distribution (recently merged with CVPS)** - Jared Wilcox, Distribution Line Arborist presented the 2014 permit request. In a 2012 pilot, 15 trees along Congress Street in St. Albans were treated with a growth regulator product called Cambistat® under the lead of a former employee. Due to timing of application, 2013 observations indicate 2012 treatment was not very efficacious. Will continue to observe in 2014 and report back at 2015 permit review meeting. 2013 was the first year legacy lines were incorporated into the vegetation management program. Legacy lines had not been treated with herbicides. Mr. Wilcox described a joint effort that was undertaken at the request of the Nature Conservancy to help control invasive vegetation on lands in Charlotte. This included meeting with the Town Select board. Mechanical, stump treatment and some foliar application were used (primarily for honeysuckle). Eric Palmer (VTFW) asked how it was that the original owner of the legacy lines managed to control vegetation without use of herbicides. Mr. Wilcox described that benefits of the merger include not just an increase in staff but the addition of experienced staff. The prior owner did not have the staff or expertise to establish a pesticide program. Now cutting and treating within the same year helps to keep the application rate steady. Proposed treatment in Waitsfield was discussed including the need for notification and outreach to the large number of customers on this legacy line. The Council unanimously voted that both these applications be forwarded to the Secretary for approval (C. Giguere moved, S. Bosworth seconded).

Railways

Each permit application was reviewed and discussed in detail.

1. Vermont Rail Systems (VRS)

It was noted that the Integrated Vegetation Management Plan has sunset and requires attention. The 2014 proposed pesticide use portion of the permit applications in the VRS was discussed in detail with Ben Delorme representing VRS and Brian Chateauvert representing RWC. After extensive deliberation, all parties agreed that of the 2 proposed treatment plans, the pesticide usage plan which included use of Opensight® (active ingredients aminopyralid and metsulfuron methyl) would not be considered. Results of the 2013 AAFM monitoring for indaziflam (active ingredient in Esplanade 200 SC) in surface waters along rail corridors were reviewed and discussed. Despite the limited nature of the effort (curtailed due to resources being redirected to an unrelated large scale, ongoing misuse investigation), based on the few low levels reported above detection limit, the Council agreed that for 2014, use of Esplanade 200 SC® (a.i. Indaziflam) as well as Streamline® (aminocyclopyrachlor is one of 2 listed a.i.) in railway vegetation management would be reasonable and appropriate to recommend with emphasis that a monitoring effort for both chemicals be conducted this year. It was explained that use of different active ingredients (a.i.) helps to prevent creation of resistance species.

It was noted that if the Council voted that an application be forwarded to the Secretary for approval, it will be with the recommendation that all existing caveats and cautionary provisions be carried forward. For example, language regarding timing of treatment to reduce the potential for human exposure (rail yards, crossings, Burlington Water front etc.) and details of tie end to tie end treatment will be included.

Permit applications for the following individual lines that are part of the VRS were reviewed and discussed.

- A. Washington County – Extensive public concern was expressed regarding chemical treatment on the stretch of track that runs through the center of Montpelier. Concerns noted in the public comment section were again shared and discussed. After extensive deliberation and discussion between the Council, representatives from the rail line, control contractor and stakeholders, the Council unanimously agreed to recommend to the Secretary that the permit application submitted for review be approved with the caveat that for the 2014 treatment season a no spray zone be established in the corridor that runs from Pioneer Street to the Route 89 overpass (C. Giguere moved, S. Bosworth seconded). Razelle stressed that the Council is willing to make this recommendation based on several factors including but not limited to, the indication from Mr. Delorme and Mr. Chateauvert that as this 2.5 mile stretch had been treated in 2013, a one year hiatus to allow for those concerned to work cooperatively to determine if a functional, nonchemical means of vegetation control can be established will not result in degradation of track reliability or safety. Maintenance of rail rights of way is essential for safe, reliable operation of this allowed mode of transportation while at the same time control methods employed must be protective of public health and the environment. The Council requested a briefing on the 2014 activities at the 2015 VPAC ROW meeting.
- B. The proposed treatment program for the other lines in the VRS is identical to that for the Washington County. The Council unanimously voted that the following applications be forwarded to the Secretary for approval (C. Giguere moved, S. Bosworth seconded).
- Pan Am Southern – with standard caveats
 - Green Mountain Railroad – with standard caveats
 - Clarendon and Pittsford – with standard caveats
 - Vermont Railway – with standard caveats and the Council agreed that the Burlington waterfront be treated prior to 6 am but not on a weekend or holiday
 - Washington County Railroad Connecticut River Division – with standard caveats

2. Central Maine and Quebec Railway (formerly Montreal, Maine and Atlantic)

Randy White presented the 2014 permit application. As with the VRS, of the 2 proposed pesticide treatment plans, it was agreed that the usage plan which included Opensight® (active ingredients aminopyralid and metsulfuron methyl) would not be considered. The Council voted unanimously to recommend this application to the Secretary of AAFM for approval (R. Hoffman-Contois moved, S. Bosworth seconded).

3. New England Central Railroad

Dean Grover presented the 2014 permit application. In 2013 this line was purchased by the Genesee and Wyoming. A 15 foot no spray buffer to water's edge is proposed. In addition, an area in Barre Town where the tracks run close to endangered plant species will not be sprayed. The Council requested that the standard caveats be carried forward and agreed that the Burlington waterfront be treated prior to 6 am but not on a weekend or holiday. Mr. Grover clarified that OUST XRT2 is being requested for use, not OUST Extra as noted in the Control Details sheet. An updated control details sheet needs to be submitted to AAFM. Once that is provided, the Council voted unanimously that this permit application could be forwarded to the Secretary for approval (C. Giguere moved, S. Bosworth seconded).

4. St. Lawrence and Atlantic

Dean Grover presented the 2014 permit application. The same pesticide treatment program as described for New England Central is proposed. It was suggested that a representative of the rail line may want to investigate the status of the track in the area of Norton that has historically not been treated and reach out to current occupants to initiate a discussion. The Council voted unanimously to recommend this application to the Secretary for approval (S. Bosworth moved, C. Giguere seconded).

The next meeting is scheduled for Wednesday May 28, 2014 at 1 pm National Life Building Ottawaquechee Room M205