

**VERMONT AGENCY OF AGRICULTURE, FOOD AND MARKETS (AAFM)  
VERMONT PESTICIDE ADVISORY COUNCIL (VPAC)  
NOVEMBER 12, 2015 MEETING MINUES**

**MEMBERS IN ATTENDANCE**

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

**MEMBERS ABSENT**

Darrow, Casey  
Gary, Lené  
Halman, Josh

**GUESTS**

Matt Wood  
Jeff Comstock  
Linda Boccuzzo  
Michael Bald  
Sylvia Knight  
Deborah Wessing  
Bob Wessing  
Robert K. Wright  
Shaina Kasper  
Nat Shambaugh  
Anne Watson  
Michael Levine  
Katrina Corovos  
Barbara Burnett

**Meeting Called to Order**

1:10 pm EST

**Meeting Adjourned**

4:30 pm EST

**Announcements**

- Minutes from the 9/3/15 meeting were reviewed and approved with correction of a minor typo (R. Levey moved, A. Hazelrigg seconded. L. Gary previously provided e-mail with notice of acceptance). Final minutes will be posted to the VPAC SharePoint site.
- Eric Palmer requested that materials be filed by category and also by meeting date on the SharePoint.

**Public Comment (occurred directly after Status Reports)**

Sylvia Knight provided the Council with hardcopies of a report entitled *Railroad Management, Vegetation Control and Toxics Reduction* that she authored for Standing Together for Healthy Solutions, Montpelier, Vermont. Ms. Knight spoke regarding statutory requirements and Council responsibilities, general concerns regarding continued pesticide use, and the desire to segue to Integrated Pest Management. A photograph of a section of track noted as *Photo 3: Washington Country RR, Montpelier, VT July 18, 2015 before herbicide treatment* was presented. Ms. Knight stated that this section appears to be in need of structural repair and expressed concern that use of herbicides in such areas may result in the accumulation of more organic material and exacerbate conditions. She requested that the condition of the rail bed be considered in tandem with vegetation management and that VPAC recommend that no permit for vegetation control be issued until structural repairs are made in the areas in need of such. She shared her concern that while herbicides may temporarily decrease weeds, such use will not lead to long term track stability or reliability. The Towns and State Agencies were encouraged to have a collaborative process moving forward.

Barbara Burnett identified herself as a resident of Montpelier and shared concerns regarding treatment of rail tracks that run through city centers and the use of glyphosate in general. She noted a 2015 World Health Organization report on glyphosate and actions taken by European countries. Ms. Burnett stated she believes Vermont has the opportunity to ban the use of glyphosate in multiple venues including homeowner use and requested that at the very least, it be banned from use on rail tracks that run through highly populated areas and/or next to waters. She would like to know how the railroads and public can work together to achieve vegetation management.

Katrina Corovos identified herself as the owner of a business on Barre Street and noted that until recently, she was unaware that herbicides are used in vegetation management in railroad Rights-of-Way. She expressed concern that there's minimal public awareness of this practice and offered her assistance in outreach efforts.

Michael Levine identified himself a local business owner and observed that there is growing interest in the work of the Council. He noted an administrative issue with the posting of the meeting agenda and location. The administrative error was duly noted and Razelle offered to work with AAFFM to ensure timely and appropriate posting of meeting notices. Mr. Levine hopes that discussion of what constitutes a sensitive area does not trump the opportunity to conduct a pilot test of an alternative method of vegetation control.

