

**VERMONT AGENCY OF AGRICULTURE, FOOD AND MARKETS (AAFM)
VERMONT PESTICIDE ADVISORY COUNCIL (VPAC)
MARCH 27, 2019 MEETING MINUTES
ANR Annex, 190 Junction Rd., Montpelier, VT 05602**

MEMBERS IN ATTENDANCE

Ballard, Katie
Bosworth, Sid
Giguere, Cary
Hazelrigg, Ann
Levey, Rick
Palmer, Eric
Shively, Andy
Vose, Sarah

MEMBERS ABSENT

Schultz, Barbara
Royer, Liz

GUESTS

Linda Boccuzzo
Cummings, Erica
Bald, Mike (Got Weeds)
Young, Peter (VRS)
Mosher, Tim (Pan Am)
Trucott, Eric (CMQ Railway)
Chateauvert, Brian (RWC, Inc.)
Boucher, Rick (VRS)
Delorme, Benjamin (VRS)

Meeting Called to Order

10:00 am EST

Meeting Adjourned

12:05 pm

Announcements

Minutes from December 12, 2018 were reviewed and approved (Katie Ballard moved, Ann Hazelrigg-seconded, Meeting minutes- Passed. Final Minutes will be posted to VPAC SharePoint. Rick mentioned that he had sent Razelle some edits, which were incorporated. These edits were related to updates regarding regulatory coordination of invasive species control within ROWs and the draft "limited use policy" prepared by ANR planning.

Public Comment

Mike Bald of 'Got Weeds' from Royalton, VT – 3 questions for the committee

1. Has VPAC provided input to the legislature? A: VPAC has provided its position when asked but usually Agency officials are tasked with providing input to the legislature.
2. Formal request to help with entering usage data. A: Offer appreciated. Agency is working on; Erica Cummings has been hired to correct usage errors and provide usage reports. Working from 2018 backwards.
3. How to opt out of ROW pesticide spraying using VTALERT?
 - Not possible. Taken down from VTALERT because the alert goes out when permit activated, not for individual areas.
 - Notifications occur via newspaper and radio
 - For utilities-contact directly
 - VTRANS- can opt out by contacting however, constituent is responsible for maintaining the ROW and if this is not done properly, pesticides can be used.

Business

Review of Permit Application to Conduct Herbicide Treatment within Rights-of-Way (ROW).

Vermont Railway Systems (VRS) permit requests were reviewed and subsequently recommended to the Secretary of AAFM for approval.

Brian Chateauvert (RWC, Inc): Gave overview of RWC, Inc. founded in 1963 and operates in 35 states

- contracted by railways for weed, grass and brush control.
- cab controls the booms and nozzles; gutter systems prevents dripping
- Where permitted, sprays 12ft either side from the centerline of track (24-foot pattern) when applying 1st application formulations. Same treatment as requested in 2018, which includes treatment distance of 300 feet before and after crossings.

- 2 sprays per season

- 1st = pre-emergence
- 2nd = post-emergence (Glyphosate only product) as spot treatment

Maintaining visibility of railways tracks is railways responsibility -Federal Railway Administration (FRA) can fine railways for poor visibility, fire hazards and ballast disrepair.

Cary Giguere asked if VPAC members wanted to review VRS applications individually or as a suite? Ann Hazelrigg motioned to review permits as a suite and the Council approved.

Suite of VRS applications include:

- Pan Am Railways
- Green Mountain Railroad
- Vermont Railway
- Clarendon & Pittsford Railroad
- Washington Country Railroad
- Washington Country Ct. River Line RR
- Central Maine & Quebec Railroad

Permit request was similar to 2018;

- Milestone (EPA #: 62719-519)
- Spyder (EPA #: 228-408) or Oust XP (EPA #: 432-1552) -same active ingredients
- EsplAnde 200 SC (CAS No. 730979-19-8) a.i. indaziflam.
- Not using Viewpoint or other products with a.i. aminocyclopyrchlor (EPA #: 432-1580) in 2019, due to concerns of tree deaths (Oregon).
- Requested to treat storage areas around yards.
- Permit treatment starting date of May 1st is 2 weeks earlier than previous applications, applicant would like the opportunity to treat sooner if weather allows

Railways questioned the non-use of Esplanade 200SC or other products containing a.i. indaziflam around the Burlington waterfront (2018 permit). This non-use decision and discussion on a.i. indaziflam took place during the 2017 & 2018 Railway ROW meetings and was made due to Health concerns. Sarah Vose, Vermont Health Department, said the non-use of this product (a.i. indaziflam) should continue due to concerns to human health, as the chemical is a potential neurotoxin; data was inconclusive about exposure.

Railways stated that the area was fenced off, but Sarah countered that risk assessment scenarios must account for trespassers. Discussion indicated that there were other products (w/out a.i. indaziflam) that would work well, but it was more work for RWC to switch tank mixes to accommodate this request.

Railways noted that the 6AM spraying restriction along the Burlington waterfront and in Montpelier (2018 permit) was problematic and wondered whether it could be removed. General consensus among the Council members that the requirement should remain due to public concerns.

Cary Giguere suggested that if the railways would like to make changes specific to these restrictions, they could present data to show that the public would not be exposed.

Rick Levey inquired about abutter activities that have encroached on the ROW rail corridors (e.g. gardens) s that had been discussed at previous ROW meetings. Ben Delorme (VRS) noted there are some situations when this occurs (e.g. beehives, gardens) but not a lot. There was discussion on how Railways are communicating with VTrans when encroachments are noted, so VTrans can reach out to encroachers. Andy Shively noted this process is working well, VTrans has done a good job communicating with abutters. The council was seeking assurance that encroachment issues encountered by the railway are being communicated with VTrans. Brian Chateauvert, on behalf of the railways, asked if the Council would consider allowing the rails to spray brush and trees 12ft higher than the current permit?

Ann Hazelrigg asked if this would be done in certain areas? Yes, for certain curves and crossings.

Cary Giguere said that the railways would need to put forth a formal proposal and the Council would have to review to see if it followed the Council's mandate.

Ann Hazelrigg moved to approve the permits for 2019

Eric Palmer made an amendment to the motion that all previous restrictions, existing caveats and cautionary provisions from 2018 permits be carried forward.

Sid Bosworth seconded

Council approved unanimously

Rick Levey asked Brian (RWC) if they had prepared the usage data for 2017 and 2018 that had been requested at the 2017 & 2018 ROW Meeting. Purpose is to track active ingredients used by railways overtime, especially due to the recent increased treatment patterns. It was also noted in 2018 that VRS permit applications information for "Total Acreage Treated" was not correct, as the acreage treated did not reflect the increase in treated area (e.g. ROW width, crossings). The 2019 Permit Applications also need to be revised to reflect the correct acreage treated. Ben Delorme (VRS) said he would revise the permit applications accordingly and provide the usage data request. This information will be sent to the Agency (VAAF), who will disseminate to Council.

ProcellaCOR

-Comments to Misha Cetner at DEC by April 1st. There were no additional comments from the Council. The Health Department was sending comments separately. They had spoken with the EPA toxicologist

and although no RfD was developed—the EPA indicated one could be. The anticipated water value from the health department will be higher than treatment dose. Rick Levey asked about breakdown products, Sarah Vose indicated that she would have anticipated in seeing effects in the animals and had not.

Andy Shively- moved to adjourn

Ann Hazelrigg- seconded

Council voted unanimously to adjourn.