

**VERMONT AGENCY OF AGRICULTURE, FOOD AND MARKETS (AAFM)
VERMONT PESTICIDE ADVISORY COUNCIL (VPAC)
July 20, 2016 MEETING MINUTES**

MEMBERS IN ATTENDANCE

Bosworth, Sid
Gary, Lené
Giguere, Cary
Hoffman-Contois, Razelle (Chair)
Levey, Rick
Palmer, Eric
Shively, Andy

MEMBERS ABSENT

Darrow, Casey
Halman, Josh
Hazelrigg, Ann

GUESTS

Jennifer Callahan
Nat Shambaugh

Meeting Called to Order

1:06 pm EDT

Meeting Adjourned

4:03 pm EDT

Announcements

- Minutes from the May 11, 2016 meeting were reviewed and unanimously approved (with correction of a minor typographical error) (J. Halman provided via e-mail) (R. Hoffman moved, A. Shively seconded). Final minutes will be posted on the VPAC SharePoint.
- Razelle announced that after many years of dedicated service, Lené has tendered her resignation and is stepping down from the Council. Everyone was sincerely disappointed to learn of Lené's departure and expressed great appreciation for her extensive efforts, wealth of experience and generous spirit. Nominations for the public member seat for environmental/health may be sent directly to Cary Giguere (cary.giguere@vermont.gov) for submission to the governor's office for consideration. Nat Shambaugh questioned whether the language in Act 99 alters the seat from that of environmental/health. After much discussion, it did not appear so.
- Razelle and Cary shared that no feedback or comments were received from the Council in response to the announcement that Bayer is now the registrant for Escort XP. Cary reported that this information was thusly modified on pertinent permits (e.g., GMP).
- In response to Razelle's query, Cary reported that no additional mosquito adulticide products need to be reviewed by the Council for potential use this year under the Arbovirus Plan.
- Rick reported that as part of his regular duties he is conducting a review of a Pesticide Use Impact Assessment (PUIA) for Floodplain Forest Restoration prepared by the Vermont Department of Environmental Conservation and Department of Forests, Parks and Recreation. He identified the need to establish at least an informal process as to how such documents will be brought to the attention of the Council for review and discussion. The Council unanimously agreed that when a member becomes aware of a PUIA, that person will notify the Chair and provide the Chair with a copy of pertinent documents for distribution to the entire Council. The Chair will add discussion of the PUIA to an upcoming meeting agenda. If immediate review is warranted, the member providing materials to the Chair should request that a meeting be called as soon as possible.

Public Comment – Cary asked Nat Shambaugh about the work he will be doing with the Lake Champlain Basin Program. Nat described that he will be conducting a literature review and develop a summary report on the state of knowledge of emerging contaminants in the Lake Champlain basin. The work will focus primarily on water soluble compounds and potential surface water issues.

Business

Invasive Species Control and Rights-of-Way Permits (ROW)

Andy and Jennifer Callahan [Stormwater Technician with the VTRANS Operations and Maintenance Bureau of the Vermont Agency of Transportation (VTRANS)] reported that VTRANS is experiencing increasing pressure, from both the general public and municipalities, to use herbicides to control invasive plant species present along roadways and/or within ROWs. Cary noted there are isolated incidences where an AAFM ROW permit was amended with special provisions to allow for such treatment in order to protect the health and safety of workers. He described the case where mechanical removal of poison parsnip along the Route 2 causeway resulted in injury to VTRANS employees and how at VTRANS request, AAFM issued an amended ROW permit with conditions and caveats for use of herbicides to control this invasive species. He also noted that if VTRANS declares that a specific situation represents a risk to health and safety then treatment could potentially be interpreted to be covered under the ROW permit. Andy, Sid and others questioned what criteria could/should be used to make such a determination. Sid suggested that perhaps the Council could assist in development of threshold criteria for use in making a health and safety determination. If VTRANS was confident they could make a determination as to when a situation represents a health and safety issue, not an aesthetic issue, Cary believes they would have the backing of AAFM. The Council discussed how most of the vegetation control conducted by VTRANS is done so that roadways may be traveled safely. Andy stated the best management plan specifies that VTRANS is not intending to control or manage invasive species and he is hesitant to singularly define what is "safe" for the public. Cary described how the entire VTRANS Integrated Vegetation Management Plan is based on making roadways safe for navigation and for workers. Sid noted that some of the plant species currently under discussion are nuisance, not invasive, species. Eric recalled a similar conversation years ago regarding purple loosestrife and that the decision was VTRANS should not treat to control invasive species. A lengthy discussion ensued that included, but was not limited to, different types of ROWs and who has the authority to treat within such, spread of invasive species via corridors, benefits of controlling when an isolated, small patch of an invasive species is identified, conflicting permit requirements and which entity has primacy. It

was agreed that Razelle would invite pertinent parties to the next VPAC meeting for an initial discussion of interagency coordination of invasive species control.

Vegetation management efforts in the Washington County Railroad (Barre) ROW

Cary provided a synopsis of what has transpired since the Council met on May 11, 2016. It is his understanding that after conducting extensive research into integrated vegetation management practices and options, Anne Watson (Montpelier City Council and liaison for Mayor Hollar) agreed with VPAC's assessment regarding the lack of viable long-term alternatives (Razelle noted the May 9, 2016 memo to Secretary Ross which summarizes VPAC's extensive review of integrated vegetation management practices and options within Railroad ROWs). Cary further described that deliberations continued for some time, culminating in Secretary Ross issuing a permit allowing use of herbicides within the ROW in question. AAFM conducted extensive public notification efforts with a focus on those who work and live near the ROW between Main Street and Granite Street including, but not limited to, provision of a written notice of treatment and personal notifications. The potential for public exposure is further reduced as AAFM required that treatment occur prior to 6 a.m. Cary was also aware that the City will close a section of nearby sidewalk for a few hours post treatment; an abutting daycare covered a nearby fence with removable tarps and a local business temporarily removed a window air conditioner. Treatment is scheduled to occur between July 20th - July 22nd.

St. Lawrence and Atlantic Railroad

Andy and Razelle shared observations from their recent site visit to the stretch of track in Norton that has historically not been treated. In general, lack of treatment appears to have led to significant degradation of not only the ballast, but the entire rail structure. It appears that this may be leading to significant maintenance concerns. The Council agreed that Andy, Cary and Razelle would review historic documents and, as best as possible, compile a bulleted chronology of treatment activity along this stretch which Razelle will combine with photographs from the May 31, 2016 site visit into a PowerPoint presentation for review and discussion at an upcoming meeting.

Next Meeting: September 6, 2016