

**VERMONT AGENCY OF AGRICULTURE, FOOD AND MARKETS (AAFM)
AGRICULTURAL INNOVATION BOARD (AIB)**

MEETING MINUTES

DATE: February 26, 2024

LOCATION: Vermont Agency of Agriculture, Food and Markets 94 Harvest Lane, Williston, VT 05495 –
Conference Room 210 / Virtual Microsoft Teams Meeting

Member	Present	Absent
St. Pierre, Amanda		x
Beckford, Roy	x	
Hazelrigg, Ann	x	
Chamberlin, Jonathan		x
Pajak, Abbi	x	
Ransom, Earl		x
Rebozo, Ryan	x	
Schubart, Steven	x	
Owen, Sarah	x	
Harper, Wendy Sue	x	
DiPietro, Laura		x
Dwinell, Steve		x
Griffith, Morgan	x	
Guests in Attendance		
Stephanie Smith		
Pam Bryer		
Jill Goss		
Zach Szczukowski		
Brooke Decker		
Dave Huber		
Steve Cash		
Dillon Gabbert (Bayer)		
Sylvia Knight		
Lisa Fantelli		
Marguerite Adelman		
John Brabant		
Emilie Inoue		

Meeting called to order: 1:00 PM EST

Meeting adjourned: 3:42 PM EST

Next meeting: Monday March 25, 2024, 1-4PM

Agenda:

1:00 PM – Welcome & introductions

1:05 PM – Agenda, previous meeting minutes, AAFM update

Legislative updates & discussion

1:15 PM – [H.706](#) - An act relating to banning the use of neonicotinoid pesticides comparison with [NY Birds and Bees Protection Act](#) regulating neonicotinoid treated seeds – Zach Szczukowski, Agency of Agriculture, Food & Markets

2:00 PM – [S. 197](#) - An act relating to the procurement and distribution of products containing perfluoroalkyl and polyfluoroalkyl substances and monitoring adverse health conditions attributed to perfluoroalkyl and polyfluoroalkyl substances – Pam Bryer, PhD, Agency of Agriculture, Food & Markets

2:45 PM – [S. 272](#) - An act relating to the regulation of second-generation anticoagulant rodenticides – David Huber, Agency of Agriculture, Food & Markets

3:30 PM – Discussion regarding survey questions and next topic to address

3:50 PM – Public Comments

4:00 PM – Adjourn

New Action Items

Action	Responsible Party	Complete? (date)
Provide Morgan with additional suggestions for next topics for AIB to address	AIB Members	
Contact Margaret Skinner (UVM) with proposed survey questions to be included in her upcoming survey	Morgan Griffith	
Contact Sarah Kingsley-Richards (UVM) about capabilities of polling participants in her upcoming pesticide certification trainings	Morgan Griffith	
Send Sylvia Knight link to H.706 bill comparison meeting material	Morgan Griffith	

Ongoing Action Items

Action	Responsible Party	Complete? (date)
AIB members let Morgan know if eligible for per diem reimbursement to receive necessary paperwork	All eligible AIB members	

Welcome & Introductions, agenda, previous meeting minutes & AAFM update

- January 22, 2024 meeting minutes accepted without edits
- Secretary Tebbetts and the Agency of Agriculture, Food and Markets (AAFM) is considering BMPs that would be consistent with the AIB recommendations.
 - Final decision has not been made yet
 - BMPs will be sent to AIB members once the Secretary has made final decision, which should be soon – within the next week or 2.

- AIB will have an option to weight in since the BMPs would have to go through rulemaking process and there will be ample opportunities for discussion and input.

Legislative Updates & Discussion

H.706 – An act relating to banning the use of neonicotinoid pesticides comparison with NY Birds and Bees Protection Act regulating neonicotinoid treated seeds – Zach Szczukowski, Agency of Agriculture, Food & Markets

