

**VERMONT AGENCY OF AGRICULTURE, FOOD AND MARKETS (AAFM)  
VERMONT PESTICIDE ADVISORY COUNCIL (VPAC)**

**APRIL 20, 2020 MEETING MINUTES**

Virtual Meeting

<b>Members in Attendance</b>	<b>Members Absent</b>	<b>Guests</b>
Ballard, Katie Bosworth, Sid Decker, Kathy Giguere, Cary Hazelrigg, Ann Levey, Rick Palmer, Eric Shively, Andy Vose, Sarah Royer, Liz		Boccuzzo, Linda Boucher, Rick (VRS) Callahan, Jenn (VTRANS) Cummings, Erica Chateauvert, Brian (RWC, Inc.) Delorme, Benjamin (VRS) Gandhi, Kanika Heindel, Craig (NECR & SLR) Kane, Alysha (VTRANS) Mosher, Tim (Pan Am) Plus, Dexter (VTRANS) Young, Peter (VRS) Josh (NECR)

**Meeting Called to Order:** 9:15 AM EST

**Meeting Adjourned:** 12:05 PM EST

**Announcements:**

This is the first virtual VPAC meeting via Microsoft Teams and the meeting audio is being recorded.

**Public Comment:**

None

**Business:**

Rick Levey noted that the April 24, 2019 VPAC meeting minutes had not been finalized by VPAC. Members agreed to review the minutes and electronically vote for approval.

Agenda Items

- PAN AM Railways

- Central Maine & Quebec Railroad
- Green Mountain Railroad
- Vermont Railway
- Clarendon & Pittsford Railroad
- Washington County Railroad (Barre)
- Washington County Railroad Connecticut River Division
- New England Central Railroad
- Saint Lawrence & Atlantic Railroad
- VTRANS

11:45AM – 12:00PM: Other agenda items

Brian stated that the PanAm permit is essentially the same as they've done in the past. They will spray northbound using AquaNeat at one quart Esplanade at four ounces and Method 240 SL at eight ounces along with Oust XP at four ounces this will be used in combination with forty gallons of water per acre and be applied as it was last year twenty four foot pattern with the same caveat as the road crossings. They would like to start in early May.

Ann Hazelrigg asked if this was the same acreage and same territory as last year's permit. Brian confirmed that it was. Brian stated that it is a slightly different product (Method 240SL) than last year so that they don't face weed resistance.

Sarah Vose brought up the neurotoxic nature of indaziflam after a single or multiple exposures and asked how they will define the sensitive areas of spraying. Brian said in the past it has been two feet from water's edge. Rick Levey mentioned that there was a conversation of Esplanade in the March 27, 2019 VPAC right of way meeting and several previous meetings have outlined that this is a neurotoxin and the Health Department has voiced concerns about these chemicals. Sarah Vose asked if there are areas along the railroad where people are walking and could be unknowingly exposed to these chemicals. The question of how to ensure that sensitive areas are outlined in an equitable fashion.

*9:30 AM Craig Heindel and Josh (NECR) joined the meeting.*

Brian said he does not know how to address this concern because in theory people could access the rails. RWC uses these products in the 25 states they operate.

Cary Giguere mentioned that the discussion of a people sensitive area has been happening for some time and that it is a conversation that the committee needs to have or have a conversation around. Aminocyclopyrachlor is a concern because there are off-target damage issues with it, but we have not seen here in VT. It has caused harm in other states. Brian said he has not seen this off-target damage in the state but will report injury to Cary if he sees it.

RT Boucher asked if there are any alternatives to Esplanade on these railroads.

Sarah Vose commented that the toxicity upon exposure was an EPA conclusion from a 2013 report.

Rick Levey commenced further discussion of whether Esplanade was use for necessity or for convenience. Brian said that the company has never gotten public pushback after the products have been approved for use. RT expressed that he has not received pushback on the product usage. Further conversation on controlling the grass in the right of way and if there has been any testing done where Esplanade has been used. Cary expressed that there has been no monitoring or testing done of indaziflam on the right of way, though we may be able to this year.

Katie Ballard asked how Pan Am managed the overgrowth in sensitive areas like the Burlington waterfront. They expressed that they could spray it with AquaNeat on actively growing weeds, they can spray a second time later in the season if there is significant regrowth with AquaNeat. Further discussion on photo evidence of overgrowth in the Burlington area. In previous council meetings there was a discussion that sensitive areas should not have use of Indaziflam and that if companies wanted to use it they would have to prove that there would be no public exposure. Further discussion on which right of ways will be closed and therefore not actually be considered a public right of way if there is a time restriction while certain passages are closed for construction.

