

# Agricultural Innovation Board Meeting Transcript

December 9, 2024, 6:01PM

□ **Griffith, Morgan** started transcription

0:10

Alright, good afternoon.

Is December ninth.

And we are going to begin.

I was meeting for the agricultural interview.

JC

**Jonathan Chamberlin** 0:23

Pull those inventory, yeah.

0:27

And as a reminder, this meeting is being recorded as public record and that participation in a recorded meeting will be deemed as consent to be recorded, including statements both written and oral public records, including this recording can be requested at any time in accordance with the Vermont public.

Records act.

So welcome everyone. Happy December.

I'm glad to see everyone.

And I will first just do introductions and I'm going to start with the room.

Camera seems to only like me right now.

Hi, I'm Morgan.

I'm the buzz with emails.

I'm with the HC bag.

And also in the room I will start just with Steph.

Hi, I'm Stephanie Smith.

And I am deputy director of the public Health and Agricultural Resource Management division at the Vermont Agency of Agriculture, Food and Markets.

And also in the room we have Emily.

I.

I have Emily may.

I don't know if the camera will shift.

I have it on my computer too.

With the Zeros Society for invertebrate conservation and agricultural conservation lead with our pesticide program, I'm excited to talk to you today.

Thanks and Sean.

Hi, I'm Sean Lucas, University of Vermont extension.

Extension agronomy.

I'm in the Middlebury office, and I think I'm rotating on to the board in February.

OK. On the call, I'm gonna start with the members.

I see.

So Jonathan.

**JC** **Jonathan Chamberlin** 2:08

Right, Jonathan Chamberlain, the crop consultant on the board.

2:13

Please welcome.

Thanks for joining us.

Gabby.

**PA** **Pajak, Abbi** 2:19

Hi, Abby.

Pajack DECK fo program.

2:25

Savvy Roy.

**RB** **Roy Beckford** 2:30

Hey, good afternoon, Roy Befford, associate Dean on the College of Agriculture and Life Sciences and director of extension.

Good to see Sean in the room.

2:40

And.

Pam, Pam.

**WP Wadman, Pamela** 2:47

Pamela. Evan, I'm from the Vermont Department of Health.

Substituting or replacing Sarah Owen, who had moved on to another position in November.

I'd like to report we have a new hire for those of you who are excited about this as I am, we have a new toxicologist for the state of Vermont named Dr. Andrea Kirk, Straight from EPA in Virginia. And she's wonderful.

2:59

Thanks for doing this.

**WP Wadman, Pamela** 3:13

So I look forward to introducing her to the board as needed as well.

3:14

Run.

That's great.

Yeah, you can just let me know if however if memberships need to change. If it's you or however that works, just keep me posted.

Wendy's.

**WH Wendy Sue Harper** 3:38

My name is Wendy Sue Harper.

I'm in the soil biologist position.

I'm a soil scientist and I'm rotating off the board after February.

3:51

Miss you tremendously. Wendy's here.

Miss you tremendously. Wendy's.

Thank you for all of your effort in this.

OK. Others that I see, Alicia.

**AU Alisha Utter (she/her)** 4:05

Hey y'all. My name is Alicia Utter and I'm here as a member of the public today.  
I'm a farmer and consultant.



4:16

Thanks for joining us, Anna.



**AS Anna Seuberling** 4:21

Everyone and super Bling would be perg here today.



4:30

Pam briar.



**BP Bryer, Pam** 4:35

Agrochemical toxicologist with the Vermont Agency of Agriculture Food Market.



4:46

Christine.



**CV Christine Villegas** 4:51

Is. I'm here from the industry side, from Bayer crop science.



4:59

Christine Jill.



**GJ Goss, Jill** 5:05

I'm Jill Gosson with the agency of Agriculture.

I'm an agricultural input specialist.



5:13

Please show Heather.



**HD Heather Darby** 5:18

Hi all.

It's Heather Darby from UVM, extension agronomist and soil specialist.

Hi, Wendy. Sue can see your face.

5:32

Thanks for joining us, Jared.

JC

**Jared Carpenter** 5:38

Afternoon, everybody.

Jared Carpenter, Lake Champlain committee.

5:47

Jonathan wolf.

JW

**Jonathan Wolff** 5:51

None.

Good afternoon. Jonathan Wolf with Primer Piper here in Burlington, Vt on behalf of Crop Life, America and biotechnology innovation.

MP

**Mia Park** 6:13

Hi everyone.

My name is Mia Park.

I'm at the Zirc Society for Invertebrate conservation.

I work with Emily on the pesticide team.

6:25

Yeah.

And I think.

That I have everybody.

That I have.

Is there anybody who is on the call that I missed for an introduction?

Great. Well, welcome everybody and.

We appreciate.

Cersei society coming today to kind of talk through their recommendations, but I'm going to do a few just logistics first.

And the first one is.

Meetings. So the last time we met was in October and I sent out the Minutes and I didn't hear about any edits or anything.

Are we OK accepting those as?

And.

And then.

The last thing that I wanted to touch on kinda goes into this agency bag update and so first of all Steve join us able to be with us today.

So he sends his regrets.

At a national meeting.

Where?

Safety agencies.

For pesticide regulations, talk so that everyone can kind of be on the same page and connect with EPA.

It's really important that he's there.

It's really important that he's.

So he started to not be here, but is doing good work for Vermont.

And secondly, so it's that time of year and so our AIB annual report is due to the legislature on January fifteenth.

So I have a draft.

Of that report, and I will, it's actually on our SharePoint right now. If you are daring enough to go and look at it. And basically it talks, it looks similar to our previous annual reports where it goes through.

What our focus has been for this year again this year, it's been new next for the most part we have had a sprinkling of other topics that we.

Heard about?

In the early part of the year before the Munich Act was introduced.

And so it goes through mainly about what we heard and then what?

We.

Kind of.

I tried to summarize our comments in one way of kind of summarizing the results from that best management practice Member survey, where basically prioritize them.

And so that will be in the report and.

The results from our survey to farmers.

So we did one.

Survey that was conducted at a poll during agricultural pesticide applicator training meeting run by UVM.

And so we have the results of that poll we heard about those results in March.

And so those results will be in the report, but I wanted to tell you guys that we had had, we had talked about also doing those same questions.

With the UVM Entomology Research lab.

Margaret Skinner.

So she had planned to send out a survey as well. At the end of summer.

It got delayed and so it actually just went out a few weeks ago and so we will get those results.

I've asked them.

To give us kind of whatever results she has before the holiday.

To give us kind of whatever results she has before the.

So the end of this month, so we'll have those results for our survey as well to go into that report and then we'll be able to talk to the Members about that too.

Give a little presentation of what survey we get.

But basically, we're getting early results from their survey.

Really going to push their survey at?

I think the New England veggie and fruit meeting that's in.

January.

I think so.

I think.

It was kind of.

It was kind.

It was too tight for me to wait for that to put in the report, so we're gonna ask for whatever results she has before that.

So those are the two ways that we disseminated our survey this year.

And so I guess I'm just gonna ask Members.

The report will be due before we meet next, so we'll be meeting on the twenty seventh of January.

So just keep a lookout in your e-mail for to review a report.

Beginning of the year, it will be finalized at the beginning of the year and then we'll get it to the legislature by fifteen.

But is on SharePoint I can send out those links with our minutes.

Does any any Members have any questions?

For anything they want to put in the report that I am I just mentioned.

What?

Right. So with that, I think, Emily, you can have the floor.

The members did receive your.

Best manager practice recommendation.

So two weeks ago. Yeah, about that.

So two weeks ago, yeah, about.

So they have seen that we shouldn't be foreign to them, but the introduction would be great.

Thanks and am I good on the audio here?

Pretty good.

Can you all hear Emily when she's talking, OK.

All right, great.

Well, thanks for having me.

Well, thanks for having.

I'm gonna go ahead and see if I can share the window.

But I'm gonna introduce.

The.

OK, cool.

