

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Environment and Energy to which was referred House
3 Bill No. 31 entitled “An act relating to aquatic nuisance control” respectfully
4 reports that it has considered the same and recommends that the bill be
5 amended by striking out all after the enacting clause and inserting in lieu
6 thereof the following:

7 Sec. 1. MORATORIUM; AQUATIC NUISANCE CONTROL PERMITS

8 (a) Except as provided under subsection (b) of this section, the Secretary of
9 Natural Resources shall not issue a new aquatic nuisance control permit under
10 10 V.S.A. § 1455 after January 1, 2023 that authorizes the use or application of
11 a pesticide, a chemical other than a pesticide, or a biological control until one
12 year after completion of an assessment under Sec. 2 of this act of how the
13 environmental and public health effects of the use of pesticides, chemicals
14 other than pesticides, or biological controls compare to their efficacy in
15 controlling aquatic nuisance. This subsection shall not apply to the renewal of
16 permits issued under 10 V.S.A. § 1455 prior to the effective date of this act.

17 (b) Notwithstanding the moratorium under subsection (a) of this section,
18 the Secretary of Natural Resources may authorize the use or application of a
19 pesticide, a chemical other than a pesticide, or a biological control to control an
20 aquatic nuisance in a lake or pond upon a determination that:

1 (1) the application is necessary to control lampreys in Lake Champlain;

2 or

3 (2)(A) there is an exigent threat from an aquatic nuisance to the water
4 quality, fish or wildlife, or infrastructure within a lake or pond;

5 (B) the Commissioner of Fish and Wildlife and the Commissioner of
6 Environmental Conservation jointly determine that the use of a pesticide, a
7 chemical other than a pesticide, or a biological control is the sole effective
8 method to control the threat posed by the aquatic nuisance; and

9 (C) the proposed control cannot be delayed until after the repeal of
10 the moratorium established under subsection (a) of this section because the
11 potential harm posed by the aquatic nuisance is irreversible or of a significance
12 that requires immediate action.

13 (c) As used in this section:

14 (1) “Aquatic nuisance” has the same meaning as in 10 V.S.A. § 1452.

15 (2) “Pesticide” has the same meaning as “economic poison” in 6 V.S.A.

16 § 911.

17 Sec. 2. AQUATIC NUISANCE CONTROL STUDY COMMITTEE;

18 REPORT

19 (a) Creation. The Aquatic Nuisance Control Study Committee is created to
20 assess the environmental and public health effects of the use of pesticides.

1 chemicals other than pesticides, and biological controls in comparison to the
2 efficacy of their use in controlling aquatic nuisances.

3 (b) Membership. The Aquatic Nuisance Control Study Committee shall be
4 composed of the following members:

5 (1) two current members of the House of Representatives, who shall be
6 appointed by the Speaker of the House;

7 (2) two current members of the Senate, who shall be appointed by the
8 Committee on Committees;

9 (3) **the Commissioner of Health or designee;**

10 (4) a scientist from the Department of Fish and Wildlife, appointed by
11 the Commissioner of Fish and Wildlife; and

12 (5) a scientist from the Department of Environmental Conservation,
13 appointed by the Commissioner of Environmental Conservation.

14 (c) Powers and duties. The Aquatic Nuisance Control Study Committee
15 shall submit to the Vermont General Assembly recommendations regarding
16 whether and when pesticides, chemicals other than pesticides, or biological
17 controls should be used to control aquatic nuisances in Vermont. The
18 recommendations of the Committee shall include:

19 (1) a summary of the use of pesticides, chemicals other than pesticides,
20 and biological controls in the lakes and ponds of Vermont since January 1,
21 2000, including the types of pesticides, chemicals other than pesticides, and

1 biological controls approved for use and why they were approved instead of
2 nonchemical controls;

3 (2) a summary of the safety, potential public health effects, and
4 environmental effects of the pesticides, chemicals other than pesticides, and
5 biological controls approved by the Agency of Natural Resources since
6 January 1, 2000 and whether there has been no undo adverse impact on the
7 ecosystem or fish and wildlife since January 1, 2000 from the use pesticides,
8 chemicals other than pesticides, and biological controls;

9 (3) an assessment of whether the use of pesticides, chemicals other than
10 pesticides, or biological controls were successful in the management of aquatic
11 nuisance species in the lakes and ponds where they were approved, including
12 whether the lakes and ponds where the controls were used continue to be listed
13 by the Agency of Natural Resources as altered because aquatic habitat or other
14 designated uses in the lake or pond are not supported due to the extent of an
15 aquatic nuisance;

16 (4) a recommendation of whether pesticides, chemicals other than
17 pesticides, or biological controls should continue to be authorized for use in the
18 control of aquatic nuisances in lakes and ponds in Vermont and if continued
19 use is recommended, the criteria or conditions for approval for use; and

1 (5) an assessment of the use of pesticides, chemicals other than
2 pesticides, or biological controls on the nontarget environment or nontarget
3 species.

4 (d) Assistance. The Aquatic Nuisance Control Study Committee shall have
5 the administrative, technical, and legal assistance of the Agency of Natural
6 Resources.

7 (e) Report. On or before December 15, 2023, the Aquatic Nuisance
8 Control Study Committee shall submit a written report to the House
9 Committee on Environment and Energy and the Senate Committee on Natural
10 Resources and Energy with its findings and recommendations, including any
11 recommendations for legislative action.

12 (f) Meetings.

13 (1) The Commissioner of Environmental Conservation or designee shall
14 call the first meeting of the Aquatic Nuisance Control Study Committee to
15 occur on or before July 31, 2023.

16 (2) The Committee shall select a chair from among its members at the
17 first meeting.

18 (3) A majority of the membership shall constitute a quorum.

19 (4) The Aquatic Nuisance Control Study Committee shall cease to exist
20 on April 1, 2024.

1 (g) Compensation and reimbursement. For attendance at meetings during
2 adjournment of the General Assembly, a legislative member of the Aquatic
3 Nuisance Control Study Committee serving in the member’s capacity as a
4 legislator shall be entitled to per diem compensation and reimbursement of
5 expenses pursuant to 2 V.S.A. § 23 for not more than eight meetings. These
6 payments shall be made from monies appropriated to the General Assembly.

7 (h) Definitions. As used in this section:

8 (1) “Aquatic nuisance” has the same meaning as in 10 V.S.A. § 1452.

9 (2) “Pesticide” has the same meaning as “economic poison” in 6 V.S.A.
10 § 911.

11 Sec. 3. REPEAL OF MORATORIUM

12 The moratorium on the issuance of an aquatic nuisance control permit under
13 10 V.S.A. § 1455 that authorizes the use or application of pesticides, chemicals
14 other than pesticides, or biological controls shall be repealed on December 15,
15 2024 or 365 days after actual submission by the Aquatic Nuisance Control
16 Study Committee of the report required under Sec. 2 of this act, whichever
17 occurs later.

18 Sec. 4. EFFECTIVE DATE

19 This act shall take effect on passage.

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(Committee vote: _____)

Representative _____

FOR THE COMMITTEE