

## VERMONT AGENCY OF NATURAL RESOURCES

### USE OF PESTICIDES ON ANR LANDS

#### **Purpose:**

The purpose of this policy is to coordinate the use of pesticides (defined in Vermont regulations for control of pesticides) on ANR lands for terrestrial applications. Through the application of this policy, the Agency intends to maintain the integrity of Vermont public lands under its jurisdiction by protecting wildlife habitat and natural communities; maintaining species diversity; protecting human health and safety; controlling invasive plant and insect species; maintaining structures and buildings; and protecting forest health and wood products.

In 1986 Governor Madeleine Kunin issued a Pesticide Policy Statement, directing state government to minimize use of pesticides, maintain stricter standards when they are used, improve enforcement of violations, and institute other provisions (see Appendix 1). One of the principal directives of this policy instructed state agencies to conduct a Pesticide Use Impact Assessment (PUIA) before the use of any pesticide on land it owns or leases to third parties, and for the aforementioned PUIA to be reviewed by the Agency of Agriculture, Food & Markets.

#### **Policy:**

Excepting the agricultural lease and permit provisions below, pesticides may be used on ANR land(s) when:

1. There is no reasonable non-pesticide alternative available.
2. The levels of active ingredients do not exceed EPA established Preventative Action Levels (PALs).
3. After a Pesticide Use Impact Assessment (PUIA) has been developed, reviewed, and approved in accord with this policy.

Exceptions:

1. Pesticide use that is being conducted under a permit from the Agency of Agriculture, Food & Markets with approval by the respective ANR Department.
2. Agricultural lessees/licensees on state land(s) may use approved pesticides on their crops (per Attorney General's office).

The Agency will adhere to this policy until such time as it is revoked or modified.

#### **Procedure for Implementation:**

Pesticide use on Agency land will be done in accordance with developed Pesticide Use Impact Assessments (PUIAs). These documents may be prepared by or under the

direction of division directors using the outline provided in Appendix 2 as a guideline. When feasible, PUIAs will be developed for defined categories of use as outlined in Appendix 3 rather than for individual pests. PUIAs will initially be reviewed and approved by the Secretary of the Agency of Natural Resources or an approved designee. Upon the Secretary's approval, PUIAs will then be reviewed and approved by the Agency of Agriculture, Food and Markets. Once a PUIA has been approved, uses listed on the PUIA will be allowed and can be employed by department land managers. Copies of approved PUIAs will be maintained by the ANR Lands Director.

Agency of Natural Resource land managers at all levels shall insure compliance with this policy on lands under their jurisdiction including Agency lands leased to third parties.

Intended applications of pesticides under PUIAs to Agency of Natural Resources lands will be listed each year through the annual stewardship plans.

For use of pesticides that are not defined or authorized under approved PUIAs, the appropriate division directors shall create a new or amend an existing PUIA. Only PUIAs approved through this procedure will be permitted.

Uses of pesticides on ANR lands are allowed in accordance with the conditions of approved PUIAs and all relevant label specifications.

All uses must be in accordance with Vermont Regulations for Control of Pesticides as promulgated under 6 V.S.A, Chapter 87.

Land managers who become aware of reports of alleged violations, including those by lessees, shall inform the division director of the respective department with administrative and management jurisdiction of the parcel.

/s/ 12/28/05  
Thomas W. Torti Date  
ANR Secretary

/s/ 12/28/05  
Jefferey Wennberg Date  
DEC Commissioner

/s/ 12/28/05  
Jonathan Wood Date  
FPR Commissioner

/s/ 12/28/05  
Wayne Laroche Date  
FW Commissioner

## Appendix 1

### PESTICIDE POLICY STATEMENT

May 14, 1986

While spring is a welcome relief from mudseason, it also represents the start of pesticide spraying.