**Business**

**STATUS REPORTS**

**Pilot Use of VT-Alert:** Matt Wood, AAFFM Agricultural Resource Management Specialist Supervisor, presented a status report on the ongoing pilot investigation into use of VT-Alert as a means of notification for when a permit for treatment within a Right-of-Way (ROW) has been initiated. Matt has been working with Randy Bronson, Department of Emergency Management and Homeland Security (DEMHS), on this effort. To date, a login has been created and a template designed for ROW notifications. Matt demonstrated use of VT-Alert and the pilot template and described some of the useful features the tool provides as well as some aspects that he continues to investigate and must be

resolved. Currently, permittees must notify AAFM 48 hours before treatment is initiated. Matt must then enter this information into VT-Alert. If VT-Alert is to be used, timing of AAFM notification may need to be worked out e.g., revised to 2 business days. If deemed a viable and desired means of notification, VT-Alert would not replace, but would augment, methods of notification currently required by regulation. Matt will follow up with DEMHS and report back regarding the number of alerts typically issued in the "Environmental" category under which ROW notifications would be housed. Sylvia Knight asked if notification of treatment within utility substations would be included. Cary Giguere explained no, as this activity is not regulated by AAFM.

**Revisions to AAFM Regulations for the Control of Pesticides:** Linda Boccuzzo, AAFM Certification and Training Coordinator, provided updates on recent changes on the federal level that may have implications for state regulations. She described how the federal Worker Protection Standards have been revised and finalized and that the federal Certification and Training Rule has been revised and is out for comment. When the latter is finalized, AAFM Regulations will need to be updated in accordance with both. Thus, the Regulations remain in the pre-rule making stage. Cary reiterated that he is willing to accept public comments at any time and, as always, there will be opportunity for public comment during the official rule making process. Razelle queried whether the impending updates are anticipated to involve aspects of the Regulations VPAC previously reviewed and provided detailed comments regarding. Cary and Linda believe they will not and that VPAC's comments will remain salient.

**Pollinator Protection Efforts in Vermont:** Jeff Comstock, AAFM Pesticide and Groundwater Monitoring Program Manager, presented the AAFM presentation *Pollinator Protection Efforts* (Future Directions for Vermont) originally provided to the Mosquito Control Districts of Addison County in April 2015. He described how in June 2014, a presidential memo established a Pollinator Health Task Force, co-chaired by EPA and USDA, for the purpose of creating a National Pollinator Health Strategy that promotes the health of honey bees and other pollinators. In preparation for development of a Vermont pollinator protection plan consistent with the EPA Pollinator Protection Strategy, AAFM has been conducting outreach and stakeholder recruitment at multiple venues including the annual VT beekeepers meeting at the Farm Show, mosquito control district meetings, fruit and vegetable grower association meetings and pesticide applicator training meetings. AAFM's plans for pollination protection will utilize existing AAFM authority for both the apiary inspection program and the pesticide control program. The Vermont pollinator plan will attempt to address the 5 pillar approach to honey bee health identified by the USDA National Report on Honeybee Health published in 2013: Biology; Pathogens and Pests; Pesticides; Nutrition and Habitat and Genetics and Breeding.

Future pollinator protection efforts will occur on both the federal and state level. For example, federally, EPA now mandates a "Bee Box" on labels of products that contain neonicotinoid insecticides. State pollinator protection plans will not be a component of bee labeling on pesticide products registered by EPA (<http://www.epa.gov/pollinator-protection>) but rather will be created under state regulatory authority as a supplement to the federal strategy.

The uniform template and guidance for state pollinator plans created by the national State-Federal Insecticide, Fungicide and Rodenticide Act Issues Research and Evaluation Group (SFIREG) workgroup of state pesticide regulatory programs and the State Pollinator Plan Team were described. The outline and scope of State Pollinator Plans are to include (1) Identify both Critical and Recommended Elements, (2) Build/Expand on Existing State Plans, (3) Establish a Stakeholder Group and Communication Framework, (4) Define the Goals for Various Types of Pollinators and (5) Provide for State Specific Flexibility. Critical Elements include (a) Creating Stakeholder Participation Groups, (b) Notification and Communication between Beekeepers and Growers, (c) Design Practices to Minimize Risks to Bees, (d) Explain/Define Scope of Pollinators Addressed by State Plans, (e) Methods to Evaluate Effectiveness -every state must have one or more metric(s) by which to measure effectiveness, (f) a Plan to Conduct Periodic Outreach and Education and (g) a Mechanism to Conduct Periodic Review, Assessment and Revision. It was noted that states are encountering difficulties with certain aspects/elements of plan design. For example, while a performance metric is required, EPA does not provide a list of specific or acceptable measures. As an enhancement to creation of the state plan guidance created by State Pollinator Plan Team, SFIREG is in the process of finalizing a template for performance measures and metrics to assist EPA with the evaluation of state Managed Pollinator Protection Plans (MP3s).

