

**VERMONT AGENCY OF AGRICULTURE, FOOD AND MARKETS (AAFM)  
VERMONT PESTICIDE ADVISORY COUNCIL (VPAC)  
APRIL 5, 2017 MEETING MINUTES - FINAL**

**MEMBERS IN ATTENDANCE**

Bosworth, Sid  
Giguere, Cary  
Hazelrigg, Ann  
Hoffman-Contois, Razelle  
LaValley, Jenn (Admin)  
Levey, Rick  
Palmer, Eric  
Schultz, Barbara  
Shively, Andy

**MEMBERS ABSENT**

Darrow, Casey

**GUESTS**

Patti Casey  
Nat Shambaugh  
Riley Titus  
Robert Hyams  
Susan Smith  
Linda Boccuzzo  
Mike Bald  
Misha Cetner

**Meeting Called to Order**

1:12 pm EDT

**Meeting Adjourned**

3:34 pm EDT (C. Giguere moved, A. Shively seconded)

**Announcements**

- Minutes from the February 28, 2017 meeting were reviewed. Written comments provided by Mark Heilman, Ph.D., guest presenter at the February meeting, were discussed. Some comments offer technical clarification, others are more subjective. The Council requested that, for reference purposes, both subjective comments and technical clarifications be included and clearly marked in the final minutes and voted to approve (A. Shively moved, A. Hazelrigg seconded) with one abstention (C. Giguere not present at February meeting). Final minutes will be posted on the VPAC SharePoint.
- Razelle Hoffman-Contois advised that the VPAC SharePoint site has a new appearance but works the same as before.
- Razelle noted that Jenn LaValley has been posting Rights-of-Way (ROW) permit applications for review on the VPAC SharePoint.
- Cary Giguere announced that Alan Graham recently retired as state Entomologist and Patti Casey is acting Interim.

**Public Comment** – None

**Business**

**Invasive Species Control** – Ms. Susan Smith, representing the Charlotte Invasive Collaborative (Collaborative), described efforts the Collaborative has conducted over the last few years to control the growth and spread of Common Reed in their community. She reported that the town of Charlotte supports their work. Ms. Smith provided an overview of areas treated to date. She described two areas they would like to treat with herbicides this growing season where part of each lies within the VTRANS ROW. Razelle asked if chemical treatment had been conducted at any of the other sites noted. Ms. Smith replied it had. Razelle asked if such treatments are consistent with AAFM Regulations. Ms. Smith replied yes, as to date, treatment has only occurred on private lands or along town roads. She and Mr. Robert Hyams (Habitat Restoration Solutions) described the process employed by the Collaborative in detail including the fact that they obtain and document land owner/Town permission before treating and only use certified applicators. The Collaborative is currently concerned that if they do not treat the two remaining areas including portions that lie within the VTRANS ROW, plant growth may occur to the point where a fire hazard is created and/or sight lines are obstructed. Cary noted that sight lines can be addressed via mowing. He further explained that as chemical treatment is being requested along Route 7, VTRANS would need to give permission. Cary and Andy Shively described that the current VTRANS ROW permit only allows for chemical treatment of invasive species if there is a health and safety concern. Extensive discussion regarding the locations in question, past efforts and related communications regarding permit requirements ensued. Andy noted that the Collaborative is making a case that treatment must occur to control line of sight specifically for safety. He stated that he is familiar with the two areas in question and in his professional opinion conditions do not present a line of sight safety issue. Barbara Schultz asked for a status update on the Invasive Species Workgroup. Cary reported he has no new information. As he noted during the January 2017 meeting, folks in the natural heritage program agreed to draft a proposed set of recommendations for use by the Public Service Board and in the interim, AAFM has obtained party status for anything regarding increased use of herbicides including management of invasive species. 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, species of potential concern, spread of invasive species via corridors, benefits of controlling when an isolated, small patch of an invasive is identified, concern that local control of invasive species could lead to increased herbicide use statewide and that per legislation, a prime function of the Council “[t]o suggest programs, policies, and legislation for wise and effective pesticide use that lead to an overall reduction in the use of pesticides in Vermont consistent with sound pest or vegetative management practices.” Questions were raised regarding control of invasive species in cases where exposure to such could present a hazard to human health. Cary described that in such instances, e.g., poison parsnip, treatment is allowed under the ROW permit not because the plant is consider an invasive species but rather because mechanical control presents worker safety concerns. The topic remains open and the Council awaits an update from the Invasive Species Workgroup.

**Spheratax®** – The Council discussed the very recent request to review two products for potential addition to the AAFM mosquito larvicide permit application procedure: Spheratax® SPH (50 G) WSP and Spheratax® (50G) both with active ingredient *bacillus sphaericus*. Cary explained that these

are essentially replacement products for the VectoLex products listed but which are not currently available. Cary has provided the Confidential Statements of Formulation to Sarah Vose, State Toxicologist, for review. Razelle noted that Dr. Vose recently communicated that based on her review, “the inert ingredients of the product should not pose a risk to the public.” After extensive discussion, the Council unanimously voted on the following approach (R. Hoffman-Contois, moved. S. Bosworth, seconded): each member will review relevant materials and e-mail the Chair indicating whether they have identified any concerns to be addressed or if they vote that the products may be recommended for approval. The Chair will compile all communications, and if no concerns have been identified, submit a recommendation to the Secretary, on behalf of the Council, that these two products be added to the Procedure.

**Solid Sonar® herbicide products** – Discussion continued regarding the proposed use of solid Sonar® herbicide products for aquatic nuisance control. Several uncertainties, points of concern and areas where additional information is desired were noted, including, but not limited to, the type of monitoring plan that would be put in place if such products were used, monitoring reports from additional field applications including data from deeper depths and lake assessment data from larger scale applications, potential use in shallow waters and the concept of attractive nuisance, dissolution and half-life, impact of site-specific factors and how these are taken into consideration in development of a waterbody specific treatment plan. Razelle noted that, consistent with current legislation, it would be appropriate for the Council to review and advise when a product is proposed for use in the Aquatic Nuisance Control program. Misha Cetner (Permit Analyst in DEC Lake and Shoreland Permitting) agreed to try and obtain additional information on the solid Sonar® products for consideration. He also noted that an Aquatic Nuisance Control permit application requesting use of such a product may be forth coming from the Quechee Lakes Owners Association. The Council was not ready to make any recommendations regarding use of such products and unanimously agreed that this topic will remain open for discussion.

#### **Preparation for Rights-of-Way Permit Application Review – St. Lawrence and Atlantic Railroad**

As previously requested by the Council, Razelle and Andy shared observations from their May 31, 2016 site visit to the stretch of track in Norton, Vermont that has historically not been treated. Razelle provided a PowerPoint of photos taken during the site visit and shared a draft bulleted chronology of treatment she and Cary compiled from historic files including, but not limited to, meeting notes, notes to the file, permits and follow-up notes. 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. Eric noted that the approach taken here – site visit, photo documentation and a site history - could serve as a model for other areas where there have been concerns and perhaps years of limited or no treatment e.g., the ROW corridor between Main Street and Granite Street in Montpelier. The Council was in general agreement that this approach may merit further consideration.

**Next Meeting Date:** May 3, 2017 Rights-of-Way Permit Application Review