Pesticides -- both insecticides and herbicides -- have been the subject of public controversy since Rachel Carson published Silent Spring in 1962. In recent years, the public's faith in the use and production of these chemicals has declined drastically. The tragedy in Bhopal, India, the banning of Ethylene dibromide (EDB), and the recent contamination of dairy and meat products by the pesticide Heptacholor, are just a few examples of incidents that have helped to undermine the public's confidence.

In addition, the U.S. Environmental Protection Agency, the federal regulator of these chemicals, has not been diligent in providing credible and timely evaluations. Budget cuts for EPA and the U.S. Department of Agriculture will further restrict the federal role in pesticide management.

In Vermont, pesticides are used effectively to control plant growth along powerlines, railroads, and roadways as well as on farms, forests, and orchards to protect crops. New approaches to controlling pesticides must balance the historic use and economic benefits of these chemicals with concerns for public safety.

In recent years, the Vermont Agriculture Department, the Health Department, the Agency of Environmental Conservation, the Agency of Transportation, and the Public Service Board have all endeavored to improve the risk management of these chemicals. A bill, which this Administration promoted and the Legislature

adopted last year, established a pesticide monitoring program in the Department of Agriculture. This initiative supplements the on-going efforts of the Departments of Health and Agriculture to track the spread of these chemicals.

The UVM Experiment Station and the Extension Service have also been active in improving the efficiency of pesticide use. The Integrated Pest Management and the Biological Pest Control Programs have helped farmers and foresters implement better pesticide management techniques including the development of non-toxic alternatives. In addition, the Public Service Board recently amended its regulations allowing landowners along a power line to require power companies, for a modest fee, to use a non-herbicide alternative.

Finally, the Agriculture Commissioner has brought together the various parties concerned about the use of herbicides on power, rail and roadside rights of way to improve communication and coordination as new policies are developed.

Through these on-going efforts, the state has been active and vigilant. This year, in keeping with a policy of minimal pesticide use, I am directing state government to adopt the following program that will build on these efforts and lead to the reduction of pesticides in the State of Vermont. In carrying out these policies, economic impacts shall be assessed and considered.

1. Plans for Minimizing Pesticide Use -- I am asking the Agriculture Commissioner to require that all pesticide applicators seeking an Agriculture Department permit develop plans with specific schedules for minimizing their reliance on chemicals in favor of alternative management techniques.

2. A Stricter Standard for State Agencies -- The state must take a leadership role in the use of pesticides. Therefore, I am asking the Secretaries of Transportation and Environmental Conservation to develop long-term management plans that incorporate a schedule of pesticide minimization. In addition, I am directing these agencies to include a Pesticide Use Impact Assessment (PUIA) process as part of their management plans. This assessment will require the agencies to demonstrate regularly that for each proposed use there is no reasonable non-chemical alternative available and that the environmental and public health impact of pesticide use is negligible. The Agriculture Department will be responsible for reviewing the management plans and these assessments.

3. Improved Enforcement of Pesticide Violations -- The Agriculture Commissioner is responsible for insuring the proper enforcement of the regulations governing pesticide use in the state. To strengthen the Commissioner's hand and to put pesticide enforcement on equal footing with other state environmental laws, I will propose to the Legislature that 6 VSA Chapter 87 be amended to allow for the assessment of civil penalties for pesticide violations.

4. Restructuring Vermont Pesticide Advisory Council -- The Pesticide Advisory Council is charged with advising state government on the use of "economic poisons" (6 VSA Chapter 87). Times have changed since the Council was first constituted in . . . . Therefore, I am initiating a process within my administration to review the structure and function of the Council and to prepare recommendations for next year's legislative

session.

5. Emphasize Alternatives for Agriculture Sector -- The Agriculture industry is one of the largest applicators of pesticide products in Vermont. Steps must be taken to insure that farmers are fully informed of economically sound alternatives to the use of chemicals. I am asking both the Agriculture Commissioner and the UVM Extension Service to expand their efforts to develop and to inform farmers of these options.