Vermont is working on building a stakeholder registry and process which involves extensive outreach to those who may benefit from being involved in the process. EPA has provided funding to Extension Services for outreach efforts. Sid Bosworth noted he is part of the Northeast group. In Vermont, the majority of honey bee hives are privately owned. Communication and outreach were stressed as essential. An ongoing pollinator survey project at UVM was described. It was noted that Steve Parise, Vermont's apiarist, will soon retire.

ANR Secretary Deb Markowitz is leading efforts to plan a pollination summit in late March 2016 to expand the discussion to pollinator topics beyond the scope of AAFM regulatory jurisdiction.

Eric Palmer asked about the impact of neonicotinoids on bee health. Cary Giguere described the focus on this class of compounds and recent legal actions around the registration of a particular active ingredient, sulfoxaflo. It was conjectured that this compound may be registered once all requisite data are submitted to EPA as it has lower bee toxicity. Seeds treated with neonicotinoids are considered treated articles thus are not regulated as pesticide use and the amount this use contributes to the environment is unknown. To date, most work has focused on treated seeds and drift to the edge of the field. Efforts are underway to investigate mechanisms of transport from treated seed to other potential sources of exposure to foraging bees. The EPA Region I Groundwater Roundtable meeting in October 2015 focused on the Pollinator Protection Program and neonicotinoid management. In Vermont, the Neonicotinoid Field Survey is looking at methods of transport and whether pesticides may end up in groundwater. Nat Shambaugh described the summer 2015 effort where pollen was repeatedly collected from traps on 2 hives with the goal of identifying the plants of origin. Although collected, no resource for identifying plant of origin was located. Jeff described recent work that looked at surface waters in 2 watersheds in St. Albans Bay and analyzed for nitrate, phosphorus and 3 neonicotinoids (clothianidin, thiamethoxam and imidacloprid) used in corn and soybean seed treatment. Several types of sites were sampled including surface water, farm drinking water wells, tile drains, vegetation adjacent to tile outlets and soil. A summary of analytical results was

presented and discussed. None of the neonicotinoids or nitrates was detected above reporting limits in samples of farm drinking water wells, however, phosphorous was detected in groundwater. Neonicotinoids were detected above reporting limits in most of the samples from tile drains. These compounds were noted to be very soluble and once in water can be taken up by plants, thus, measuring levels in plants is of interest. The UVM project may include such an investigation. Nat noted that the AAFM database of commercial pesticide use indicates a significant increase in the use of neonicotinoids on ornamentals. Over 57,000 pounds of imidacloprid was cited as being used commercially on ornamentals in 2012 [*n.b.* correct usage information is in the AAFM 1/27/15 report entitled *Neonicotinoid Pesticides; Safety and Use* which can be accessed on the VPAC SharePoint]. The increase was in part due to an AAFM request to switch from the use of bifenthrin. Nat provided the Council with a summary of annual use of chlorothalonil, bifenthrin, imidacloprid and permethrin on ornamentals from 2004 through 2013. The need for applicator and homeowner education/outreach was discussed. Upcoming pollinator projects include: Seasonal Soil Cores (field) (2016); Streambank Pollen versus Edge of Field (2016) and a Multi-Basin Tile Drain Study (focus on nitrates and phosphorus) (2016-2017). The Council was asked if any honey has undergone analysis. Cary responded not as of yet. Other investigations may include this aspect.