I'll introduce myself.

I'll introduce.

I've sat in on a few of your meetings before, so maybe I'm not super super unfamiliar to you, but my name 's Emily may.

I've sat in on a few of your meetings before, so maybe I'm not super super unfamiliar to you, but my name 's Emily.

I'm the agricultural conservation lead with the Xerce Society 's pesticide program, and for those of you who might not be familiar with Cersei 's, we are a science based conservation organization.

That works really at the intersection of conservation and farming, our largest programs are in pollinators and agricultural biodiversity, and in endangered species, and our efforts focus on protecting insects.

Through habitat creation, implementation of integrated pest and pollinator management, and reducing risks from pesticides.

So my path into this if you are interested in my background, it's rooted in both science and in hands on hands on AG experience.

I studied biology at Middlebury College, where I Co led the student farm and then my first job after college was on a veggie farm and then I went back to school to get a Masters in entomology from Michigan State, where I did research on wild bees in



Commer.

Blueberries.

And then joined Zercas and came back to Vermont, where I was housed for a little while at UVM, working on outreach for a collaborative research project on pollination.

But now it's I see my my focus now is really on bridging science.

Practice to protect pollinators and build resilient food systems and AG.

So I handle everything from sort of farm scale planning, working directly with growers to design and plant habitat and then.

Staying on top of things that happen on state and federal level in terms of policy and regulation.

Like what? EPA is up to.

And so yeah, my work spans everything from the details of crop production and management to how specific.

That might interact with different suites of insects.

So to just come back to what these B M P S I don't know if you had a chance to look. They're detailed.

These were put together pulling from as many resources as we could find, and as many experts as we could find.

So these these Bmps were really set up in a few different sections.

Thinking about what?

Thinking about.

The legislation asked for.

There's VM PS for the use of the needed neonic treated seeds, but there's also BM PS more generally for agricultural use of neonics and then a section that is looking at the prohibited uses under the bill.

If used under an exemption, so looking also beyond treated seeds to the other uses that were mentioned in the bill. And so these were really aiming to be grounded in science and built around sort of bread and butter integrated pest management practices, which is a well staffed.

Framework prioritizing prevention and monitoring, integrating different practices and then using thresholds to.

Ensure that pesticides are only used when they're economically justified.

So these were put together and then refined through a lot of input with extension and research professionals.

I'm glad Heather 's on the call because she is the expert here.

But we were aiming for the best science and pulling from a whole bunch of different resources, which many of you are also going to be very familiar with having done this now for two years.

To try and write up the set of practices that seemed both effective and reasonable, so also trying to fill some of the gaps left by existing guidance, including from EPA, to fill in some of those critical areas where where we see downstream risks from neonics like dust off.

Disposal treated seeds.

So I figure I'll just kind of walk through some of this stuff and then I don't know if you if I should just open it up for questions or thoughts.

I know you've already thought about draft rules last in the last meeting.

But I'll just walk you through what we thought was some of the most important pieces of this framework.

So starting off every section of these BM PS is really built around basic integrated pest management practices.

Monitoring thresholds justifying use with the with thresholds and then combining that with sort of mitigation of drift and run off when those are used.

So at the beginning here, we're looking at the section that's on the use of neonic treated article seeds.

And I, yeah, we started with just IPM framework and how do you get treated seeds into an integrated pest management framework?

So there, this is exactly as far as I understand it. What Heather 's been working on for a long time and is continuing to refine figuring out what that threshold might be.

For you know when you're scouting and monitoring, and ideally layering on some information about existing management practice in a particular field.

And.

That, that, that you would then ideally again be able to make a decision about whether or not you're using.

These treated seeds based on the past pressure that you're seeing in the field, combined with field conditions.

So this was pulling in information from different sources on thresholds and and seed pasts consulting different risk assessment and prediction tools to try and understand.

You know, in that field in that year based on what you had last year.

What makes sense for use of treated seeds or not?

And feel free, I guess at this point it's probably easiest if we if you feel like jumping in as I start going through these sections before I get.

Fifteen pages in.

Feel free to jump.

Yeah. If anyone I know if anyone raises their hand right now. OK, sounds.

Good. OK.

You know, one thing that I didn't see a lot about in other publications was thinking about prevention measures and management practices that help minimize emergence and damage from seed pests.

Some of these you know are available through UVM extension guidance and then some were pulled from other places, but.

These are just the types of more detailed recommendations around practices that can help with.

The to reduce the impacts of seed pests, right?

So if you're seeing, let's say, sequoia maggot coming into a field, they're going to be really attracted to organic matter and that is particularly amplified after.

You till that in.

You till that.

So you are incorporating cover crops with tillage.

Waiting to plant.

If using tillage to incorporate that living cover, you're going to get past sort of the immediate problem with seed corn maggot. These were so just to take a step back.

As I was looking at the draft rules from last time, it seemed like a lot of that language was advisory and not it was using should statements you know should do this should do that. I think one of the things I'm hoping.

To talk about with you is to think about what are the minimum standards, what are the the basic framework that are enforceable.

To try and sort of set the minimum floor for use of neonicotinoids and neonicotinoid treated seeds. You know the intent is to basically reduce harm to our natural resources.

What's the floor?

As I look at this, there's a lot of detail. Not all of this has to be in a rule.

This is a lot of guidance.

And so I think the the thing I'm hoping to say here is just that we can hopefully get the framework right and set the minimum floor, hopefully encourage an IPM

framework and then leave some of those implementation details that can change like specific thresholds.

In science based guidance outside of rules.

In science based guidance outside of.

So that's that's one of the things I wanted to mention. But you know, noticing that something like follow the label was in advisory language in the draft rule and that seems like something that should be.

An enforceable, you know, shall follow the label rather than should follow the label like that's pretty minimum standard.

So all you know, all these broad subheadings I'm thinking in in these draft Bmps that I gave like reduced dust off at planting and minimize risk to to pollinators, those could be, you know shall statements rather than should statements and then more specific guidance that has the pot.

To change could be Hamm.

In outside guidance.

So I have a whole a whole couple of sections in here that are again about treated seed.

So I have a whole a whole couple of sections in here that are again about treated.

These are the basic recommendations after listening to many of your meetings about how to reduce dust off at planting.

And pulling from the literature on it but using no till planting reduced tillage.

These are not.

These are.

These were all sort of reviewed and got a lot of input from different sources.

But these were the best recommendations that we could come up with about how to reduce dust off and dust emissions from planting equipment.

Some of these are very similar to other things that you will have seen and then some. May take a different tack.

For example.

On fluency agents, you know, we were seeing some mixed evidence on the synthetic seed, lubricants and net emissions of neonics.

That there were particularly concentrated amounts of neonics in some of the the fluency agents.

But maybe they travel less far, so we weren't completely convinced about recommendation to use an alternative seed lubricant.

And so we kept this one pretty minimal and just said use the proper rate to make sure people aren't over adding things like talc and graphite or a different fluency agent to make sure that those are staying.

That the dust off would stay minimized from high rates of seed lubricants.

This is just.

Planter depth. Don't raise the cedar at the end of the row without switching off the seed supply and then making sure to cover any seed that spills during loadings and seedings.

Any questions so far?

OK.

I'll just keep going.

One thing I noticed in the notes I I did just wanna mention.

That we divided out in these Bmps between treated seed planting and other, you know, foliar applications of neonics in AG and had two different recommendations for advance notice for communication with beekeepers.

It seems like.

Treated seed planting or seed planting in general is something that can shift with weather conditions very rapidly.

I believe.

And so forty eight hours might be challenging for some of these folks who are planting large acreage.

So there's two different advance notice recommendations in here.

So there's two different advance notice recommendations in.

There's a twenty four hours advanced notice, one for seed planting, and then there was a forty eight hours advance notice for other agricultural uses at munix.

Just to note that 'cause I saw that was in the comments on the the rule from last meeting.

Umm.

