

**VERMONT AGENCY OF AGRICULTURE, FOOD AND MARKETS (AAFM)
VERMONT PESTICIDE ADVISORY COUNCIL (VPAC)
DECEMBER 12, 2018 MEETING MINUTES**

MEMBERS IN ATTENDANCE

Ballard, Katie
Bosworth, Sid
Giguere, Cary
Hazelrigg, Ann
Hoffman-Contois, Razelle (Chair)
Levey, Rick
Palmer, Eric
Royer, Liz
Shively, Andy

MEMBERS ABSENT

Schultz, Barbara

GUESTS

Linda Boccuzzo
Erica Cummings

Meeting Called to Order

9:06 am EST

Meeting Adjourned

10:42 am EST (A. Shively moved, S. Bosworth seconded)

Announcements

- Minutes from the September 26, 2018 meeting were reviewed and approved (A. Shively moved, K. Ballard seconded; A. Hazelrigg abstained as was absent). Final minutes will be posted on the VPAC SharePoint (SharePoint).

Public Comment

None

Business

Discussion of Proposed Use of ProcellaCOR® in Vermont

Based on their review of available materials to date, each Council member shared, and the group discussed, preliminary thoughts regarding the proposed use of ProcellaCOR® in the waters of Vermont to control the growth and spread of aquatic nuisance plant species. ProcellaCOR® is a newly registered product with a newly registered active ingredient (florpyrauxifen-benzyl). Josh Mulhollem, DEC Aquatic Invasive Species Management Coordinator, has advised that his program expects to receive multiple Aquatic Nuisance Control permit applications requesting use of ProcellaCOR® in multiple water bodies in 2019. An amended permit application proposing use in Lake Morey has already been submitted to DEC for consideration. Council discussion focused on identification of any potential concerns, points requiring follow up and data needs. Razelle provided a brief summary of available information regarding potential toxicity and human health risk assessment including noting that the US EPA Human Health Risk Assessment in the docket concludes “In summary, given the absence of adverse toxicity at the limit dose or KMD (kinetically derived maximum), no toxicity endpoints and points of departure [POD] for various exposure scenarios can be established. It follows that a quantitative risk assessment is not needed for florpyrauxifen-benzyl.” In response to questions from the Council, she described that US EPA did not develop a toxicity value due to lack of sufficient information but rather because they did not identify an adverse effect in the studies evaluated. The Council discussed the potential implications. In response to Linda’s question that in light of this information wouldn’t use be preferable to older chemistries, Razelle noted available information is currently under consideration by the State Toxicologist and will be shared with the Council when available. Ann noted a similar concern regarding use of older chemistries. Cary and Linda agreed to provide the CSF directly to the State Toxicologist. Sid located the Safety Data Sheet for the product and shared with Razelle for distribution to the Council. Razelle noted US EPA presents studies which demonstrate the parent compound is rapidly converted in the body and exposure is primarily to the major metabolite. EPA assumes the degradants are no more toxic than the parent compound. Because US EPA did not identify a POD for the parent, US EPA did not conduct a quantitative assessment for degradants. The Council discussed concerns and potential uncertainties regarding US EPA’s assumption that the degradants have at most similar toxicity as the parent. Rapid conversion in the environment was noted by several Council members with environmental exposure thought to be primarily to degradants/metabolites. Several members expressed several concerns regarding lack of information on the major metabolites, in particular XDE-848 hydroxy acid which is noted to have the longest half-life. Additional information regarding degradates is desired. It was suggested that if use occurs and environmental testing is conducted, analysis may need to focus on the longer lived degradate. Ann expressed concern regarding the potential for public concern given label restrictions regarding use of treated waters for irrigation. Cary noted irrigation restrictions are fairly standard label requirements. Cary and Rick noted the active ingredient has been identified as a reduced risk pesticide by US EPA. Cary noted that based on the proposed provisions in the Lake Morey ANC permit application including one treatment per permit period, label restrictions and application rate, he is comfortable with the use as proposed. Rick provided a summary of his review of US EPA’s environmental fate documents. He noted that mammalian toxicity may be similar but there may be a difference in environmental fate as the degradates formed are influenced by environmental factors e.g. degradants may bind to sediment more so than the parent. He reviewed available information in light of the proposed target concentration of 6 ppb a.i. in the Lake Morey ANC permit application. He specifically reviewed ecological studies to see if any effects have been noted at less than 10 ppb in water target concentrations. Limitations associated with water solubility resulted in no lowest chronic effect level identified. He did not find ecological/invertebrate impacts at less than 10 ppb. The formulated product (an emulsifiable concentrate) was noted to break down rapidly in the environment and be taken up by plants. Consequently, a single application (no boosters) is proposed for Lake Morey. Rick used the available information to calculate and confirm the estimated in water target concentration. Extensive discussion ensued regarding the many