The committee continued to discuss studies on the neurotoxicity of Esplanade and Sarah Vose told the council that she will get Erica the EPA report on the conclusion that this product can be toxic in both single and multiple exposures. Erica will send the document to the group. Cary Giguere suggested that the group have a larger conversation about toxicity and exposure in pedestrian areas.

Cary Giguere pointed to the changes about provision four as an attempt to protect rail workers from drift and exposure. VRS mentioned that they proposed language on this issue as well. Peter Young mentioned that track maintenance and repair language at the federal language is vague but that the company has an obligation for routine rail inspection and maintenance. If there are provisions on exposure that prevent maintenance from happening it causes a conflict. Young suggested that from the perspective of railway safety, provision four will not work for the railway system. The rail has proposed clarifying language.

The conversation continued to discuss the difference between ballast and track maintenance. Peter Young identified that track maintenance is federally required and a restriction that would not allow track maintenance for any time period is not compatible with the railway system.

Cary Giguere suggested the use of PPE as part of the provision if workers are required to go out in an area that has been treated with chemicals. Peter Young mentioned that workers have had extensive training and track maintenance. Andy Shively commented on other PPE and training requirements that the rail has.

Council members weighed in on approving the permit but making changes that require PPE for track and ballast maintenance in treated areas. Council members also continued to mentioned concerns with the use of and potential exposure thread of indaziflam usage. The council had further conversation about voting procedure and asked clarifying questions on voting procedures.

Sarah Vose asked if there need to be further restrictions or if Montpelier and Burlington are the only sensitive areas with high pedestrian areas. The council had more discussion around what is or is not a high pedestrian area and how necessary the product is and how often the product is used. The council also looked further into the timing of usage of chemicals in railyards.

The council continued to discuss safety of tracks and types of vegetation that can be potentially harmful to track functionality. The council also discussed testing along railway sites.

Sidney Bosworth proposed a motion to approve all of the VRS permits as received with the same provisions as last year as well as allow the use of the tank mix on railway portions south of College Street, as the bike path in that area is closed this year. Katie Ballard seconded the motion.

Role call vote on motion:

Anne – Yes

Rick – Yes

Liz – Yes

Eric – Yes^

Andy – Yes^

Sarah – No\*

Cary – Yes

Cathy – Yes

Katie - Yes

\*Member voiced concerns about indaziflam

^Member voted yes to the motion but required that the council further identify ways to prevent human exposure

*The council took a 5-minute recess.*

New England Central Railroad discussed regions where they operate and the proposal to use similar products to those used last year. In addition to items permitted last year, they are asking for permission to treat signal boxes and ballast deck bridges.

Andy Shively asked what “in accordance with product labels means”. New England Central Railroad clarified that it would be in accordance with language on the physical product and is in line with the language in last year’s approved permit.

Eric Palmer asked if the ballast deck bridge treatment would increase risk for drift and runoff. New England Central Railroad has confirmed with their licensed applicator, Don Weimann, that this is an appropriate use of the products. The council continued to discuss the implications of treating ballast deck bridges, spraying pattern regulations, record keeping provision, and the differences in materials used for bridge construction as they relate to bridge permeability. The council also discussed labelling or increased involvement of the company for bridge applications. Cary indicated that it would be important for NECR to have a local representative present during treatment to help applicator identify sensitive areas.

The council proposed that the permit application should also include an appendix on bridge construction and materials.

Sidney Bosworth proposed a motion to approve the permit under the condition that New England Central Railroad provide an appendix to the application with an inventory of bridge construction that identifies impermeable water crossings. Motion seconded by Ann and Rick.

Role call vote on motion:

Anne – Yes

Rick – Yes

Liz – Yes

Eric – Yes

Andy – Yes

Sarah – Yes

Cary – Yes

Cathy – Yes

Katie – Yes

Craig explained that the Saint Lawrence & Atlantic Railroad permit is the same as last year the only difference is that the glyphosate brand name is changed to Roundup Pro.

Rick motioned to approve the permit. Andy seconded the motion.

Role call vote on motion:

Anne – Yes

Rick – Yes

Liz – Yes

Eric – Yes

Andy – Yes

Sarah – Yes

Cary – Yes

Cathy – Yes

Katie – Yes

Dexter Plus from VTrans explained that the permit for this year was the same as last year's approved permit but DBI is no longer listed as a contractor. VTrans has ordered its own equipment, decreasing reliance on contractors. VTrans may not be able to treat this year, except at airports. Overall agency usage of pesticides has decreased.

Ann motioned to approve the permit application. Sid seconded the motion.

Role call vote on motion:

Anne – Yes

Rick – Yes

Liz – Yes

Eric – Yes

Andy – ABSTAIN

Sarah – Yes

Cary – Yes

Cathy – Yes

Katie – Yes

Sid Bosworth announced his retirement.

Andy Shively motioned to adjourn the council meeting. Ann seconded. Adjournment moved by voice vote.