These are pretty basic recommendations for mitigation of dust, run off erosion and leaching, some of which intersect with stuff that's coming in with the new herbicide strategy insecticide strategy.

That's thinking about filtering buffer strips to help prevent runoff and drift reaching aquatic habitats.

Similar for neonics because they can move in so many of those ways.

We had a little bit more detail I think on loading and cleaning and PPE for how to

handle materials when you're handling seed and seed bags.

And some of this was coming out of the new occupational exposure information around neonics that EPA released earlier this year.

So this is thinking about how to, you know, wash and dispose of PPE to protect Workers. And then how to clean and rinse equipment away from pollinator habitat. Workers. And then how to clean and rinse equipment away from pollinator?

I saw some of this was in the draft that from last time too, and then one of the things that I really wanted to make sure is in the rule is around dispos.

Al and I could talk your ear off about treating seed disposal, but this is a really.

Al and I could talk your ear off about treating seed disposal, but this is a.

I mean, it's a challenging area. I saw a lot of good information already in the existing draft, but I just wanted to make sure.

That there were some other alternative disposal options in here, specifically guidance around planting out of excess seed and then also?

Disposal in like lines, landfills or incineration, or via other hazardous waste disposal streams.

I don't know to what extent there are options at this point for returns of excess seed or seed by products like seed bags.

By companies in Vermont, you know we only have one lined landfill in the state, so. There are definitely some limitations in this area, but.

There's the potential for quite a bit of contamination coming from mishandling of of treated seed disposal.

Alright.

I'll keep going.

Do you want to talk about treated seeds at all before I keep going?

Happy.

OK.

So that's treated seeds the rest of this is first agricultural use of neonics that were not touched by the bill. Again, working around an integrated pest management framework. You know, one of the things I did I did notice about the draft that was posted from last meeting is.

That the.

And of IPM really didn't meet.

Sort of a typical standard definition of IPM that's focused on, you know, combination of techniques and integration of monitoring and thresholds.

There's a much better definition that already exists.

In the the rule for control of pesticides in Vermont around, you know, pesticides are only used after monitoring indicates they're needed.

So I would encourage thinking about that definition and and improving.

The definition to include thresholds and monitoring, even if we don't define what the thresholds are in the rules, which I don't think needs to necessarily be in there, that could be an outside guidance. But using those predetermined thresholds is really critical part of using IPM to justify use.

Of pesticides.

That seems like the minimum standard.

That seems like the minimum.

And there's plenty of thresholds, you know, not for every pest. And in every crop but the vegetable management guide and tree fruit management guide.

Also set economic thresholds for New England crops.

So this is a framework that can apply.

You know the nice thing about IPM is it can apply a very small scales and very large scales and in different ways.

Getting just the basic framework right.

Can work for a lot of different contexts.

Pretty basic label is the law.

And again, something that seems pretty pretty much like the floor for a minimum standard.

And then the rest of this is.

Ways to target and reduce stripped and off site movement from different different applications and I think the the thing to discuss here is really where do you want to set your minimum standards.

Are things that?

Are going to stay the same over over time. And what are things that you know might change over time with new guidance and so?

Where should you set your floor and what should you leave? And outside extension based guidance.

So that's something you can discuss. You know, amongst yourselves, as you're as you're setting the floor here with these rules.

There's a lot of stuff here that's not present in in the draft rule.

So if you're seeing things in here that you feel like, yeah, this is a good minimum

floor.

The reason I submitted this was so you had an easy way of just copying and pasting into your own into your own document.

To.

Make it easy.

These are pretty basic recommendations.

These are pretty basic.

Very. You know, in general we were just looking for pretty standard guidance, reasonable guidance around applications that.

Reduce drift.

Reduce movement into pollinator habitat or habitat around fields.

Targeting, making sure to considering using precision AG technology to help avoid overlap and using more product than is needed.

Using coarser droplet sizes.

To reduce spray drift potential certain conditions, you can apply avoiding in. I think a lot of this ended up making it into your draft and then regular calibration of spray equipment.

But some of this stuff, I think was not in there, this was.

Language around how to minimize risk to pollinators and pollinator habitat around drift.

You know we.

Cersei 's talk a lot with growers about tank mixes and applications within a certain time frame where pollinators are exposed to one thing and then they're exposed to something else that interacts in their body with that first thing.

And that is maybe something that doesn't make sense in this rule, but is something that we're definitely thinking about.

As something that we see creating a lot of hazard in some of these landscapes that can be avoided if.

If made at separate times so that pollinators aren't exposed together to those things that we know increase the toxicity, the mixture to pollinators.

This is the second notification recommendation that was forty eight hours.

And you may have already talked about this, but the driftwatch tool.

And you may have already talked about this, but the driftwatch.

I know there's folks working to bring that to the state to sort of get hive locations registered and make that communication facilitate that communication easily.



One thing I didn't see also was the trunk injections and soil applications.

One thing I didn't see also was the trunk injections and soil.

So most of this guidance was written with all your applications in mind, but trunk injections and soil applications, when made to a flowering plant, can pose risks to pollinators.

Sometimes with trunk injection and soil application, because the residues end up being protected from UV breakdown, they can be quite persistent.

The timing actually matters a lot.

So if you're applying.

You know in spring, let's say, before a tree blooms. You might have quite high residues remaining in those flowering tissues afterwards, and in some cases even applications made in the fall can end up.

At toxic, you know, relevant levels in pollen and nectar the following spring.

So taking a look at residual toxicity and thinking about timing.

For those.

Applications, when made to flowering species by trunking, soil injection.

Be something to think about.

Exist.

Slide rule.

So it might not make sense to include them here, but we were trying to line up buffer zones basically with that Vermont rule here.

So it might not make sense to include them here, but we were trying to line up buffer zones basically with that Vermont rule.

So probably don't need to duplicate, but in terms of any kind of outside guidance, I figured it would make sense to have everything line up with the requirements.

We're already in place for buffers around.

Water sources and pollinator foraging sites.

And then I think the additional ones that we added in here were just filter strips along waterways.

At the application site for capturing runoff.

Because I'm working very much in the intersection of habitat creation and habitat protection, we also included some providing safe habitat outside of cropped areas, protected from pesticides and and again.

More specific guidance here around.

PPE training warning signs.

And recommendations around.

Loading, cleaning and maintaining equipment. And again.

More storage and disposal information.

And then the I'll just end with this last section, which is the Bmps for use of neonics otherwise prohibited under the bill, but under an exemption order, which I didn't see in that original draft from last time.

But the prohibited uses that could potentially receive an exemption order.

But the prohibited uses that could potentially receive an exemption.

I don't know what the agency 's thinking about with these that were in the bill included outdoor application of neonics to any crop during bloom after application to soybeans or cereal grains.

After applications to a variety of different vegetable crop groups harvested after bloom and then application to ornamental plants.

So it seemed like it would make sense to have some Bmps in place for that.

Again, most of this was built around integrated pest management and you know, we asked that applicators followed BM PS for non prohibited uses in addition.

But these were sort of more specifically.

Let's say there's some kind of emergency agricultural emergency, and there's an exemption order.

Let's say there's some kind of emergency agricultural emergency, and there's an exemption.

Written what do we want in place in order to protect pollinators from those uses, some of which actually, I think, are prohibited already under the federal label, like outdoor applications to crops during bloom?

So I don't know that those would, you know, happen under an exemption order.

But some of them in other places might.

These were some just specific thoughts around.

How to reduce, you know drift, run off etc.

Exposure of pollinators when used in these particular crop groups and then specifically on ornamental plants which pose particular risk because of the potential to expose pollinators to flowering ornamental plants.

Just some more things to think about.

With these prohibited uses, which it seems possible that, let's say we got a new invasive insect species.

That there would be some emergency exemption for use on an ornamental plant

seems possible.

What about existing invasives?

Or introduced species of insects.

Yeah, I mean.

New ones and stuff.

Right.

Yeah, I mean I think that's up to the agency to decide anyway in terms of what is.

What's the definition of an ornamental plant and would you be?

