



**Testimony of Julie Silverman, Lake Champlain Lakekeeper
Conservation Law Foundation Vermont**

Before the Senate Committee on Natural Resources and Energy

April 27, 2023

Good morning Chair Bray and Members of the Committee,

Thank you for the opportunity to testify on H.31, an act relating to aquatic nuisance control. For the record, my name is Julie Silverman and I appear before this Committee as the Lake Champlain Lakekeeper with Conservation Law Foundation (CLF). For background, I am an advocate that engages and inspires people to protect, restore, and preserve Lake Champlain, its tributaries, and the greater watershed. I've worked on Lake Champlain watershed issues for close to three decades—including working for in the Agency of Natural Resources (ANR) Lakes & Ponds Aquatic Invasive Species (AIS) program. In addition, I am currently participating in the ANR Aquatic Nuisance Control (ANC) Pre-Rulemaking Focus Group that has been previously mentioned in testimony.

- CLF supports H.31, as passed by the House. As my colleague, Jon Groveman, previously mentioned CLF also believes that it is time to closely examine reforming the existing statutory framework for allowing the use of pesticides to combat aquatic nuisance species in Vermont waters, especially during a time of shifting demands and climate change. H.31 begins this much-needed investigation.
- CLF understands the complexity and gravity of the negative impact of AIS on the State's waters. I have personally witnessed these impacts for years during my time on the water. Examples include but are not limited to hand-pulling water chestnut from a kayak in southern Lake Champlain, hand-pulling brittle naiad and European frogbit from Bristol Pond, performing plant surveys involving hydrilla on the Connecticut River, as well as other efforts to combat invasives. As of October 2021, there are 125 waterbodies in Vermont that have confirmed documentation of AIS. The Lake Champlain basin alone has 51 non-native species-related threats from connected waterways, about a dozen have been determined to cause harm to the local economy, the ecosystem, or human health.
- The environmental, economic, and human health impacts are significant but not all AIS have the same level of impact, nor do they impact each waterbody in the same way. Every lake, pond, river, and stream is ecologically unique. They each have different sources and outflows, flora and fauna, soil types, water quality parameters and

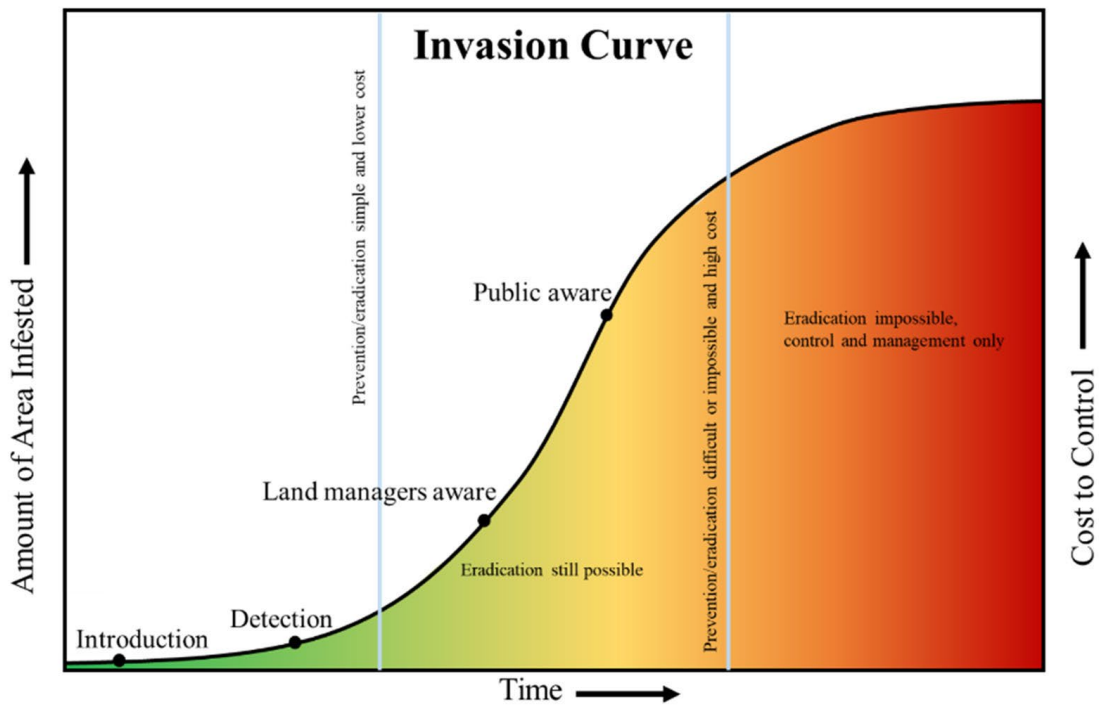
sensitivities, and diverse land uses. When an invasive species is introduced to a body of water, the risk varies depending on the watershed's complex ecology. But what is common among all waterbodies in the state is that climate change will dramatically impact the growth and spread of invasive species. H.31 is a proactive step towards climate resilience planning, so that our regulatory frameworks are nimble and effective.