6. Increase Manufacturer's Permit Fee -- Because federal support for pesticide management is shrinking, the states are forced to assume more regulatory responsibility to maintain an adequate level of protection. Using last year's pesticide monitoring legislation as a model, I will ask the Commissioner of Agriculture to seek an increase in the relatively modest fees that pesticide manufacturers now must pay to register their products in Vermont. I believe that those who benefit from the sale of these chemicals should help pay for the programs that are necessitated by their use. The additional funds will be used to expand the pesticide monitoring program and to develop and implement economically feasible, non-chemical alternatives for all pesticide users.

7. Proper Disposal of Residential Chemicals -- Many chemicals are used around the home as disinfectants and to control insects and weeds. The improper use and disposal of these products also pose a risk to our environment. Vermonters must apply these chemicals cautiously. In addition, after use, the containers and any residues should be taken to an approved disposal facility. To help Vermonters with the proper treatment of these chemicals, the

Agency of Environmental Conservation last year began a program to collect hazardous materials at designated sites around the state in connection with Vermont Green-Up. The state will continue to assist Vermonters with the proper disposal of these chemicals.

In establishing these policies, the state will be moving toward a more efficient and safe use of pesticides without unduly burdening those who rely on them.

**Appendix 2**  
**Guidelines for Pesticide Use Impact Assessment (PUIA)**

- I. PURPOSE OF AND NEED FOR ACTION INCLUDING PROPOSED ACTION AND GENERAL DEFINITION OF PROBLEM(S)
- II. MANAGEMENT STRATEGIES AND OBJECTIVES
- III. AFFECTED ENVIRONMENT
  - a. Physical Setting (location description)
  - b. Biological Considerations
  - c. Social Considerations (populations, industries, outdoor recreation)
- IV. ALTERNATIVES
- V. EVALUATION OF ALTERNATIVES (includes Pest Profiles (Biology) and Pest Management Strategies for both proposed action and alternatives)
- VI. ENVIRONMENTAL CONSEQUENCES
- VII. RISK ANALYSIS
  - 1) Human Health Risk Analysis
    - Voluntary Exposure – applications, workers, etc.
    - Involuntary Exposure – users, transporters, etc.
  - 2) Other Animal Risk Analysis
    - Livestock, pets, wildlife, etc.
  - 3) Plan for Risk Reduction
- VIII. PESTICIDE PROFILES (includes MSDS sheets, labels, etc.)
- IX. SCHEDULE OF IMPLEMENTATION
- X. CONTINGENCY PLANS (Safety)
- XI. SCHEDULE FOR MINIMIZATION OF RELIANCE ON CHEMICALS
- XII. LIST OF CERTIFIED APPLICATORS AND CERTIFIED SUPERVISORS
- XIII. SCHEDULE FOR APPLICATORS RECERTIFICATION AND OTHER TRAINING
- XIV. ADMINISTRATIVE REQUIREMENTS AND CONSTRAINTS
- XV. OTHERS CONSULTED
- XVI. LIST OF PREPARERS
- XVII. SUMMARY AND CONCLUSIONS



### **Appendix 3**

#### **Expected use categories of pesticides on Vermont State Lands**

(Some examples are listed within each category but these are not intended to be an exhaustive listing of the species or techniques within each category)

Category 1: Human Health and Nuisance Pests

Poison Ivy

Mosquitoes

Category 2: Pests of Structures and Building

Decay organisms

Carpenter ants

Powder post beetles

Category 3: Pests of ornamental plants in state parks, and state owned properties

Category 4: Forest Pests

Forest tent caterpillar

Gypsy moth

Spruce budworm

Hemlock looper

Category 5: Weeds/Invasive Species

Refer to Agency of Agriculture Noxious Weed Quarantine

Refer to Vermont Invasive Exotic Plant Committee Watch list

Category 6: Regulated Pests

Hemlock woolly adelgid

Emerald Ash Borer

Sudden Oak Death

Asian Longhorned Beetle

Category 7: Habitat Restoration and Management

This list of categories is not all-inclusive and is subject to change, if needed.