Does that include let's say?

Flowering ornamental trees that someone.

Might be treating for some existing invasive species.

Yeah, I don't know.

Would you consider an ash tree to be ornamental?

I was planning for a study.

Starting. Yeah. Aesthetic aesthetic purposes.

Aesthetic purposes or not? Yeah, perennial trees.

That would be reasonable to conclude that it meets the definition of an ornamental, yeah.

I don't.

So yeah, you already have invasive species affecting those then?

We do, yeah.

That's fine. Lantern flies coming.

Say that.

All right.

That that's all I've got for you. I would love to take any questions.

Just leave it at that.

Thank you.

Does any? Is there any members?

Mean we can.

Transfer to the rule if it makes sense.

Transfer to the rule if it makes.

I so I know. Wendy Sue you put in.

A bunch of comments into the rule that I believe if I was reading them correctly, was pulling in things from these recommendations.

So that can be a good transition, but if anyone has.

Any questions based on?

They read when they were.

Given this last couple weeks.

K.

I'm gonna.

I'll see you back.

And I can go to the draft rules.

It kind of goes to the.

You see, OK.

Is there anyone other than I see when issue added new comments since last time and I don't see it from anybody else but so when you see I would start with you of where.

Sure.

Well, OK.

Hold on.

So one. So we heard from Wendy Sue 's comments last time.

Also, Brian Kemp and Ryan.

Left a comment was not able to join us again in October and again had to miss today but.

Those initial comments that were given after last week, we tried to suggest some edits to the rule to try and incorporate those things.

You can change the the definition of IPM here.

Wendy soon did have that comment.

Wendy soon did have that.

It was missing the four tenants of IPMI would say the pesticide rule also doesn't specifically spell out those four tenants of FPM.

And it always is best when introducing a rule to have the same pull pull a definition from somewhere else, right?

Don't want five different definitions of something?

So if we would rather have the pesticide definition for IPM, that's fine.

I don't think.

I can put it here as an option for later for Members to have.

But in this setup we just kind of put in the monitoring and the thresholds and.

And prioritizing other.

Practices.

Prior to just, you know, widespread pesticide use.

And I think the only other comments that we addressed when you were kind of like mirroring those tenants in the ordering of our lists.

So we rearranged the ordering of some of the lists that were in the draft rule to get at the preventative methods first. So then.

The pesticide usage best manager practices were listed last.

And we can still go through that, but.

When did she?

When did?

Let's if you have. Let's do some of your new comments here.

Can I see this? First one is about.

**WH** **Wendy Sue Harper** 42:52

Repl.

42:53

Keeping in training.

Also, this is the general of the adhere to the label, so this is section three in the rule in treaty.

**WH** **Wendy Sue Harper** 43:07

So Morgan, I just wondered if under the general and I think if you click on.

The actual comment it will take you to the place where I was under general.

I thought maybe that should be included there.

I wasn't sure, but I know it's required in a lot of other things, but it's never a bad thing to remind people to, you know, wear their Pepe and make sure everybody who's using material is trained.

43:40

Me. You kinda mean like WPS training.

Like that type of training for the trainees.

**WH** **Wendy Sue Harper** 43:47

Yeah, to make. Make sure they've had the appropriate training. You know, whoever they have on the farm that's using the material.

43:56

Thank you.

**WH** **Wendy Sue Harper** 43:58

And maybe it doesn't belong there, but that was just my thought.

44:03

No, no, no.

No, no.

I think it's a good thought.

Think that.

It almost can be like for example, right?

It almost can be like for example.

Those things are gonna be on the label, right?

Those things are gonna be on the label.

The at least the PPE for sure, is gonna be on the C label.

The the tricky you know, we have this opportunity.

Are just comments received?

The pesticide label is the law.

The label on new treated seed is not a pesticide label.

So it has PP on there.

Right now, you're right.

Right now you're.

This is written as a should.

There is, I think, conversations right now whether EPA can bolster the requirements on a seed label.

I think that.

We can learn from what they're doing or not.

Know what I mean?

Know what I?

It's whether we want to be first or not or wait.

See what happens.

This.

Is a point a negotiating point? I think that's.

There the way that ABC bag.

Sees it.

But this is a negotiating point when rule making process happens.

But I agree Wendy too.

But I agree, Wendy.

We can most definitely put in those points in this to call out examples of things on the label that should be adhered to.

OK.

So now we're in, OK.

So now we're in.

Now we're in the, so we're still in the treated seed section.

Under the subsection of IPM.

Oh, that's not a new one.

Oh, that's not a new.

Yeah. So we reordered that to kind of bring up the prevention.

And using cultural mechanical options prior to pesticides.

Here's your new one.

Here's your new.

So economic threshold might talk to that.

**WH** **Wendy Sue Harper** 46:02

So on this one, I thought if you're going to.

You know.

Look at the economic if you're going to let me see, where do I want to put that?

Oh, if you're going to choose an appropriate material, you need to know what those thresholds are before you.

You know, it's like it should.

It's kind of in the process.

So I thought that should be put in there between maybe B&C.

46:27

Thank you.

**WH** **Wendy Sue Harper** 46:30

'Cause you need those in order to determine whether you're gonna. Treat.

46:51

I was just adding that exactly where so we can keep track of that.

**WH** **Wendy Sue Harper** 47:00

I thought it would be between B&C on 3.05.

47:00

And.

OK, perfect.

**WH** **Wendy Sue Harper** 47:05

I think that's where I wanted that one.

47:09

If that makes sense.

OK.

So the next comment is about.

Rotating Unix with other classes of insecticides to avoid resistance.

**WH** **Wendy Sue Harper** 47:23

That I would put as right after C, just as a reminder.

47:28

Yeah.

This one I don't know how the Members feel about, so I know that this one definitely makes sense and I, to be honest right now, I don't know.

**JC** **Jonathan Chamberlin** 47:39

I think there's there's a bunch of different ways of dealing with resistance management other than just a rotation.

You know there's different modes of actions that can be used at the same time, different methods of control to prevent resistance. I think just the word rotate is not



appropriate.

That means not to use when really in resistance management.

It's different modes of action. Is really the methodology.

48:09

Do you wanna talk?

Just remind us, Jonathan, about the resistance management that's built into seeds currently.

Right. They basically have that right because they're trying to protect.

Their.

The seed, and she's already had.

**JC** Jonathan Chamberlin 48:24

Yeah, that's one of the issues with basically rotate out of neonics or rotate out of the chemistry. It then leaves that class.

Exposed to resistance management and whereas if you have multiple modes of action, it is the preferred method of resistance management rather than you know rotating may still leave holes in other pieces for resistance to occur.

So that's why I think rotating is probably not the appropriate word for that.

48:57

OK.

So is there another way to still incorporate resistance management? But is it?

There a reword that could happen like a.

**JC** Jonathan Chamberlin 49:08

I think I think modes of action, you know, different control modes of action, utilize multiple modes of action or however you want to do because it doesn't have to be insecticide on insecticide, it can be genetic resistance. It can be other.

You know.

Engineering pieces that can do the same thing.

49:50

And if I make a comment, OK, just that we know from other States and areas that the use of neonicotinoids, seed treatments, prophylactically is leading to increased use of

insecticides in neighboring crops because the development of resistance to neonics in those crops.

So for example in.

And so I do think I liked the idea of the rotation, given that if you're if you're still going to be combining and using multiple modes of action at the same time, you're still leading the potential for development of resistance and neighboring crop pests. From low levels of neonics reaching them every year.

I was also wondering is the rate of seed treatment something that growers have the ability to choose?

With our seed choice right now.

Oh my God.

Umm.

Did talk about so?

In our draft.

Tool we have for communication.

We have no potential user interference prior without prior notification of at least forty eight hours.

To an A period on premise.

And the Brian who's unable to join us today.

I don't think Brian.

Basically called out in October of the restrictiveness of this and it's very difficult to know forty eight hours in advance.