challenges several Council members encountered trying to translate PDUs to a target concentration. The Council consensus was that detailed information regarding how to do such should be provided on the label or an accompanying fact sheet if PDU is used. Katie shared a web image of the product container and described the concept is that the jug is squeezed to a preset fill line. Cary will advise EPA of the difficulties encountered and ask if a fact sheet for reviewers can be developed. The Council reviewed a spreadsheet of 2018 treatments in New Hampshire provided by Josh Mulhollem. The consensus was results indicate a target concentration of 6 ppb should be efficacious. Razelle will check with Josh regarding the anticipated release date of the white-paper pertaining to actual 2018 field treatments that is under development by SePRO [12/19/18 e-mail from J. Mulhollem eta shortly after the New Year]. Eric provided a summary of his review and noted the toxicity profile for humans, vertebrates and invertebrates looks good. As did Rick, Eric had questions regarding potential impacts to non-target native plants. He noted some limited testing was conducted on aquatic plants and that while the a.i. appears to be fairly selective, he'd like to see additional testing/information regarding non-target native species. Liz explained she looked at the proposed use of ProcettaCOR® from the public perspective. She compared the current proposal to the denied proposed use of SONAR® in Lake Iroquois. The latter would have been a whole lake treatment with use restrictions. She noted that, based on the information reviewed, ProcettaCOR® seems to be a better alternative. She agreed with the uncertainties and other issues raised and discussed. Razelle will draft minutes and share with Josh Mulhollem.

Additional Business

Rights-of-Way (ROW) Review Meetings

Linda reported that the deputy general counsel for the Vermont Rail System had contacted her to request if review of their railroad ROW permit applications could be conducted early in the year and potentially separately from review of other ROW permit applications. This is under discussion at AAFM. The Council did not object to having two meetings but stressed that sufficient time for review must be provided for each. Razelle recapped that for many years the Council has suggested to AAFM that permit applications be provided for review much early than the current April timeframe.

ROW product use

Linda and Cary described that in Oregon, use of the active ingredient aminocyclopyrachlor in vegetation management within railroad ROWs was recently identified to be associated with death of old growth trees. Formulated products with this a.i. currently used in Vermont for ROW vegetation management include Viewpoint and Method 50SG. The Oregon experience should be considered during the 2019 VPAC review of ROW permit applications. AAFM will speak with the permittees regarding.

Regulatory Coordination of Invasive Species Control

Rick asked if there were any updates regarding regulatory coordination of invasive species control within ROWs. Cary and Linda reported that some time ago (October 2017) a meeting was held between the Secretary of ANR and DEC upper management to brief all on the issue. Billy Coster, ANR Director of Planning was tasked with assembling a workgroup. In October 2018, ANR had a Pesticides Strategies meeting, the goal of which was to describe the situation, identify and address conflicts. No timeline was established. Reinvigoration of this effort is underway. The Secretary of ANR has requested that Rick be part of the workgroup. Rick will provide the Council with updates as available.

Update: In January 2019, ANR Director of Planning (Billy Coster) provided draft proposal that supports the limited use of herbicides to treat non-native invasive species that may threaten sensitive natural resources within energy rights of way. The document describes these "limited use conditions" for herbicide applications within ROW. The draft document, "Use of herbicides to control nonnative invasive species for ecological benefits on Utility Rights-of-Way (ROWs) was shared with ANR VPAC members Eric Palmer and Rick Levey for comment in January 2019. This ANR proposal will be shared with AAFM and eventually VPAC.

Pesticide Usage

Erica provided a summary table of products currently used in the Rights-of-Way permitting program. All agreed this information will be very helpful in a review of existing buffers. Documents provided will be posted to the Share.

Staffing

Razelle advised that this was her last meeting as chairperson. As of January 1, 2019, she will step down as Chair. She will continue to serve on the Council representing the Department of Health. Alleviation from administrative aspects while maintaining full technical participation will free time to devote to a Departmental time-critical effort. Razelle expressed her great appreciation for the time, hard work and dedication of all on the Council and stressed that this transition in no way reflects her stance regarding the importance of the work the Council conducts. She thanked everyone for their kind words and applause and offered that she looks forward to continuing to participate on the Council.

Next meeting: January 16, 2019 9 am – 12 pm. Montpelier - National Life - Main Building - Ottauquechee Room M205