### **Invasive Species Control within GMP Rights-of-Way – Status reported table until later meeting**

#### **Vegetation Control within Railroad Rights-of-Way**

The Council continued discussion of vegetation control efforts within railroad ROWs in Vermont, in particular, along the portion of the Washington County line (part of the Vermont Rail System) that runs through a heavily populated area in downtown Montpelier. An amended permit was issued last summer by the Secretary of AAFM prohibiting use of herbicides in ballast maintenance between where the railroad intersects Main and Granite Streets. Ann Watson of the Montpelier City Council (and liaison for Mayor Hollar) spoke regarding the non-chemical control effort that was conducted. Ms. Watson agreed to provide Cary with details of the costs incurred by the City and the Railroad. The issue of defining a “sensitive” area in terms of an area with high potential for public exposure versus an environmentally sensitive area was discussed. Cary noted that the stretch between Granite and Main Streets has a high population density and appears to constitute such an area. The Council discussed concerns regarding encroachment onto Railroad ROWs e.g., placement of a play structure within a ROW, and noted that usually the Agency of Transportation is asked to take action to control such. Ms. Knight stated she believes VPAC has the authority to make recommendations that investment be made to develop a robust railroad infrastructure. However, simply making this recommendation may have little impact. Cary noted that if such authority does exist, a positive outcome would also require public outreach to legislature in support of such a stance and VPAC would need to recommend new standards for rails to be built with vegetation management in mind. At present, the railroads apply for a permit to use pesticides for vegetation management within ROWs in order to balance the need for safe, reliable operation and fire prevention with protection of public health and the environment. The question of balancing competing risks and modifying risk equations was discussed. Razelle described some of the many factors involved in risk assessment, risk management and the evolution of the current approach. For example, glyphosate was considered a better alternative to chemicals previously used in that it had low mobility which was confirmed via various monitoring efforts. The question at present is whether glyphosate is still a viable option or if products with more desirable profiles are now available. A guest noted that in 2008 San Francisco Bay implemented using goats in vegetation maintenance. Cary asked Ann Watson if the City has given thought to continuing working with the Railroad. Ms. Watson explained they are working to identify a solution that’s acceptable to all parties, however, as the City cannot continue to cost share indefinitely, any plan would need to have the ultimate goal of the railroad paying for maintenance. Cary noted there are some areas with cinder ballast that are in bad condition which the railroads claim is because they are not allowed to treat with herbicides, including soil sterilants. Katrina Corovos stated she would support a statewide ban on spraying where railroad tracks run along bike paths and other areas that are frequently accessed. Existing restrictions regarding treatment along certain areas such as the Burlington Waterfront were described. Razelle asked if the Council supports separating out the definition of “sensitive receptor” into “sensitive environmental receptor” and “area with high potential for public exposure”. Those present were in favor of such. The Council discussed the type of factors that would need to be taken into consideration in the development of a definition of the latter e.g., identify areas where rail lines run near schools, bike paths, densely populated areas, daycares, hospitals, recreational areas, designated downtown areas etc. Anne Hazelrigg stated we must develop a well defined metric that can be clearly applied. The toxicity and mobility of the herbicide under consideration would also need to be taken into consideration in developing recommendations. Razelle asked if anyone was aware of any other entity that had developed such a definition. Ann Watson noted that New York State has no permit program except within the Adirondack Park and that Vegetation Management in North Billerica Massachusetts prohibits treatment within 100 feet of agriculture or inhabited areas. A robust discussion of where factors for consideration may exist ensued. Razelle offered to work on a pilot GIS map to help the Council visualize areas where there may be high potential for public exposure. Once the Council can determine the aspects that should be considered in identification of such areas, a data layer could be developed and a discussion of buffers could ensue.

Next Meeting: January 21, 2016 1 pm EDT Montpelier National Life Complex, Dewey Building, Room R206  
Agenda: To Be Determined.