When you're going to plant.

And when we just went through this before, we could discuss this we just said, oh, let's talk here, right?

Kind of alternative communication.

Kind of alternative.

So. So it's scary when you hear that.

Least forty eight hours.

But.

It is at least right.

It might.

Appease.

Kind of that comment of saying like, hey, this is being really restricted to the farmers who really don't know when you could set this actually call out that like maximum.

Time also and then it keys you into. Oh well, I could notify them three months in advance.

In the month of May, I'm gonna be planting here, right?

In the month of May, I'm gonna be planting here.

So it's it seems really restricted when you see the forty eight hours, but in reality that also means that you could do it three months in advance.

You know, so it's an option you would be to call out the like.

Maximum amount of prior time so that it doesn't is not perceived as such a a restriction when really the the same wording needs the same thing.

At times, not on there. So it doesn't make you think like that.

At times, not on there. So it doesn't make you think like.

Like, Oh my gosh, I have to do it forty eight hours in advance.

Like, Oh my gosh, I have to do it forty eight hours in.

You could do it, but you know you're gonna. You're gonna know whether you're gonna play that field in corn or not, you know.

So that could help with the perception of that in the role.

So that's an alternative option in there and O'Brien 's not here to talk about that, but I know Jonathan.

**WH** **Wendy Sue Harper** 53:50

Play music.

53:56

Chamberlain, you had also called about this being restrictive, but do you think that might help in the perception of this of calling out kind of a maximum time before?

**JC** **Jonathan Chamberlin** 54:08

I think 48 hours I I guess you know what it's gonna do is I assume the person who's gonna plant the crop will just tell the aprary.

The beekeeper that I'm going to be putting a crop in here and there's probably going to be neonic and then they have the choice to continue to stay there or leave would be their choice.

I mean I I I think it's.

I think it's a little, you know, the farmer farming the field.

You know should have the choice as to what they do on that land.

And the aparriy's there, you know they I guess they have to have a relationship.  
So I I I don't.

I guess I have mixed feelings about this.

I think it is restrictive, but you know at the same time.

You know, there should be plenty of notice as to what's going on on that land.

55:01

And I think that's the intent of this too, is just so yeah, increase that communication, right.

They're they're obviously some relationship there, right?

That's there.

I I hope.

And so it's just that increased communication, but it's not trying to be.

JC

**Jonathan Chamberlin** 55:16

I also think that it should go both ways that a producer shouldn't show up one day and all of a crop farmer shouldn't show up all of a sudden one day, and some rented land, and there's a beehive.

55:17

Thank you.

WH

**Wendy Sue Harper** 55:26

None.

JC

**Jonathan Chamberlin** 55:28

I also think that it needs to go both ways that that any apriori who's going to establish a hive or should have the courtesy to notify the operating landowner or the operator of the crop land they're putting their hives adjacent to.

I think it goes both ways and I think that's part of the communication.

It wouldn't surprise me that there's rented land that somebody shows up on to plant their crop and all of a sudden there's a beehive because the landowner said sure, but the Apric never approached the operator of the land.



55:58

But they.



**Jonathan Chamberlin** 56:09

So I I think it goes both ways.



**Wendy Sue Harper** 56:15

Repl.



56:15

I'm.

Trying to capture that in that so we know that it's comments. So communication around properties should notify operator of that land.

A hive location.



**Wendy Sue Harper** 56:31

Yeah.



56:32

I think this is what the this is the problem. That driftwatch tool is trying to solve is just to make things more spatially obvious to people that both apri locations and also communication tool for the operator.

Like I'd have to talk to beekeepers to understand whether they prefer that kind of long in advance input of like well, on this land there will be treated seeds planted in a couple of months versus in twenty four hours.

Should close your hives.

To prevent exposure to dust off.

Ideally, it's both. Probably both, yeah.

Does the three month limit build?

The relationship so that they can communicate about that day, you know where they can actually cover and feed and or whatever their steps that they wanna take.

To protect their eyes like a.

More communication. Always good.

K.

Next one we.

We ordered, so now we're in the section for.

Use of munic.

IP rules are kind of wonky wording 'cause they're not written as normal. People talk, or even think.

And I'm calling myself that.

They're not written the way that I normally think.

The the NEONIC treated C-section.

So we try to have this subsection of applicability section. So this is when it's when you need treatment.

Were used prior to them being prohibited.

Or when a valid exemption order is issued, right?

Or when a valid exemption order is issued.

So whenever you're using the new treat seat, whether it's prior to January, first, twenty nine or when you get an exemption order.

So the same thing is with the neonic pesticide section.

The applicability is.

Using a new pesticide.

Under an exemption order that would have ordinarily been prohibited using a new pesticide that is not prohibited.

Never. No matter what time and or using it under an exemption.

No, those are the only things, right.

No, those are the only things.

So basically, because we're not gonna get this through, we don't have a prior to the prohibition because we won't.

Won't be through before July for rules.

Gonna try but stop.

So those are the kind of so that kind of like.

The for the Xerxes recommendation.

The for the Xerxes.

Separate that out exemption order and any others.

Separate that out exemption order and any.

So really, we're just putting them all together whenever you're using it this way, you should do, right?

It's just like kind of.

OK.

So now, Wendy Sue, I believe that you have one in here.

For the IPM section for neonic pesticides.

**WH** **Wendy Sue Harper** 1:00:28

Yeah, this one was to add the, you know, developing the threshold again, 'cause, if you're gonna.

You know, spray.

You need to know what those thresholds are.

And that would go, I believe, right at between A and B, cause the next one says.

B says.

Use economic thresholds.

Well, they have to be developed if you're gonna use them.

Them. So you want to have developed those before?

You use them.

That was my thinking anyways.

1:01:01

OK.

And then.

OK.

So our next section is.

**WH** **Wendy Sue Harper** 1:01:16

Begin.

1:01:19

Prevention and then this is a edit.

Put in for the.

Non target exposure mitigation.

So it kind of to make it mirror this similar section in the neonatal treat.

**WH** **Wendy Sue Harper** 1:01:30

Play.

1:01:36

Ment.

Pull in non target exposure with the drift.

OK.

So let me see you have.

A suggestion.

Do not apply when trees and shrubs are in flower. Shortly before flowering, wood drift on a flowering weeds.

You know around treated areas.

**WH** **Wendy Sue Harper** 1:02:00

Since we were talking about drift, that to me meant spraying above ground.

And so I thought that applied.

**JC** **Jonathan Chamberlin** 1:02:12

But we have, like, not everything flowers the same time of year.

So how is you know when you're out targeting a particular pest or something and there is one weed that happens to be flowering?

I mean, are we dictating the I?

I guess I I I kind of have a logistical issue with how this is going to be accomplished.

And can.

And can't be and it seems as if it's kind of a bit overbearing.

In the idea that nothing can be flowering at time of application.

**WH** **Wendy Sue Harper** 1:03:02

Well, I would say on trees and shrubs, most of those guys flower in spring with the exception of witch Hazel, which flowers in ours has still got flowers on it. If flowers in the fall.

1:03:23

Replay.

**JC** **Jonathan Chamberlin** 1:03:23

That's not what that comment says. It says flowering weeds as well.



**WH** **Wendy Sue Harper** 1:03:30

That's true.

So do you want that part removed?

**JC** **Jonathan Chamberlin** 1:03:38

Me. That makes it extremely sort of impossible to find a timing when there isn't some kind of species in the vicinity that doesn't have some sort of flowering part on it that that would be my concern.

1:03:57

And you could change a void and to minimize and that's the point of.

Including language like this, it's also not enforceable because it's a should not a shall.

I would say rule writing.

Lingo, avoid and minimize is pretty much the same.

Lingo avoid and minimize is pretty much the.

Avoid is avoid is not shall right because you're avoiding right.

Oh, probably OK.

You know, avoid penalty, avoid, avoid, avoid so avoid is.

It kind of goes with.

Similar to a should, but minimize also can be.

It's spelled option.

