

**VERMONT AGENCY OF AGRICULTURE, FOOD AND MARKETS (AAFM)  
VERMONT PESTICIDE ADVISORY COUNCIL (VPAC)  
SEPTEMBER 6, 2016 MEETING MINUTES**

**MEMBERS IN ATTENDANCE**

Bosworth, Sid  
Giguere, Cary  
Halman, Josh  
Hazelrigg, Ann  
Hoffman-Contois, Razelle  
LaValley, Jenn (Admin)  
Levey, Rick  
Shively, Andy

**MEMBERS ABSENT**

Darrow, Casey

**GUESTS**

Kathy Decker  
Elizabeth Spinney  
Jarod Wilcox  
Barbara Schultz  
Jennifer Callahan  
Billy Coster  
Nat Shambaugh  
Pete Emerson  
Eric Sorenson  
Linda Boccuzzo  
Tim Schmalz

**Meeting Called to Order**

1:10 pm EDT

**Meeting Adjourned**

3:37 pm EDT

**Announcements**

- Minutes from the July 20, 2016 meeting were reviewed and approved (R. Levey moved, A. Shively seconded) with one abstention (J. Halman as not present at last meeting). Final minutes will be posted on the VPAC SharePoint.
- Josh announced that this will be his last meeting as a Councilmember. Barbara Schultz was introduced as the incoming member from the Vermont Agency of Natural Resources Department of Forests, Parks & Recreation (ANR FPR).
- Razelle inquired regarding the status of the Sharepoint site. Cary shared that technical issues are under discussion. He will provide status reports as warranted.
- Recent use of the organophosphate insecticide Naled in South Carolina and subsequent impact to honeybees was noted and the question was raised as to whether similar use could occur in Vermont. Cary and Razelle explained that the State of Vermont Arbovirus Surveillance and Response Plan would be followed in the event of an outbreak of an arthropod borne virus. The Plan includes a provision that AAFM consult with the Council to determine the pesticide to be used in the event an aerial application is necessary. Cary indicated it is not likely that an organophosphate would be selected for use.
- In response to a recent e-mail from a member of the public, Cary reiterated that neonicotinoid insecticides have not been used to control vegetation in the Railroad Right-of-Way between Main Street and Granite Street in Montpelier.
- Cary stated that per Act 83, the State's Pollinator Protection Plan must soon be in place. To this end four meetings are slated before the end of December. An extensive review of the State's pesticide policies and agronomic practices is involved.

**Public Comment** – None provided in person. Razelle noted that comments received via e-mail have been shared electronically with the Council.

**Business**

**Pesticide Use Impact Assessment (PUIA) for Floodplain Forest Restoration**

Razelle recapped the July 2016 discussion: Rick had identified the need to establish at least an informal process as to how PUIAs 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. In addition, the Council requested that this topic be added to the agenda for the September meeting and that pertinent parties be invited to attend to initiate an interdisciplinary discussion of the PUIA process in general and the role of Council review.

Razelle welcomed the many parties in attendance (roster above). Rick described his recent review of the aforementioned PUIA and his general observations. He and Cary pointed out that there are several uncertainties associated with interpretation of the original 1986 Pesticide Policy Statement in general. For example, the phrase "consult" with AAFM versus "consent" from AAFM. It was described that the goal should be to have a consistent process between ANR and AAFM. Kathy Decker (Forestry District Manager, FPR) noted that the ANR policy itself is undergoing review. All present participated in an extensive discussion of various aspects of pesticide use and review currently employed by different state entities or programs including, but not limited to, the individual permit approach used by the ANR Aquatic Nuisance Control Program and the AAFM ROW permitting process, timing of reviews, differences between efforts and potential points of concerns. Barbara Schultz stressed the importance of having each area of expertise involved. Razelle stated that review of many uses, not just those within Railroad or Utility ROWs, is a prime function of the Council as set forth in statute (Act 99 as enacted 2016). Discussion continued regarding

what uses by which entities should be considered and how this could occur. Razelle stated she believes those assembled have the collective expertise to discuss and develop a unified approach that may be employed. She stressed the need for the State, via the Vermont Pesticide Advisory Council, to operate in an even handed manner. After further discussion, it was agreed that the pertinent parties will continue this discussion amongst themselves with the goal of developing a plan or options for a path forward and will notify AAFM or Razelle when they are ready to return and further discuss with the Council.

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

Razelle recapped recent discussions regarding conflicting permit requirements and which entity has primacy. VTRANS recently spoke with the Council regarding increasing pressure they are experiencing to use herbicides to control invasive plant species along roadways and within ROWs. In addition, over the last few years, the regulated community has come before the Council seeking assistance in addressing conflicts between existing Integrated Vegetation Management Plans (IVMP) and requirements of existing Certificates of Public Good and requirements of Act 250. In brief, the Council has described that treatment for the control of invasive plant species, if not necessary to meet safety needs, is not justified under IVMPs for herbicide use within ROWs. This position is documented in the May 9, 2016 memo from the Council to Secretary Ross. Given the interdisciplinary nature of the issue, the Council deemed it appropriate to bring together pertinent parties and provide a venue for discussion of interagency coordination of invasive species control.

Razelle welcomed the many parties in attendance (roster above) and stressed that the goal of having this topic on the agenda is to provide a venue for this interdisciplinary, interagency discussion to occur. All present participated in a lengthy discussion that included, but was not limited to, different types of ROWs and who has the authority to treat within such, correct identification of species, spread of invasive species via corridors, benefits of controlling when an isolated, small patch of an invasive species is identified, the need to promote ecological integrity and biological diversity, what entity determines that no non-chemical alternative is available, and conflicting permit requirements. Razelle asked if control of invasive species should be included in the AAFM Regulations. Cary responded that AAFM has been considering developing such a program but there are many aspects that need to be addressed including under what circumstances use would require a permit e.g., homeowner use in a backyard versus use by a forester to treat honeysuckle in a woodlot. Sid noted the implications of ROWs and easements. Tim Schmalz (AAFM) stressed the need for a definition of “acceptable control” Cary spoke regarding IVMPs and wetlands. Jarod Wilcox (Green Mountain Power) described the conundrum his organization faces as they try to be compliant with all permit requirements. He noted they must also deal with some private properties. Billy Coster (ANR) suggested ANR and AAFM work together to develop plans to bring back to the Council for review. Cary made clear that the Council is not against reasonable and appropriate use that will offer long-term control. Everyone agreed the pertinent parties must work together to develop a viable solution and path forward. Towards this end, a subcommittee with representatives from pertinent state agencies was formed to continue this discussion with the goal of developing a plan or options for a path forward. AAFM or Razelle will be notified when they are ready to return and further discuss with the Council. Tim Schmalz, Elizabeth Spinney, Eric Sorenson, Laura LaPierre and Cary Giguere are among those who agreed to participate.

**Next meeting:** To be Determined