

**VERMONT AGENCY OF AGRICULTURE, FOOD AND MARKETS (AAFM)  
VERMONT PESTICIDE ADVISORY COUNCIL (VPAC)  
FEBRUARY 5, 2018 MEETING MINUTES – FINAL**

**MEMBERS IN ATTENDANCE**

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

**MEMBERS ABSENT**

Palmer, Eric  
Shively, Andy

**GUESTS**

Sylvia Knight  
Michael Colby  
Jenn Callahan  
Jarod Wilcox  
Dexter Puls  
Robert K. Wright

**Meeting Called to Order**

1:02: pm EST

**Meeting Adjourned**

4:00 pm EST (R. Levey moved, S. Bosworth seconded)

**Announcements**

- Minutes from the October 17, 2017 meeting were reviewed and approved (A. Hazelrigg moved, B. Schultz seconded; A. Shively via e-mail; S. Bosworth abstained as was absent). Final minutes will be posted on the VPAC SharePoint (SharePoint).

**Public Comment**

- Sylvia Knight (signed in as affiliated with LCI and Migrant Justice) expressed many concerns regarding increased use of the herbicide glyphosate in Vermont including, but not limited to, increased agricultural use, potential impacts to water quality and the need for water monitoring efforts. Ms. Knight stated she believes the increase in commercial use of glyphosate is not consistent with her understanding of the mandate for the Council to reduce pesticide use in Vermont. She was also very concerned about the lack of commercial use pesticide use data currently available via AAFM's website and the difficulty encountered trying to obtain recent data.
- Michael Colby identified himself as the founder of Regeneration Vermont. He expressed extensive concerns related to access to commercial use pesticide use data collected, record keeping and information management including, but not limited to, lack of an electronic database with a user-friendly interface that can easily be accessed by the public, lack of availability of the most recent data set and, difficulties navigating the SharePoint. He thanked Jenn LaValley for her assistance with the SharePoint. Members of the Council noted that while use of the SharePoint is not without challenges, it has significantly improved the ability of the Council to share and provide open access to materials. Suggestions for improvement are always welcome. Mr. Colby described at length his recent efforts to obtain the most current commercial use data set and challenges encountered. He echoed Ms. Knight's concerns regarding increased use of glyphosate and expressed concerns regarding toxicity and the potential for public exposure. In addition, Mr. Colby voiced great consternation with the number of open seats on the Council (3 at present). The responsibilities of the Council were also questioned.

Razelle stated that functions of the Council are specified in Act 99 which is posted on the SharePoint. She explained that the Council is a technical advisory body and does not have the authority to permit or prohibit any activity. She noted that a prime function is to suggest programs and policies for pesticide use that will lead to a reduction in use consistent with sound pest and vegetative management practices. As an example, she described how for many years, the Council has requested, and Rights-of-Way (ROW) permittees have provided, use graphics/summaries for consideration during the Council's annual review of ROW permit applications. The Council carefully reviews and discusses this information and uses it to inform recommendations. Permit applications and associated materials are posted on the SharePoint.

Various members of the Council expressed a desire to see the open seats on the Council filled in the near future and also voiced concerns with the current commercial use pesticide use data collection and information management system. Razelle, Rick and others noted that in 2015 the Council prepared, and submitted to AAFM for consideration, focused comments on Regulations for the Control of Pesticides. A section with specific recommendations regarding record keeping, maintenance and information management was included. This document is posted on the SharePoint. Razelle noted, and Cary described in some detail, that as certain important components of federal regulations are now in flux – including certification and training requirements and worker protections standards – AAFM's revision process has slowed. Given the nature and extent of concerns expressed by the Council, it was moved and approved (B. Schultz moved, S. Bosworth seconded) that the Chair would prepare and submit a letter to the Secretary of AAFM, on behalf of the Council, requesting that the Agency collaborate with the governor's office to identify qualified candidates for existing open seats and also reiterate the Council's 2015 recommendations regarding record collection and management and request that these recommendations be given priority attention.

**Business**

**Legislative Review** – Cary Giguere, Agrichemical Program Manager with AAFM, provided salient points of proposed legislation of potential interest to the Council. Proposals were clustered and discussed by general subject matter. Bills discussed will be posted to the SharePoint.

## **547, H.650 and S. 215**

Primary focus – Chlorpyrifos. S.215 also includes provisions regarding dicamba. As Cary described during the October 17, 2017 meeting, drift and crop damage to non-target fields has been associated with use of dicamba on fields planted with dicamba tolerant soybeans. He noted it may be fitting for a body to be established charged with reviewing new technologies and traits to determine if they are appropriate for consideration for use in Vermont. The regulatory history of chlorpyrifos and recent studies regarding potential toxicity and exposure were briefly discussed. Cary asked if the Council could, or should, review the information available and identify any potential concerns to help inform AAFM policy regarding registration, regardless of any legislative action. It was noted that in recent years, the Council conducted somewhat similar research and recommendation efforts regarding use of solid formulations of a particular aquatic nuisance control product and vegetation control within railroad rights of way. The Council agreed to look at information related to chlorpyrifos and discuss at a future meeting. Razelle will share EPA docket numbers that house pertinent information.