Hmm.

**JC** **Jonathan Chamberlin** 1:04:53

All the language before that in the drift prevention pretty much was trying to minimize any off site movement.

But then you're saying you can't do the application on site because of off site. To me it seems a little bit like.

Catch 22.

**WH** **Wendy Sue Harper** 1:05:15

My intention was to avoid spraying the trees and shrubs when they're in the flower and to to to not excuse me, my attention was not to apply.

Do not apply to the trees and shrubs when they're flowering, and to avoid, and that

wasn't a, do not spray but to avoid or and I'm fine if you want to do minimize or something like that.

On the the weeds.

1:06:08

Yeah. So when you see the the first part of it is when the intention is when the application is meant when the site is on trees and shrubs. That's what like when the intended application is on the trees and shrubs, you saying do not pull a violin they. Flowering right.

**WH** Wendy Sue Harper 1:06:27

Yes.

1:06:49

I'm trying to put in words what you just said, but I'm not doing a good job.

But I didn't.

Get previous trying to disincorporate your comment in here as well, so both of them can be captured.

Umm.

OK.

These are great comments.

You guys.

OK.

So this is the kind of the end I think when you see a couple of your comments here are just like ad sections, not necessarily in this section, but.

Add to the rule, right?

Add to the rule.

So add creating safe pollinator habitat away from treatment areas.

**WH** Wendy Sue Harper 1:08:00

Well, I put that in there because, you know, NRCS will do cost shares on a number of pollinator, you know, habitat things. And the CAP 148 is the most direct, though it it is to create pollinator habitat. And farmers can even choose the plants and they.

Can choose plants that you know offer some benefits, like an Oregon farmers will sometimes put.

A pollinator garden in and they'll be able to cut herbs or flowers or.  
Do something with some of the plants 'cause they get to pick what's in there.  
At least, that's what they've told me.  
So I thought this might be a place for that.

**JC** **Jonathan Chamberlin** 1:08:43

I think the keyword is choose.  
I don't think this should be in the rules that farmer needs to put in a pollinator friendly practice, even if there is cost share.  
I just think it's a choice that they want to make. If NRCS wants to fund those, I I do think there's certainly a place for it.  
Producers want to do it.  
I would encourage them to do it, but I I think this is in the rule process.  
Not the right place for it.

**WH** **Wendy Sue Harper** 1:09:08

OK.

1:09:12

I think this gets at kind of what? What Emily also said during her introduction of the Xerxes recommendation.

Is that there's?

A.

A great need for a guidance that goes along with a rule.

Until I do think that this is something that's great in the guidance.

But then also.

Hard to put in a rule, right?

It's it's triggered.

It's it's.

So I think that I think that there should needs to be.

It's like delineation between those two, which unfortunately it's hard not to think of it. You know, in a comprehensive manner like your recommendations is a very comprehensive look at the problem and how we can change practices to address. Some of those concerns, but the way HC bag has to think of it is a little bit in two separate pieces as far as a rule and guidance.

And I do think we said that also about Ryan 's comment in here also is examples of, you know, can you include example methods of how to do something that was the best management practice in the rule?

And it was called out like that.

And it was called out like.

That's that's a great thing to put in the guidance, right?

Things like that are great for guidance and.

You know where we would love to see VM extension, you know and we can help collaborate with them to kind of.

Put things like that into the guidance.

Put things like that into the.

So I think that I might do the same. Comment is where this guidance?

Would be. It would be the same answer or would be use comment wherever I just lost.

Are you?

Cortana.

An issue and this is a section on prohibited prohibited practices and.

You know, we did actually. So when?

Zach was tracking these roles we initially had, like all the sections that were called out of what was prohibited, and all of that, and we actually.

**WH** **Wendy Sue Harper** 1:11:41

Yeah.

1:11:52

Went through as an agency and said well, why that's already in law, right?

Went through as an agency and said well, why that's already in law.

So if you're making a rule that's basically just repeating everything that's in the law, then that's kind of silly.

So we decided to take it out of it here just because it already.

Is in the law so that.

What I'm thinking is don't repeat.

What I'm thinking is don't.

Also thinking is if one should change, you don't want them to be, you want. You wanna make a reference, not actually spell out, so that if one changes then it doesn't

make the other one.

You know.

So yes, we are on the same wavelength, Wendy too.

**WH Wendy Sue Harper** 1:12:27  
OK.

1:12:32  
But we could see the value in basically making reference to the law, and it accompanies it instead of.  
Repeating.

**WH Wendy Sue Harper** 1:12:43  
OK.

1:12:46  
I think this section is the same.  
Yeah, this comment is the same.

**WH Wendy Sue Harper** 1:12:53  
I thought I lost the comments so I redid it.

1:12:54  
I do want.

**WH Wendy Sue Harper** 1:12:56  
So sorry about that.

1:12:56  
I see it. Yeah. No, no.  
That's OK.  
I think it does call out though.  
I would love to hear any more comments from Members that are on about aerial applications.  
And so right now this rule does not prohibit aerial applications.

Zerchy 's recommendation.

Recommend recommends to not allow aerial applications of neonics, and I wanted to get.

Members.

Thoughts on aerial applications?

**JC Jonathan Chamberlin** 1:13:33

I think drone application should be exempt from the aerial application rule and basically treated as a separate entity rather than a fixed wing or propeller.

Or helicopter based application.

It's much more controlled.

It's much more infield.

I think it's very different than a fixed wing or other types of application methods aerially.

1:14:06

That exemption is in place, Jonathan.

That exemption is in place.

Do you think there is a place in the rule to call out?

A fixed wing.

You.

Know more traditional form of aerial applications should.

Be included as a best manager practice to be avoided or not. If drones were exempted.

**JC Jonathan Chamberlin** 1:14:34

I just think drones shouldn't be treated the same as a fixed wing aerial application.

So I guess I don't know how you wanna term it or or describe it, but I just know drone application is not the same type of aerial application.

You're really close to the ground. You you're not flying over property lines. You're staying within the field boundaries.

It's just a very different aerial application.

Then, such as a fixed wing or a or a helicopter or something along those lines.

I don't how to explain that or put that in the definitions other than the fact it is very different.

1:15:23

Understood. Yeah, I I guess I was.

Asking.

So right now, what should we?

So right now, what should?

I mean, not necessarily just you, Jonathan, but any other.

So I think, Wendy, Sue, you're you're calling out aerial application. I think you think that it should.

Be included as something that should not be done with neonics.

**WH** Wendy Sue Harper 1:15:52

Yes, but I think, oh, I'm sorry. I think that I I'm just pulled up the other document.

1:15:53

And that's it currently miss.

**WH** Wendy Sue Harper 1:16:01

I also have it up.

Aerial application is not defined in definitions.

And so that may be a place where you can define. You can separate out aerial application includes that drone application.

That is done, you know, 6 feet from the ground or whatever, blah, blah, blah blah, you know, and you could make that distinction in the definitions, I believe.

1:16:33

One thing we might need to be wary of is that in the certification and training portion of the agencies administration pesticide applications, we lump together all of those.

I don't.

I mean, I'm sure I'm certain we can navigate this, but.

It that might be confusing if we start to break apart the drone from the fixed wing or helicopter applications in terms of defining what an aerial application is because 'cause they are lumped in other.

Portions of the agency 's regulatory authority.

Yeah, I know.

I have seen some definitions that are like manned versus unmanned aerial vehicles.

There may be, yeah.

There may be.

There is that, and that's federal I believe.

Well, actually I can't remember.

We don't have Zack with us today, so he might be on and we don't have to go into this.

He could.

He might be on it.

Think that we're just looking how to navigate.

Some allowance and some prohibition based on type of aerial application.

So yeah, if what we do have currently in the in the draft rule is, so we have a boom height, right?

Maximum and also no more than ten feet above the canopy for aerial applications.

Is ten feet.

Is ten.

I mean I it's obviously doable.

I mean I it's obviously.

By.