- NY Birds and Bees Act passed last year, Governor signed with changes.
- H.706 has been introduced in VT legislature and currently sits with the House Committee of Agriculture, Food Resiliency, and Forestry
- H.706 sections 1 & 2 are findings and definitions
- State lead agency for pesticide regulations in NY is DEC, in VT it's AAFM
- H.706 includes use of the treated seeds, whereas the NY act does not include use
- VT bill covers all neonic active ingredients, where as NY names clothianidin, imidacloprid, thiamethoxam
- VT bill was amended on Friday 2/23/24 to align timing so now prohibition on treated seed for both VT and NY is 1/1/2029
 - Amendment also aligned with responsible state agency being Agency of Ag since they have authority to regulate pesticides in state
- Q SO: does this bill encompass other uses too? what % of use is from treated seed? What would be the replacement?
 - A: we do not collect usage data on treated seed, as they are not considered pesticides and instead are treated articles. We have made calculations based on assumptions of corn acreage, amount of active ingredient on seeds and 99% of corn seed being treated with neonics that is available within our previous meeting materials. That assumed usage is significant compared to neonic usage reported by certified commercial applicators in the state.
 - H.706 does address other uses of neonics besides treated seed and we will address that section in a minute.
- VT prohibition on neonic treated seeds applies to soybeans, cereal grains (crop groups 16, 22) and the forage, fodder, straw of cereal grains.
 - Includes barley, buckwheat, corn, wheat, etc.
- NY is just soy, corn, wheat
- VT exemption order Secretary of Ag must specify in the exemption order:
 - Types of seeds, date, duration, geographic scope (may include specific farms, fields, properties)
 - Provide that purchase of seeds would be undue financial hardship on the farmer or that there is insufficient amount of commercially available seed not treated with neonics.
 - Detailed evaluation of anticipated effect on pollinator & bird populations, ecosystem health and public health. Amendment changed to have determination whether the exemption order will cause undue harm to those populations and ecosystem and public health
- NY waiver process includes farmer has to:
 - Complete IPM training

- Complete pest risk assessment and report
- NY waiver process is similar to Ontario requirements for waiver for use of neonicotinoid treated seeds (NTS)
- VT exemption order can also make restrictions to the use of NTS, could be like BMPs
- VT exemption order cannot be longer than 1 year, in NY it is not longer than 2 years
- All VT exemption orders have to be submitted to House and Senate Ag and Environmental committees and to AIB
 - NY just have to report number of waivers issued. Not send every exemption.
- NY DEC must adopt rules prior to undertaking the waiver process.
- VT Sec 4 Other Neonic prohibited uses
 - Outdoor application any crop during bloom
 - Outdoor application of neonic to soybeans or any cereal grain group crops
 - This would prohibit (unless exemption in place) the application in furrow when planting
 - Outdoor application to crops in the following groups: leafy vegetables, bulb vegetables, brassica, herbs and spices, stalk, stem, and leaf petiole vegetables crop groups harvested after bloom
 - Outdoor application to ornamental plants and turf
- Q: SSmith: I believe dinotefuran is treatment for spotted lantern fly would that application be prohibited?
 - A: it may be covered under exemption for agricultural or environmental emergency
- VT other neonic prohibition uses exemption order:
 - Specify neonic and use and crops, date, duration, geographic scope
 - Evaluation determining that agricultural or environmental emergency exists
 - Determination that use of neonic would be effective in addressing emergency and no other less harmful pesticide or pest management practice exists
 - Evaluation whether exemption order will cause undue harm to pollinator and bird populations, ecosystem health and public health.
- Agricultural emergency is any pest that present an imminent risk of significant harm, injury or loss to crops
- Environmental emergency is occurrence of pest that presents a significant risk of harm or injury to environment, agricultural crops – including foreign pests that needs quarantine measures as determined by AAFM
- NY only prohibits the application to outdoor ornamentals and turf
- NY waiver additional requirement for applicators using a neonic pesticide must take a department approved neonic course annually and maintain record of the course for 3 years.
- No reporting of waivers in NY, VT has to send to committees and AIB
- NY law has a research requirement to look into practical and feasible alternatives due by Jan 1, 2026
- Proposed Registration law amendments under H.706
 - Shall register any neonic pesticide as restricted use pesticide, but not pet care products, personal care for lice and bedbugs, indoor pest control products and H706 would remove treated article seeds from this list.
- Best Management Practices requirements proposed in H.706
 - Shall adopt by rule BMPs for the use of:

- When NTS used prior to Jan 1 2029
 - When exemption order is in effect authorizing use of NTS
 - When exemption order is in effect authorizing use of neonic pesticides
 - Insecticide treated article seeds other than neonic treated seeds
- In developing rules with AIB shall address the same 7 required topics AIB has been looking into, but expands beyond only neonic treated to include all insecticide treated seeds and neonic pesticides
- Added required topics
 - (H) Effects of insecticide treated seeds on wild pollinators, managed pollinators and other beneficial insects
 - (I) Effects of insecticide treated seeds on soil health and farms that don't use insecticide treated seeds, including organic farms
- On or before July 1, 2025 AAFM shall adopt rule for BMPs for diamide treated seed
- Q SO: why is this in there?
 - A: to encompass the alternatives that potentially could replace neonic treated seeds.
- Q AH: didn't recall date, has it always been 2029?
 - A: Changed on Friday to 2029
 - AH: I think it's good to mirror NY. Once NY goes, VT will be more likely to follow.
- Q RB: who is responsible for pest risk assessment report?
 - A: The NYDEC has to adopt rule to help implement the waiver process so we will likely find out more of the logistics of the NY waiver process and pest risk assessment reports once those rules have been finalized.

