

**VERMONT AGENCY OF AGRICULTURE, FOOD AND MARKETS (AAFM)  
VERMONT PESTICIDE ADVISORY COUNCIL (VPAC)  
JUNE 6, 2017 MEETING MINUES MINUTES – FINAL**

**MEMBERS IN ATTENDANCE**

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

**MEMBERS ABSENT**

Bosworth, Sid  
Darrow, Casey  
Palmer, Eric

**GUESTS**

Ken Lallier

**Meeting Called to Order**

1:05 pm EDT

**Meeting Adjourned**

3:00 pm EDT (B. Schultz moved, A. Hazelrigg seconded)

**Announcements**

- Minutes from the May 3, 2017 meeting were reviewed and approved (A. Hazelrigg moved, A. Shively seconded; Yes 6 including S. Bosworth and E. Palmer via e-mail, B. Schultz abstained as was absent). Final minutes will be posted on the VPAC SharePoint.
- Razelle Hoffman-Contois asked Cary Giguere if AAFM had received any feedback regarding use of VT-Alert as notification of planned herbicide application to utility, railroad and Vermont Agency of Transportation Rights-of-Way (ROWs). Several Council members noted that incorrect information regarding active ingredients permitted for use had been seen on an unaffiliated social media page. As the timing seemed to coincide with issuance of the first VT-Alert notice, it was agreed that over the winter AAFM and the Council will continue to discuss ways to evolve and improve the process. Cary noted that in response to an e-mail request from Ms. Barbara Burnett, he personally notified her of any treatments in Montpelier.
- As the Council was recently advised by AAFM, the BASF product Arsenal Applicators Concentrate® (registration number 241-299) with active ingredient imazapyr at the same percentage as the Nufarm product Polaris AC Complete® (registration number 228-570) was permitted for use (at the same rate per acre) in the recently issued railroad ROW permits as the latter product is not available at this time.
- In response to Razelle's inquiry, Cary noted that in the event aerial adulticiding is called for under the Arbovirus Plan, Anvil 10 + 10® (previously reviewed and recommended to the Secretary by the Council) would likely be employed. He noted the State has a half barrel on hand. Razelle will check for updates on the active ingredient (d-phenothrin) and report any findings of significance.
- Cary did not have any news to report on the topic of non-native invasive species control.
- In response to a request from Rick Levey, Barbara Schultz reported on the recent tent caterpillar control effort (aerial application of a product with active ingredient *Bacillus thuringiensis* subspecies *Kurstaki* strain). The pest population and footprint of the area impacted has increased which she noted is typical of the second year of an infestation. Razelle asked if a confidential statement of formula (CSF) had been provided to the state toxicologist for review. Cary explained it was not, as current regulations do not require for such an activity. He noted that the procedure for obtaining a CSF has become very complicated. Razelle suggested that as Health had asked AAFM for the CSF, AAFM should discuss directly with Department of Health management. Cary noted that the Department of Forests, Parks and Recreation did a few public service television spots and the Secretary of AAFM was on twice as well. Regarding the treatment, it was noted that one previously unidentified private spring well was sprayed over. It had not been identified despite public outreach. It is now on the map. Barbara noted there is no indication that Vermont is part of the Gypsy Moth outbreak which could mean it may not occur here or may just be delayed.
- In response to Rick's inquiry, Barbara reported that the Policy for Use of Pesticides on State Lands had gone to the Agency's Land Team for review. Attorneys are working to address some questions. When the process is complete, the Policy will be provided to the Council for review and feedback. Upon incorporation of final edits, this will become Policy. Barbara indicated she would like the Policy in place and ready for use in the event it becomes necessary to treat state lands for forest tent caterpillars. Cary asked for, and Barbara agreed to provide, a preliminary draft to AAFM as a preview will help ensure all necessary components are in place.
- Rick asked for, and Razelle agreed to distribute to the Council, the just issued revised Aquatic Nuisance Control permit application for Lake Pinneo.
- Andy Shively requested that the ROW permit application meeting be moved a few weeks earlier in the year. Cary and Razelle explained that as the current Regulation has an April 1 permit application deadline, it is not possible to move back the review meeting until the required turn in date is revised.
- Razelle requested a status report on revisions to Regulations for the Control of Pesticides. Cary reported there is some uncertainty regarding the status of the federal Worker Protection Standards and Certification and Training rule. He expects the new federal Administration will soon determine if they are going to open a new Federal Register notice and strike these or move forward with a delayed implementation date.
- Ann Hazelrigg asked for, and Razelle and Cary provided, a recap of the May 3, 2017 discussion of the New England Central Railroad ROW permit application.

