

**Aquatic Nuisance Control Study Committee Meeting
Pursuant to Act 57 of 2023**

**September 27, 2023
8:30 am – 10:30 am**

MEETING MINUTES

Present: Senator Chris Bray (State Senate), Dr. William Bress (UVM), Kim Jensen (DEC), Dr. Ellen Marsden (UVM), Sarah Owen (VDH), Eric Palmer (FWD), Representative Amy Sheldon (State House of Representatives), Hannah Smith (DEC Legal), and Olin Reed (DEC).

1. Meeting Minutes September 18, 2023
A motion was Dr. William Bress made by and seconded by Amy Sheldon, all were in favor, to accept the September 18, 2023 Meeting Minutes.
2. Administrative Tasks
Approval provided to record the meetings.
3. Overview of Act 57 of 2023 An Act Relating to Aquatic Nuisance Control
 - a. Presentation of ANC Permits and History of Pesticide Use in Vermont available on [Act 57 \(2023\) Aquatic Nuisance Control Study Committee webpage](#). A review of the historical use of pesticides in Vermont from 2000-2023, and a review of the ANC Statute [10 V.S.A. § 1455](#) Permit Criteria and the application of these criteria used by DEC.
 - o Question on whether there is build up within fish tissue of Procellacor. A follow-up review from the EPA will be provided regarding this.
 - o Question regarding whether PFAS were present as an ingredient in Procellacor. A follow-up inquiry to the VT Agency of Agriculture about what they may have learned about PFAS residuals in pesticides will be completed.
 - o Question on how the Agency of Agriculture works with DEC to review pesticide permits and applications, especially where crops may be affected. An Agency of Agriculture inspector is present during the treatments to ensure that safety and precautionary measures are met but are not involved in the Internal ANC Internal Review Procedure to review individual permits. The Agency of Agriculture is on the Agricultural Innovation Board (AIB).
 - b. [Overview of ANC Pre-Rulemaking Group](#)
Specific work was completed for and by the ANC Pre-Rulemaking Group that is applicable and informational for this Committee. It is recommended to review the

Meeting Minutes and Presentations from this effort for expediency and efficiency. The weblink to this information will be posted on the Act 57 (2023) Aquatic Nuisance Control Study Committee webpage.

- c. Overview of [ANC Individual Permit Application Internal Review Procedure](#)
ANR Internal Review Procedures for the ANC permits were established by the DEC, FWD, and VDH and signed into agreement in March, 2023. These procedures follow guidelines for how technical projects partners may comment and advise DEC on ANC Permits. The weblink to this information will be posted on the Act 57 (2023) Aquatic Nuisance Control Study Committee webpage.

- 4. Discussion of [10 V.S.A. § 1455](#) and Areas of Concern
The topics below were briefly discussed as these were the areas of concern highlighted by the ANC Pre-Ruling Group. Likely these are areas that the Study Committee will also research/review in detail and incorporate into the recommendations.

- a. Clarification/Revision of Statutory Terms and Definitions (i.e., acceptable, reasonable, negligible, and aquatic nuisance species)
- b. Determination of “Public Good”; Identification of Interested Parties and their Roles
- c. Permit Application Requirements / Evidence for Pesticide Use
- d. Identification of Permit Exclusions

- 5. Discussion of Topics and Assign Committee Tasks
The topics were developed based on the Act 57 recommendations list and can form the basis for committee members to explore/research, present findings to the group, and/or be accountable for drafting in the report. DEC staff are available to provide research publications, documents, former and present permits where necessary and requested. Committee members identified their topic of interest and are noted below.

- a. Summarize and Assess the Use of Pesticide vs. Non-Pesticide Controls (Kim)
- b. Pesticides Effects and Precautions on Non-Target Environment or Non-Target Species (Sarah & Bill)
- c. Legislation, Standards, and Application Procedures for Pesticide Use in Vermont in Comparison to Other States (Eric & Kim)
- d. Identifying and Defining Interested Parties and Potential Roles in Permitting Process (Amy & Chris)

- 6. Identify Milestones and Dates for Committee Members
The Committee agreed to move the meetings to Tuesday afternoons from 12:45 pm -2:45 pm. The Meeting Dates will be 10/10/23; 10/17/23; 10/31/23; 11/14/23; 11/28/23; 12/12/23, a Teams Meeting link will be sent to Committee members. The following milestones were agreed upon:

- a. 10/10/23 – Draft outline based on recommendations.
- b. 10/17/23 – Incorporate information from topics noted above.
- c. 10/31/23 – Draft report developed for review by Committee.

- d. 11/14/23 – Draft report finalized for review by Department Commissioners.
- e. 12/12/23 – Comments incorporated by Department Commissioners.
- f. 12/15/23 – Report Submitted to Legislature.

7. Develop Agenda Items for Next Meeting

- A. Meeting Minutes Review and Approval
- B. Review and Discuss the ANC Permit Statutes [10 V.S.A. § 1455](#)
- C. Act 57 ANC Study Committee Report Outline
- D. Public Participation: How best to incorporate public comments into the report.
- E. Public Comment Period
- F. Close Meeting

8. Other/Public Engagement

Discussion how the public may be engaged in the Study and recommended adding this as a future Agenda Item. The Committee opened the floor for Public Comments.

9. Meeting Close at 10:32 am

The next Aquatic Nuisance Control Study Committee Meeting is scheduled for October 10, 2023. The Agenda and meeting link will be available on the [DEC Act 57 \(2023\) Aquatic Nuisance Control Study Committee webpage](#).