S. 197 - An act relating to the procurement and distribution of products containing perfluoroalkyl and polyfluoroalkyl substances and monitoring adverse health conditions attributed to perfluoroalkyl and polyfluoroalkyl substances – Pam Bryer, PhD, Agency of Agriculture, Food & Markets

- S.197 is in the Senate Committee for Health and Welfare. They asked Senate Ag to look at sections 6 & 7 of the bill because were relevant to pesticides
- Section 7 Lists 6 PFAS compounds that cannot be active, inactive, or inert ingredient in pesticide
 - This is redundant to federal law because these 6 PFAS are already not allowed in pesticide products
- S.197 proposes that products packaged in fluorinated containers must be tested, sale prohibited if more than 20 ppt
 - This could be hard to enforce because there isn't the testing capacity to test all 12,000 products on an annual basis
- Proposes required annual submission of confidential statement of formula (CSF) and affidavit that product was never in a fluorinated container
 - Are confidential and therefore should be collected via confidential database.
 - Registration would have to include contacting registrants' legal representatives for this confidential information
 - In Maine the CSF and affidavit that never in fluorinated container was a major issue it cost >\$100k and still have issues with inaccessible data.
- Takes effect Jan 1 2025, which is a very quick turn around time because of the intake of additional information for the next registration year.

- S.197 bill was amended to include a statewide prohibition of all products that have intentionally added PFAS
 - This would effect pesticides because of the definition of PFAS as written in the bill
 - Definition is very broad, there is good reason to use a broad definition because when first 2 PFAS compounds were found to be harmful the industry pivoted to alternatives that could be just as harmful, so could be good to include a definition to encompass those alternatives
 - Proposed prohibition of intentionally added PFAS in all products unless exempted that the use of PFAS is currently unavoidable use.
- Definition as written is any compound that contains 1 fully fluorinated carbon
 - Both PFOA and bifenthrin would be considered PFAS under this definition
 - PFOA has been prohibited from manufacture in US for 20 years
 - Bifenthrin is common mosquito and tick pesticide
- Definition that has been proposed by Sarah Owen and Pam Bryer is the TSCA 8(a)(7) definition (40 CFR 705.3) and the Commissioner of Health may exempt chemicals from the definition if they are federally regulated and not designated as persistent bioaccumulative toxic. The Commissioner can add chemicals if they are designated as persistent bioaccumulative toxic.
- If use TSCA 8(a)(7) definition compared to 1 fully fluorinated carbon (1FFC) definition, different amounts of pesticides would be encompassed.
 - TSCA 8(a)(7): 4 active ingredients, 2 other/inert ingredients
 - Maine 1FFC interpretation: 56 active ingredients, 3 other/inert ingredients
 - Minnesota 1FFC interpretation: >90 active ingredients, undisclosed amount of other/inert ingredients
- The 1FFC definition would also encompass many veterinary medicine products, which we not fall under the TSCA 8(a)(7) definition.
- SO: Language of proposal to ban in all consumer products is likely to change
- AH: it's complicated and scary
- RB: How does veterinary industry respond to this?
 - State vet is very concerned, for example the anesthetic gas used is considered PFAS under the 1 fully fluorinated carbon definition.
- PFAS is currently not allowed in pesticides and if that contamination has occurred they have to notify EPA since it is violation of FIFRA.

S. 272 - An act relating to the regulation of second-generation anticoagulant rodenticides – David Huber, Agency of Agriculture, Food & Markets

- S.272 bill was going to require to register second generation anticoagulant rodenticides (SGARs) as restricted use pesticides (RUPs) in VT.
- This bill is being combined with the general housekeeping bill, so may not be in independent form much longer
- Any rodenticide containing SGAR (4 active ingredients) will be registered as restricted use pesticides only to be used by certified applicators
- Bill also looking to have studies done
 - EPA doing these studies now, conclusion coming in fall, so AAFM thinks may not be necessary to do studies/reports and potential rulemaking proposed in bill since will be completed by EPA
 - Q MG: can you go into more detail about the studies proposed in the bill?