So a drone can be within ten feet, right, Jonathan?

 **Jonathan Chamberlin** 1:18:05

River flown or crashed when?

I don't know.

 1:18:07

OK.

I.

I'm assuming that drones can be within ten feet, but I I guess I don't know if that, but I don't know, automatically excludes.

Them with that close.

Yeah, yeah.

Yeah.

What if someone has a? You know, I get what Jonathan 's saying, right?



What if someone has a? You know, I get what Jonathan 's saying.  
He's he's talking about very specific drone style applications, but what if someone gets a really big drone and and flies it like a helicopter?  
You know you want to be careful about how how it's worded, yeah.  
Yeah.  
I mean, that's why I feel like this sentence gets at the like. Why?  
We would say no right is 'cause you don't want it.  
Be you want to be more of a precise application.  
So maybe it's not the aircraft, it's really the ten feet that we're looking at.  
With.  
It's not the type of.

**JC Jonathan Chamberlin** 1:18:54

Also, there's a difference like a drones.  
Wash pushes that stuff to the ground versus.

1:19:02

Yeah, that's true.

**JC Jonathan Chamberlin** 1:19:03

Other methods don't, so I I I I don't.

1:19:03

Yep.

**JC Jonathan Chamberlin** 1:19:06

I think the ground application purpose on F is probably just fine for 10 feet.  
I mean, I don't know any other any sprayers that spray that are taller than 10 feet over the crop, very rarely but.  
I.  
I don't.  
I just think it shouldn't be limited.  
I think drones are a different type of aerial application and should not be lumped in with that.

1:19:38

You'd call it precision drone application or something.

I know.

Along those lines.

Along those.

But yeah, it's it's that's important.

I mean, we see.

I mean, we see them.

The highest ripped with aerial applications in our work.

The ten feet is, yeah.

Field conditions.

Capturing these in a minute so that.

Just these comments can be captured and considered.

**SZ** **Szczukowski, Zach** 1:20:17

Hey everybody, this is Zach Schikowski.

I.

I don't have the answer right now, but I'm more than willing to, you know, workshop this.

So it's not a definitive.

Metric you know for for German applications moving forward.

That's all I have to say at the moment.

Sorry, not more helpful.

1:20:44

That is helpful, Zach. Thank you.

Did anybody else have?

Comments.

After receiving Zerchy 's recommendations or after having a a chance to better look at the rule of things that.

Are one either missing from the draft rule that should be included, or two things that are in the draft rule that are.

Should be removed.

Or that should be elaborated on?  
Any other comments from members?

**JC Jonathan Chamberlin** 1:21:50  
I I have one disintegrated pest management IPM definition piece.

1:21:55  
Yeah.

**JC Jonathan Chamberlin** 1:21:57  
I.  
I.  
I I think.  
I think whatever that the four steps I think is is going beyond when really we're going to be looking for local science based.  
We are basically the only way this is going to work for for growers in this state is if we are paired and matched with New York.  
And so if we're gonna go out on a limb and start adding all these other parts and pieces.  
And we end up basically pinning our producers to not having options that are consistent with New York. I believe we are going to do the opposite of what the the legislation said, which was to stay parity or stay, you know, In Sync with New York and their process.  
Because our producers, if they do not have New York in it with them.  
Or they deviate from New York's process.  
I think they're gonna be basically put at a major major disadvantage.  
And so I I guess I get real concerned when you start putting in some of this IPM language that's going to start putting additional constraints that are going to be separate and different from our counterparts in New York.  
So I get real concerned with that and really don't think we need to go any further.  
Other than the EPA's definition of integrated pest management.  
And I would say that basically to be the same with any of the Bmps that think the the one piece that I can agree with on the other piece that was put forward to us.  
Was the section that basically referred to Cornell and local guidances.  
For thresholds, so it'd be on the.

I don't know whether it's the third page.  
I think it maybe is the third page right?

1:24:14

Of the xersis one.

**JC Jonathan Chamberlin** 1:24:16

You know that I can agree with the rest of it.

I I think is going above and beyond what needs to be done, and again it goes to the consistency of New York where we gonna be.

What? How? How much more of a hindrance this is going to be to our producers because it's already.

Gonna turn the world upside down in this region.

So I I I think that's probably the only piece I would take out of that that I can agree with and basically utilizing the science from our local land grant universities, including Vermont. What Heather's going to do as the viable risk assessment tool to determine pest press.

And whether the seeded tree can be used or not based on the exemption process, the agency of AG has.

Other than that, I I think that's where it needs to stop.

1:25:19

I'll.

Do a better job of.

Capturing that in a minute, but.

**WH Wendy Sue Harper** 1:25:34

So is it in New York?

They don't have to follow IPM 'cause. I don't. I don't understand.

I don't understand a New York, NY enough to understand what you're referring to.

1:25:47

Yes.

**JC Jonathan Chamberlin** 1:25:51

So New York basically passed that the law, which then Vermont sort of mimicked after, and Cornell has been tasked with, and I don't know, Heather, you maybe have more information on this on where they're at in this process, but Cornell and other interested parties are coming up with.

The Protocol and procedures or the BMP practices or risk assessment tools that will. Allow producers to utilize it on an exemption.

Or not. And if we go to the extent that that we can't use it and Cornell goes to the extent that the allowable use is more widespread than the availability of the seed and other uses, that will allow producers to still have some sort of treated seed whether. It's neonic or not.

Or whatever.

The alternative is if if they go a different direction and they're not as restrictive as you guys are proposing to be with some of these recommendations.

It's going to put producers.

In Vermont, at a major disadvantage, and I don't think that's the intent of the law and the legislation, because they do connect to that.

Am I speaking out of turn that if if New York doesn't, doesn't have the same restrictions or outlawing of the neonics, then Vermont's law does not go into effect as well, am I?

Am I wrong with that assumption?

From what I remember.

1:27:18

No, you are correct. If their law is repealed, then Vermont 's law follows. It does. It does not take an effect.

But it's the overarching premise of the prohibition and the emergent, you know, and the emergency.

To maybe it's just the overarching prohibition, but it's not the details associated with how New York 's implementing theirs.

Correct, right.

We're not tied in the details that you're explaining in the law. The law does not specifically.

Have.

Us.

Things lockstep with Cornell as far as the implementation of like criteria that needs to

be met for an exemption to be granted.

That's not in the law, however.

I will say that we are trying our best at.

To we've gone to Albany once and we're trying our best to do this in the because we recognize that yes, we're too small to.

Do anything without.

Being.

Similarly as criteria.

I see. I see Heather 's unmuted.

Yeah. Heather, go ahead.

**HD** **Heather Darby** 1:28:34

Yeah, I mean, I'm happy to chime in a little bit here, so.

I I'm I am working closely with the Cornell counterparts, especially in regard to, you know, working on putting together the kind of risk assessment pieces.

We wanna we have just, you know they have a couple \$1,000,000 to do their work.

And we obviously don't have that.

Not that.

Steve and others wouldn't provide it if it was there, but it's not. So we have to really work collaboratively to be able to build a database to better understand risk and determine, you know, when exemptions would be granted.

And I think Morgan already said this like Vermont may decide exemptions are granted differently, but.

We'll we're trying.

To use the same risk assessment tools.

Either for New York or for Vermont.

Again, they have far more resources than we do, however.

We have parts of Vermont that they're not able to cover. Interestingly, on the New York side, so they don't have as much emphasis in the Champlain Valley.

So they're actually really excited to collaborate so that they can also.

Utilize our data to help build their risk assessment tool as well.

So I think it's it is shaping up to be very collaborative.

You know, we're meeting in January.

To finalize the field protocols for this year and our our goal is to put into place what they're doing, but also do more on our own as well because.

I'm not.

I don't necessarily agree with everything.

Not that I don't agree with their methods, but I think they're a bit. They're actually a little bit limited and I want to be more strategic in Vermont about.

Farming systems that we collect data on.

So as an example, our preliminary data shows that the probability of seed corn maggot infestation.