**Public Comment** – None

## **Business**

**Use of solid Sonar<sup>®</sup> herbicide products for aquatic nuisance control** – Razelle opened the discussion by reiterating that the focus is use of Sonar<sup>®</sup> pellet formulations in general, not discussion of any specific Aquatic Nuisance Control permit application. Materials reviewed and any remaining uncertainties / points of concern were noted by each Council member in turn and discussed by all present. Based on the Council's recent discussions with Dr. Mark Heilman (SePRO), Razelle noted it is her understanding that limiting application to waters greater than 2 feet in depth is not likely to impact efficacy and can serve as a practical measure to address "attractive nuisance" concerns. As site-specific conditions and formulation significantly influence dissolution rate, the Health Department cannot offer general advice regarding when a pellet will be fully dissolved or provide generic recommendations regarding a monitoring plan to determine if an action level has been met. She noted that the Department of Environmental Conservation (DEC) would need to determine the dissolution rate for each proposed treatment taking into consideration formulation and site-specific factors, develop an appropriate site-specific monitoring plan, provide such to Health for review and comment (as well as operational awareness) and conduct sampling accordingly. Rick had reviewed information regarding non-targets compiled by Cornell (recently provided to Council by Mark Bellaud of Solitude Lake Management). He found it offered a good summary of toxicity for non-target species. He recapped that 30 - 60 day studies on various aquatic species indicate non-target toxicity in the range of 0.1 - 0.3 parts per million (ppm) (100-300 parts per billion or ppb) fluridone. He noted that 100 ppb (0.1 ppm) was used in chronic studies and offered that as the proposed target level of fluridone recently discussed (i.e., 4- 8 ppb) is significantly less than the level of concern reported in the chronic studies reviewed, there should be a sufficient margin of safety with respect to aquatic species and potential chronic effects. As acute toxicity studies focused on 4,000 ppb (4 ppm), he noted there's an even wider margin of safety compared to recently proposed range of target concentration. He observed that fluridone is not reported to bioaccumulate in fish tissue (i.e., concentration detected in fish tissue is roughly equivalent to concentration in water). A significant amount of variation in half-life in sediment was noted with values ranging from a few months up to a year. Regarding vertical gradient, he noted that, in general, available information indicates concentration of active ingredient near the bottom of the water column is roughly the same as near the surface and recapped his review of the information on vertical gradient Dr. Heilman provided regarding treatment of Silver Lake with SonarOne<sup>®</sup>. He added the caveat that site-specific conditions dictate what occurs and some treatments could result in a greater concentration detected near the bottom. Rick's review of treatments in New York State indicate that at no point in time more than 20% of the active ingredient in a pellet is released. Based on the information reviewed, Rick believes the pellets act as has been suggested. Barbara and Rick question if use of a pellet formulation such as SonarOne<sup>®</sup> could potentially result less active ingredient ultimately being employed than if Sonar<sup>®</sup> A.S., a liquid formation, is used. Ken Lallier (Vermont Golf Superintendents Association) offered that Dr. Heilman noted use of SonarOne<sup>®</sup> may result in use of less active ingredient as it is directly applied to areas of dense growth. The Council briefly discussed site-specific challenges associated with potential chemical treatment of Lake Pinneo in general such as proximity to a municipal water supply. Specific points of concern regarding use of any Sonar<sup>®</sup> product including lack of a federal or state drinking water standard for fluridone and lack of a U.S. EPA approved analytical method for this chemical in public drinking water were also noted. Returning to the general discussion of use of Sonar<sup>®</sup> pellet formulations, Ann stressed that the focus must be on whether treatment can achieve the intended target dosage and there must be via gridded, controlled, metered application with a well-developed monitoring component. Barbara noted that if less active ingredient is determined to be required when using the pellet formulations, such products could be useful. Andy Shively suggested, and Rick agreed, that challenges associated with use of pellet products in general could be addressed through waterbody-specific permit application review and inclusion of site-specific permit conditions. Cary offered that AAFM supports use of registered products when applied by certified applicators following all label requirements.

It was agreed that Razelle would synthesize the Council's thoughts regarding potential use of Sonar<sup>®</sup> pellet products, including precautions and recommendations, into a draft for the Council to review and provide feedback. Members offered important aspects they would like included in the draft. Once finalized, the Council's advice will be provided directly to the Department of Environmental Conservation Lakes and Shoreland Permitting Program.

**Additional Business:** Cary noted there's been some informal discussion regarding a potential course of action in the event aerial application of fungicide is warranted to control a specific type of corn blight. Headline<sup>®</sup> (a.i., pyraclostrobin), which was ground applied in 2016 via tractor, would be the product employed. Razelle asked for, and Cary agreed to provide, the product label. Ann and Cary explained that if application becomes necessary, there is a tight window of efficacy (i.e., just when the corn tassels). Razelle asked for an idea as to when this may occur. Cary noted that only half of the corn acreage has been planted in Rutland County due to recent heavy rains and Ann added her best estimate would be before the end of July based on historic data. Cary noted AAFM has not issued a permit for aerial application of fungicide for agricultural use in many years due to previous concerns regarding drift. He explained that the current Regulations for the Control of Pesticides do not require AAFM to put such permits out for review and that the method of application is what is being permitted. Per the Regulations, the Council is only asked to weigh on non-agricultural uses. It was noted that notification is built into the permit itself. Razelle suggested, and the Council agreed, that as the Council has been advised, each member will share this information with their respective home team and offer any comments directly to AAFM (via Cary) and copy Razelle for distribution to the Council.

**Next meeting:** September 2017. Date and agenda to be determined.