- A: Potential mitigations being looked at by EPA
 - Post application follow up to dispose of exposed bait
 - Use of bait stations that exclude listed species
 - Restriction of consumer products to non-refillable bait stations
 - Classification of first generation anticoagulant rodenticides (FGARs) and SGAR as RUP (would make this bill redundant to federal)
 - Placement of bait stations within 5ft of structures
 - Statements “do not apply directly to water”
 - Statements that limit use during certain times of year or in certain areas to protect listed species
 - Post application follow up to report dead or dying animals
 - Carcass search and collection post application
- 68 products registered in VT with SGARs 56 are class A (RUP), 12 are class B (because agricultural exemption applied based on 2008 EPA rodenticide guidance)
 - Class B are typically sold in ag stores i.e. Agway, Tractor supply etc
 - If this bill passes these would be reclassified to Class A and only available through restricted use dealers to certified applicators
- AAFM has had proper use of rodenticides campaign in last year – poster and video, trainings for professional pest management industry
- FGAR include products that are developed prior to 1970, more toxic when fed on for several consecutive days.
- SGAR were developed to control rodents resistant to FGAR. Are more toxic after one feeding. Are more likely to stay in tissue longer. These risks made these products only registered for professional use, with the exception of the agricultural products
- Steve Schubart was asked as only producer member on the call if he uses any rodenticide products and if he thinks he would be impacted by the change to being restricted use?
 - He would not use these products on his soils. We don’t have rodent problems, don’t have issues with that. I think that there are issues with regulating what farmers can and cannot do on their land, but we have seen farmers usually find a way to use ingenuity to control their pest problems.
- Q SSmith: are there still ready to use bait stations for residential use?
 - A: those are FGARs and can be sold with a refillable bait station up to 1 lb of bait. Would still be class C and available to general public. This bill relates SGAR only.
- Agency is prepared to move 12 SGAR products from class B to Class A.

Discussion regarding survey questions and next topic to address

- Roy asked UVM extension about upcoming surveys. 3 people are getting ready to do farm surveys:
 - Margaret Skinner (entomologist interested in the data) is getting ready to survey soon
 - Intended audience of survey is those who use covered agriculture i.e. greenhouses etc – but can expand if she sees value in our questions
 - David Connor CALS – later this year, possibly early 2025
 - Mark C – later this year, looking at farm viability issues.
 - May be others who contact Roy at a later date that plan to survey
- Members discussed questions on previous (2023) survey and if we have to survey every year.

- The survey requirement mentioned in the statute forming AIB, says to survey farmers from every county in VT to help understand agricultural inputs currently used and current challenges farmers face in reducing these inputs, in order to inform recommendations provided in AIB annual report.
- Had thought to keep same questions so can collect data to understand if practices are changing over time.
 - SO: suggested that longer survey to see change over time can be issued every 3-5 years and a shorter survey with fewer questions could be inbetween, so participants don't view survey as redundant year after year. This would be consistent with some Department of Health surveys.
 - AIB Members agreed with this approach
- 3 questions agreed upon:
 - In what county/counties are you located?
 - What environmental impacts are you concerned about when using agricultural inputs?
 - PFAS
 - Microplastics
 - Non-target pollinator exposure
 - Non-target rodenticide exposure
 - Tire disposal
 - Other_____
 - What challenges do you face in reducing the use of those agricultural inputs that cause you environmental concern?
 - Cost
 - Availability of alternatives
 - Knowledge of alternatives
 - Effectiveness of alternatives
 - Other_____
- Dissemination options
 - Increase participation of the Vermont Dairy Producers Alliance members
 - Include with Margert Skinner's upcoming survey
 - **Morgan to contact Margaret with proposed questions to understand if she would like to include in her survey
 - Option to have hard copies of the survey available when core pesticide exam given to private applicators for pesticide certification
 - **Morgan to ask Sarah Kingsley-Richards (UVM) about capabilities of polling participants in her upcoming pesticide certification trainings.

Public Comments

- All comments provided through the chat of the virtual meeting are included in the meeting transcript.
- Marguerite Alderman – encourage to listen to Kyla Bennet testimony concerning PFAS in pesticide as national expert on PFAS in pesticide. Studies we have looked at have found 55 PFAS in pesticide products. They are used to serve a purpose within the pesticide. Recent study by Portuguese scientist found that 17% of pesticides introduced in last few years have used PFAS in chemical formulations and public doesn't know what is in these formulations. We know that a

lot of our produce and food is contaminated with PFAS either from pesticides or biosludge spread on field. S.197 can be strengthened. Organic farmers have communicated to her about not wanting to test soil for fear of detecting PFAS in their soils. If you could ask farmers a question, ask them if they would test soils for PFAS.

- Sylvia Knight – request to send her Zach’s bill comparison document. **Morgan will send her link once uploaded to meeting materials on AIB website.
 - Ask department to not register these SGAR products in VT. They are highly toxic and dangerous to raptors because the pesticide can remain in dead animal for over 100 days. This product looks really dangerous to our wildlife, including barn cats.
 - Look at Audubon VT comments regarding rodenticide.

** - indicates action items