

Members of LCAR  
Vermont Statehouse  
Montpelier, VT 05620

5 January, 2023

Senators and Representatives of LCAR,

Thank you for your diligent and professional questioning today on the Pesticide Rules issue. It gives me confidence that you are willing to do your jobs, no matter how unpleasant certain aspects may be. And thank you for allowing Rep. Troiano to speak and for saluting his track record of service.

I have some comments / observations I would hope to share.

Senators Bray and Lyons both brought up the issue of Process.

You are on solid ground in posing those questions.

I'm frankly as disappointed as ever in the Agency of Agriculture and the weak responses their leadership provided. "Process" as a concept is broken.

The fact that Sylvia Knight is still chasing this subject (as she has been for over 25 years) is clear evidence that The Process does not work. She has over the years posed crucial questions and submitted powerful testimonies, yet... nothing. Virtually nothing has changed in the realm of the economic poisons, otherwise referred to as pesticides. There is an obligation in state agencies to engage the public in a meaningful manner, whether it be in regard to forest management, noise at airports, or general services. The obligation is to engage, not to create a process FOR that engagement. The requirement is to engage, and if the process is drawn-out, obfuscatory, shadowy, vague, excessively technical, and borderline hostile, the public is not the problem. I have seen this with federal agencies, state agencies, and even non-profits; the US Forest Service produced a forest management plan involving six years of Process. What human can survive that? The state is in trouble at the moment because management of state land (Camel's Hump region in particular) has been lacking in public engagement and inclusive Process. It is now the norm,

the accepted and allowable condition, that the Process for most any government action will be tedious and mind-numbing. That this state of affairs is allowed to persist is beyond disturbing.

The Vermont Pesticide Advisory Council did not accomplish its mission and legislative directive. I attended many meetings and was always alarmed at the number of members absent. I'm fairly certain I never came across anyone from the UVM Medical world, despite membership on the council. Discussion on updating these rules began in 2013 as far as I know, and I am glad to see that a proposal exists. The performance bar, however, was incredibly low from the outset, so it is hardly a positive that these proposed new rules are an improvement. Again, no mandated usage reductions were achieved or perhaps even pursued. Hard to believe that even with the closing of Vermont Yankee, there is no blip in the upward trend. Have a look at Sylvia's chart... taking 286,000 pounds of cooling tower cleaning agent off the list should have made a dent someplace between 2013 and 2015. But no, we just kept on spraying and kept the line moving upward. That's a lot of pesticide. Now we have the AIB and no mandate for reduction. I wonder how that'll work out.

I'm pretty sure I know how things will work out, because I work out on the Vermont landscape. I know we have regulations and certifications, but I still see herbicides used to target native plants, chemicals used all over the bank of a brook at the wrong time of season, and even children running around next to a meadow that had just been sprayed the day prior. No signs posted, and not the fault of the kids. It was a daycare, kids are supposed to be outside playing in places like that. I'm not sure someone should have sprayed that ground, but what was I to do when he told me? Am I the enforcement division? Something is clearly WRONG if those things can still happen.

I have attempted to engage in The Process in recent years. I offered to help the agency resolve its records backlog at no charge. I make my comments by the necessary deadlines, I participate in the meetings, and then everything simply disappears. I spoke at a Pollinator Protection Committee meeting in 2017; not only were my comments disregarded but they did not even appear in the minutes of the meeting. I may as well not have been there, never mind

having spent the time and money to attend. I have written to people at the cancer center, but again, I do not seem to exist in their world. I'm not saying anyone has it easy, but Process is probably difficult for everyone.

I submitted comments regarding pesticide permits last year; the boilerplate response was pathetic and gave me no recourse to further address the issue I identified. Process is now so complex that trainings are offered in how to construct a deftly evasive Response to Comments. People learn that they can identify an issue, but the response is more focused on making the people go away versus making the problem go away. Sad. Can we please address the issue of PFAS in pesticides and the equally devastating issue of cumulative effects on drought-dry lands? At some point in the equation adding drought and toxins and secret ingredients, the system is going to break down.

What drives me to continue my push for pesticide reductions is the massive act of deception that was perpetrated on Vermonters with Act 49 (H.434) in 2021. Removal of the "pesticide reduction goal" is a travesty; the legislative intent that had stood for 50 years was undone by industrial / corporate intent. The only intent I see was an intentional effort to hoodwink the people and further contaminate our water resources in the name of profit. It is a disgrace that H.434 was proposed, and it is a disgrace that it passed through the legislature. That said, when the Agency of Agriculture asks for time or leeway or convenience or understanding, I am personally not willing to give agency staff any compromise or benefit-of-the-doubt. The true colors have been revealed, and many of us have been patient for decades. The pesticide addiction is now so overwhelming that I wrote a commentary last March for VTDigger: "Heavy Pesticide Use is now an Environmental Constant." Much like the force of gravity and the rising of the sun, although perhaps less beneficial.

Pesticide management is a big deal and an unpleasant, complicated set of tasks. No one enjoys tackling the subject from a regulatory and human health standpoint, but we are far past the time for action. The Agency of Agriculture is not the right fit in pursuit of more sensible, appropriate regulations; the job is

simply too big. We do need change now, but our agency is unable to see that need and incapable of executing a plan even if they somehow had one.

We need to get this right, and my hope is that you can reject this unfit proposal and direct the appropriate players to solve the problem. The state needs a Precautionary Principle as well as an integrated effort to manage pests, deal with drought, and protect people and resources. Frankly, a bill in the legislature right now promotes protection of golf courses, but I see little focus on clean water and regulating toxins. I have offered to help in the past, and I do so again here now, whatever moves us forward.

I shall conclude with a quote from Thomas Jefferson regarding financial debts. If interpreted more openly, it carries poignant relevance here and now. "The Earth belongs... to the living...no man can by natural right oblige the lands he occupied, or the persons who succeeded him in that occupation, to the payment of debts contracted by him. For if he could,... then the lands would belong to the dead, and not to the living." I believe it is time for us to acknowledge and accept our debts.

I appreciate your time.

I would like to share this note with my own senators, since some of the happenings I described took place in our county, but I shall do so only with your agreement.

Thank you for your work.

Michael Bald, Founder / Owner

*Got Weeds?*

Royalton