In triples, when there's minor and tillage together in a system or even separate and a lot of the systems where the data has been collected, they don't have manure and they're predominantly no till.

So we we have a lot of no till an increasing amount of no till in Vermont, but we also still have a lot of tillage and.

We have a lot of manure.

So I mean, there are some pretty different nuances, I think where the majority, you know of our agricultural systems have have manure.

And so that's something we we really need to focus on and look at risk there and how to manage that risk.

So I mean, we're different but the same and I guess to maybe not keep talking, we are collaborating so.

So everybody knows that.

1:32:28

Thank you, Helen. That's great news.

**HD** **Heather Darby** 1:32:36

I'm sorry.

Now I'm talking again and I have time in January, but I did. I did wanna say.

1:32:39

Go.

**HD** **Heather Darby** 1:32:43

Our preliminary data on fluency agents.

And and I think the recommendation may be from Emily was people just use the fluency agents at the proper rate.

But I will say that we did find some really interesting results with one fluency agent in particular that suppressed actually suppressed.

Our collection of neonics in the dust, even overseas, that didn't have any fluency agent at all.

So there.

And again, this is very preliminary, but some of the alternatives were just as bad as graphite and talc used at the proper rates.

But this one fluency agent in particular actually appeared to.

Just suppress any movement of neonics.

At all, which I found really interesting.

So we're gonna repeat that and I'll show that in January. And the other pieces we only looked at two seed companies, but they were really, really, really different in the amount of neonics that came off of those seeds.

They had the same rate and they had the same exact neonicotinoid treatment.

But what came off of those seeds was like.

Triple what it was on the other brand and so I haven't, I haven't talked to either of those seed companies yet because we're just sort of putting the data together. But I really wonder.

Where you know where the seeds being treated, how it's treated and how is it that different?

Like.

30,000 nanograms with talc versus, you know, with the competitive brand. You know, it was still higher, but it was only, like 10,000 nanograms, so.

And they had the same rate in the same insecticide. And when you looked at them without any fluency agent, the level of neonics obviously was very similar.

So the fluency agents and how they react with the different seed brands.

I guess is very different.

But overall, the alternative fluency agent, which is the Bayer product, suppress the dust in both of those equally.

So that was good.

But anyway, so I think there's more to be.

Looked at with the fluency agents, I guess.

Is my feedback there to basically say that just because it's not telc or graphite doesn't make it better?

It is worse when it when telegraphy and some of the others are on the seat.



1:35:48

OK. Can I ask a question?

Heather, I'm wondering, you know, we had a couple folks from Cornell look at this and sign off. And I'm wondering with those risk assessment tools, are they, do they incorporate any monitoring?

In as part of that process for for making a pest risk assessment, do you know?

**HD Heather Darby** 1:36:12

Monitoring of the fluency agent coming off of seed or dust.

1:36:16

Oh, sorry for seed.

Oh, sorry for.

Pest monitoring for seed pests.

For their pest risk assessment tool.

**HD Heather Darby** 1:36:21

Umm.

Yes.

I mean, they're doing a lot with modeling.

And growing degree days and sticky traps for seed corn maggot. And I think we, we know some of the limitations.

The models are great and they definitely are gonna tell us when things are gonna arrive.

And some of catching the populations will the adults will tell us how bad it might be, but we also know it's like too late. Once we know that often.

So if there's a way to try to estimate.

And they know that too.

So, you know, I think there's there's a lot of factors that need to be combined. I guess is the point.

You know to look at.

Risk. So from monitoring and scouting to you know how what practices are being utilized in those fields.

All of those things.  
Rotations, et cetera.


 1:37:36

Thanks.

Yeah. Heather would be great if you are available to come for January twenty seventh.

 **Heather Darby** 1:37:50

Yeah, I'm. I'm gonna check my calendar and hopefully I'll have more of the data kind of complete by that by that time too.

 1:38:00

Let me ask you.

 **Heather Darby** 1:38:01

Yeah.

 1:38:10

Are there?

Any more member comments on?

Jersey 's or the draft rule and both mine.

Well, I really appreciate.

Everyone reviewing both the documents today and I appreciate Emily for your time coming and talking through and being available for questions. And if things come up, obviously you can.

Reach out to me and I can reach out to Emily. If there's anything else that Members would like to know that they.

Think of afterwards.

So.

I think I am ready to open for public.

Comment.

If we are all good, all Members.

You ready for that?

Awesome. So if any members of the public who are joined with us today have any

additional comments to make.

A question about scouting.

Are there guidelines for scouting in this?

Are there guidelines for scouting in?

I mean, I'm relatively new to this ballpark, but you know, one of the things I'm hearing from some of the farmers in the Champlain Valley is that they are, you know, if there's exemptions to be applied and they have to to apply for these exemptions.

What does scouting look like in advance?

You know how.

How early do they need to start scouting?

Know cause a lot of this is.

Seed prophylaxis, right?

And what does that process look like?

And what does that process look?

I guess is what I'm asking. They want to be clear on the process.

I think my answer to that.

Is similar to that separation between rule and guidance? I think that's great guidance material, I think historically.

There are some scouting methods for wireworm that are well known.

Secor, Maget, not great.

Kind of like.

It's more the one I was thinking of. Yeah, yeah.

Yeah, yeah, there. There isn't really anything that we found in our research in the last two years that which is why this is such a tricky thing is basically that's one of our major pests.

But it's really hard to predict.

And no. So that's so a lot of what Heather 's doing is trying to get at, OK.

What? What?

Farming practices are increasing and or decreasing your risk of having the.

C.

Cor. Maggot. We can prove with sticky traps.

And flights happen.

And so we can try and get more and more data over time with that and that's what I think what Cornell 's doing to try and model that.

Then, with Cornell three days, you can figure out maybe that because once you see it

on sticky trap, it's often also too late, right?

That's like your peak flight, but there are.

Caused a problem.

And so yeah, there's a lot more learning needs to be done for that person for me.

And so that's one of the reasons why it's kind of unknown.

There isn't specifics.

And rule about scouting.

But even to put it in a guidance, I think we need to know more before we can even.

Put specifics in guidance, but that's a good yeah, you hit the nailhead. That's yeah.

Here's the challenge, yeah.

And we wouldn't put it in the rule because also.

It could change over time, and if we put it like rules, don't react quickly to change over time.

Yeah.

Any other public comment?

Great. Oh, I did see it.

Great. Oh, I did see.

Wait, was there a chat? I'm really bad at.

Monitoring the chat.

Christine.

Yeah, yes, the Xerce will be available for sure.

Draft rule that was shared still draft.

I don't know a protocol for sharing the recording of the meeting will definitely be online. Hopefully by the end of the week.

As long as well as the Minutes.

I have to check on our protocol of the mock up of the rule.

If I can put that online, I just don't know our protocol on that, but it will be within in the recording, the recording of the meeting will be there.

If I'm alive, I will put it online.

In draft form.

And again, that will probably be by the end of the week.


All right, I think everyone very much for your participation.


You very much for reviewing documents.

You very much for reviewing.

Thank you very much for comments and helping us.

Draft these rules so that.  
They're useful.  
So thank you all and happy Monday.

 **Bryer, Pam** 1:43:51  
Hey everyone.

 1:43:53  
I thank you.

□ **Griffith, Morgan** stopped transcription

### Meeting Chat Transcription

12:46 PM Meeting started

Emily May: Definition in VT pesticide rule: Integrated Pest Management means an ecosystem-based strategy that focuses on longterm prevention of pests or their damage through a combination of techniques such as biological control, habitat manipulation, modification of cultural practices, and use of resistant varieties. Pesticides are used only after monitoring indicates they are needed according to established guidelines, and treatments are made with the goal of removing only the target organism. Pest control materials are selected and applied in a manner that minimizes risks to human health, beneficial and nontarget organisms, and the environment.

Christine Villegas: Will the marked up drafts from today be available on the website? If yes, when?