## **H.649 and H.465**

Focus: Invasive Species Management. The Vermont Agency of Transportation (VTRANS), along with others, would be directed to control invasive species. H.649 would require VTRANS to apply annually for a ROW permit to apply pesticides in the State highway ROW to control the spread of invasive plant species. During discussion, due to several concerns, representatives from VTRANS offered that at this point in time they did not favor expansion of ROW permit authority to include invasive species. It was clarified that this does not represent a statement of official VTRANS position but rather notes potential concerns. Jared Wilcox, representing Green Mountain Power Corporation (GMP), noted if enacted, this would result in significantly increased use of pesticides and counter years of work to reduce usage. He described how GMP has been striving to decrease usage including conducting test plots with active ingredients to identify the lowest application rate that is efficacious. All present discussed potential concerns including, but not limited to increased use, increased cost, and, how this requirement would not be consistent with criteria for issuance of a ROW permit. Cary noted that interagency discussions regarding coordination of invasive species control continue e.g., conflicting requirements of Certificates of Public Good and ROW permits. Cary provided Razelle with a 2004 letter from Doug Burnham (then Chair) on behalf of the Council to the Vermont Public Service Board re: docket # 6967 Honeysuckle Control. Razelle will share with the Council and post to the SharePoint.

## **H. 688**

Focus: Pollinator Protection. Proposes increase in pesticide registration fee to create a fund to compensate bee keepers that have been impacted by use of neonicotinoid pesticides and to also fund farmers whose crops have been injured by not using treated seeds. It was noted that Vermont has not seen hive losses even in areas with treated corn fields. Sid asked how a bee keeper would be able to demonstrate neonicotinoid use was responsible for a loss. Cary noted AAFM has been studying bee hives, soil and other media to determine how such a question could be addressed. There was a brief discussion of treated seeds. In response to a question from Barbara, Cary described uses that would be impacted by the proposed bill. He briefly described an historic monitoring effort on the Battenkill River that was conducted to examine potential impact of synthetic pyrethroids on invertebrates. In response to results noted for bifenthrin, there was a movement to decrease its use which resulted in an increase in the use of neonicotinoids. Use of neonicotinoids for grub control was noted. Sid mentioned that a new chemistry [chlorantraniliprole] has come on line in the last several years. Prior to that, imidacloprid was heavily employed.

## **H.328**

Focus: Restriction on use of glyphosate. Proposes to prohibit use by State agencies and municipal governments. No use within 500 feet of a State water, on farms or other food sources, and in schools and other educational facilities. The Council noted that it would very import to carefully consider alternate active ingredients as they may not necessarily have an improved ecological/toxicological profile. As an example, Cary noted that if glyphosate is not used to terminate a cover crop, diquat use would likely increase.

## **H.560 Draft no. 1.3 dated 1/30/18**

Focus: Household Hazardous Waste. Confusing definitions. Cary has asked for clarification. “(6)(A) ‘Hazardous substance means: ... (iv) any article that is not itself a pesticide within the meaning of the Federal Insecticide, Fungicide, and Rodenticide Act but that is a hazardous substance by reason of bearing or containing the pesticide.” and “(6)(B) ‘Hazardous substance’ shall not mean (i) a pesticide subject to the Federal Insecticide, Fungicide, and Rodenticide Act”.

## **S. 250**

Focus: Aquatic Nuisance Control (ANC) permit notification requirements. Cary noted this bill proposes increased notification requirements for ANC permits that are single year, not multi-year, permits. Rick offered to speak with Misha Centre for additional background.

## **Additional Business**

**Drinking Water Values and the Golf Course Permitting Program** – Cary initiated a discussion of the various types of drinking water values currently used by the State and pertinence to the Golf Course Permitting Program. To assist, at Razelle’s request, Rick displayed the Department of Health’s Drinking Water Guidance, the Agency of Natural Resources Groundwater Protection Rule and Strategy (GPRS) Appendix One Groundwater Enforcement Standards and Preventive Action Limits and, the Agency of Natural Resources Water Supply Rule standards. Cary described that while AAFM’s Regulations for the Control of Pesticides currently require the Golf Course Permitting Program to employ values listed in the GPRS, AAFM would like to revise the regulatory dynamic and have pesticides solely related to golf course permits removed from the GPRS and instead housed where they can rapidly be added/updated. Razelle noted this appears to be a policy matter for AAFM and ANR to discuss and address. Cary requested that the Council review any proposed revised approach and offer advice. Cary described that AAFM would like to move away from using the Golf Course Prescreen list of chemicals and instead have chemical-specific values developed for use. Rick noted, and others agreed, that it would be most useful if Cary provided a chart depicting the current process and proposed revision. Cary agreed to develop.

**Next meeting:** Razelle will sent out a doodle poll to the Council with options for the next 3 meeting dates. Dates and agendas to be determined.