

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) an assessment of the use of pesticides, chemicals other than  
4 pesticides, or biological controls on the nontarget environment or nontarget  
5 species; and

6 (3) recommended legislative changes to the aquatic nuisance control  
7 requirements under 10 V.S.A. chapter 50 to:

8 (A) implement the use of pesticides, chemicals other than pesticides,  
9 or biological controls in a more precautionary manner that ensures the  
10 protection of State waters and is designed to protect fish, reptiles, amphibians,  
11 and all other aquatic biota;

12 (B) establish the appropriate standard for approval of the use of  
13 pesticides, chemicals other than pesticides, and biological controls for aquatic  
14 nuisance control;

15 (C) amend the process for the application of an aquatic nuisance  
16 control permit in a manner that improves the opportunity for interested parties  
17 to participate in the permitting process and that ensures full transparency in the  
18 permitting process; and

19 (D) provide other changes that the Study Committee determines are  
20 necessary or appropriate for implementation of effective aquatic nuisance  
21 control in the State.

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

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

9        (f) Meetings.

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

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

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

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

18       (g) Compensation and reimbursement. For attendance at meetings during  
19       adjournment of the General Assembly, a legislative member of the Aquatic  
20       Nuisance Control Study Committee serving in the member's capacity as a  
21       legislator shall be entitled to per diem compensation and reimbursement of

1 expenses pursuant to 2 V.S.A. § 23 for not more than eight meetings. These  
2 payments shall be made from monies appropriated to the General Assembly.

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

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

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

7 Sec. 3. REPEAL OF MORATORIUM

8 The moratorium on the issuance of an aquatic nuisance control permit under  
9 10 V.S.A. § 1455 that authorizes the use or application of pesticides, chemicals  
10 other than pesticides, or biological controls shall be repealed on December 15,  
11 2024 or 365 days after actual submission by the Aquatic Nuisance Control  
12 Study Committee of the report required under Sec. 2 of this act, whichever  
13 occurs later.

14 Sec. 4. EFFECTIVE DATE

15 This act shall take effect on passage.

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1 (Committee vote: \_\_\_\_\_)

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\_\_\_\_\_

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Representative \_\_\_\_\_

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FOR THE COMMITTEE