- For these reasons, chemical pesticide applications should only be used in Vermont's waters after thoughtfully deploying the full suite of alternative management measures, and importantly, weighing public health and ecological impacts. H.31 would allow for careful analysis of when and how we should use chemical pesticides in Vermont's waters and how best to proactively design our statutory and regulatory frameworks accordingly.
- Related, CLF further believes and recommends that it is time to modernize the ANC permit program following the precautionary principle—especially considering what we know about PFAS—both as an active ingredient in countless pesticides, as well as leaching from pesticide storage containers. (This directly relates to CLF and our partner organization's comments and submissions regarding Vermont's recently promulgated pesticide rule, which several members of this Committee were closely involved with.¹)
 - To this end, pesticides and the application of chemicals have unintended consequences. Because federal and state law and regulations do not require the disclosure of all ingredients in pesticides, we do not fully understand the collective environmental and health impacts.
- It is no secret that the chemical industry continually develops new chemicals that stay ahead of regulation. Indeed, it is the classic cat and mouse scenario, with the majority of monetary resources weighing heavily on one side. ProcellaCOR is the latest in a long line of aquatic nuisance control products on the market. However, ProcellaCOR has only been on the market since 2018 and we simply do not have adequate long-term data analyzing short and long-term public health and ecological impacts.
- CLF supports incorporating more public process and stakeholder input into the ANC permit process. Every Vermonter deserves a seat at the table. In addition, CLF and other Focus Group participants believe the permit notification process—including the ANR Environmental Notice Bulletin—needs to be improved and modernized to ensure transparency. The existing system is difficult to access, navigate, translate, and

¹ See Lake Champlain Committee et al., Comments on the Draft Rule for Vermont's Regulations for Control of Pesticides 22–24 (June 23, 2022) (on file with author and available upon request); see also Lake Champlain Committee et al., Comments on the Final Proposed Rule for Vermont's Regulations for Control of Pesticides 6 (November 30, 2022) (on file with author and available upon request).

understand. H.31 would allow legislators to evaluate ways to improve the notification process and public involvement, generally.

- The old saying, “An ounce of prevention is worth a pound of cure” holds true with ANC. My personal experience and decades of research clearly illustrate through the Invasion Curve² that prevention is the most effective and least costly method of combating



invasive species. Everything we do after becomes control. This is why the State needs to focus more attention and funds on prevention through education, outreach, monitoring, and prevention. Again, H.31 opens this important conversation.

- CLF, VNRC, and other partner organizations submitted a letter to the ANC Focus Group (submitted with Mr. Groveman’s testimony) detailing issues that we believe the Focus Groups should address in discussing a potential ANR rule to help implement the ANC permitting stature. As Jon Groveman previously testified, most of our suggested changes would require a statutory change.

² See U.S. ENV’T PROT. AGENCY, THE GREAT LAKES AND LAKE CHAMPLAIN INVASIVE SPECIES PROGRAM 2019 REPORT TO CONGRESS 7–8 (2019), https://www.epa.gov/sites/default/files/2020-11/documents/2020-10-02_gllcisp_2019_report_to_congress_final.pdf (explaining the concept of an “invasion curve” as it relates to approaches to managing invasive species).

To summarize, CLF fully supports H.31, which will allow legislators and experts adequate time to weigh the latest scientific findings and consider whether and how best to reform the existing statute to ensure we proactively prioritize ecological and human health.

This concludes my testimony. Thank you again for the opportunity to speak before this Committee.