



AGENCY OF AGRICULTURE, FOOD & MARKETS

Public Health & Agricultural Resource Management Division

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October 28, 2021

Hon. Mark MacDonald, Chair
Legislative Committee on Administrative Rules
Vermont State House
Montpelier, Vermont 05602

RE: Modifications to final proposed rule.

Dear Chairperson MacDonald and Members:

After the close of the deadline for comment and submitting the final proposal to LCAR, the Agency of Agriculture, Food and Markets received comments from Mike O'Grady and Anthea Dexter-Cooper regarding inconsistencies within the filing. This Agency intends to correct the inconsistencies by making the following modifications upon filing the adopted rule.

A text highlighting the modifications described below accompanies this correspondence for your convenience:

Section 2.5 is being modified to include a new definition "2.5 'Regulated Article'" and the existing Section 2.5 is being renumbered to Section 2.6.

Section 4.2(a) is being modified to remove the language "according to the most recent map depicting the 'Distribution of HWA' produced by the USDA Forest Service or any subsequent updates" as the map is no longer made available by the USDA Forest Service.

Section 4.3 is being deleted as it is no longer necessary with the addition of the new Section 2.5.

Section 4.4 is being changed to Section 4.3 to reflect the deletion of the old Section 4.3 referenced above.

Section 4.4 header, now Section 4.3 header, is being modified to remove the language "All regulated articles are prohibited entry into non-quarantined areas of Vermont except as specifically allowed and conditioned below." for clarity.

Section 4.4(a), now Section 4.3(a), is being modified to replace "Hemlock nursery stock" with "A regulated article", delete "non-quarantined areas of", and replace "Treated nursery stock" with "A treated regulated article." This allows for regulated articles from quarantined areas in the State or outside of the State to be shipped anywhere in the State provided those articles are first treated.

Section 4.4(b), now Section 4.4(b), is being modified to replace "Hemlock nursery stock" with "A regulated article" for the same above reasons.

Section 4.4(c), now Section 4.3(c), is being added to clarify the internal quarantine component of the rule.

Section 4.4(c), now Section 4.3(d), is being modified to replace "4.4(a)" with "4.3(a)".

Section 4.4(d) is now Section 4.3(e).

Sincerely,

A handwritten signature in blue ink, consisting of a stylized 'D' followed by a loop and a horizontal stroke.

David Huber
Chief Policy Enforcement Officer