

Lindsey C. Waterhouse Comments to the Legislature Regarding HB.31
3 March 2023; waterhouselindsey@gmail.com; 802-557-8237
Representing; Lake Bomoseen Association Board of Directors

Good morning honorable members of the Vermont State Legislature. Thank you for allowing me to speak with you this morning, and to represent my thoughts and the thoughts of the Lake Bomoseen Association Board of Directors.

As a retired scientist and Bio-environmental engineer I strongly support the incredible work accomplished by our agencies of Natural Resources, Agriculture, and the Department of Health. Given this support I must strongly oppose H.31.

I want to talk about Legacy. What we do, or allow to be done will impact Vermont for years to come.

The questions we need to clearly understand and answer:

1. How do you equate a plant to be toxic or have a toxic effect on an environment?
2. How do you equate the risk posed by an invasive species like Eurasian watermilfoil, or any aquatic invasive species, to that of a treatment where a chemical is used to help control it?
3. When should a small, special interest group be permitted to negatively impact the environment of a state and all of it's people?

For those working in the VT ANR, AOA, and the DOH; the U.S. EPA; or the U.S. FDA, environmental or public health risk assessment and facing peoples in opposition of their decisions is a regular part of their work.

As an example: Polio? Would we consider it an *invasive species*? Unfortunately, it's naturally occurring. Yet we wouldn't consider it just another virus, and despite other opinions, Eurasian watermilfoil or water chestnut is certainly not a native and natural plant in Vermont's lakes and ponds.

What would be our legacy today, if the CDC and our scientists and their science had not developed and deployed the Polio vaccine?

One of the main reasons I believe we are here today is due to an effective campaign to both misrepresent the science, and the currently established regulatory and permitting process.

A letter provided to a leading advocate supporting H.31, dated 9 June 2022, from the VT DEC, provided as an attachment, contained multiple concerns, questioning the soundness of the scientific statements, conclusions, and misrepresentations of the agencies permitting process as defined in 10 V.S.A Chapter 170.

As an example, one of the critical concerns contained in that letter states:

1. "First, your published statement that EWM "is not so much an invader but a resident, is inconsistent with the conclusions that federal authorities and leading scientists in the field have made., and once again falls into the "*spreading misinformation*" category."

Whereas, “The US Department of Agriculture National Invasive Species Information Center *clearly lists Eurasian watermilfoil as an invasive species*. More locally, the Vermont Agency of Agriculture, Food and Markets also designates Eurasian watermilfoil as a Class B Noxious Weed on their *Noxious Weeds Quarantine Rule*.”

2. “As we are both professionals representing State institutions, why did you not reach out to me with questions on our approach and process before publishing your commentary, billed as that of a uniquely qualified expert, that presents an inaccurate picture of our ANC permitting approach here in Vermont and question the integrity and motives of State of Vermont agencies?”

These initial presentations and news paper articles, containing misinformation and questionable science, established a foundation of fear and mistrust of our agencies given the responsibility and authority to make herbicide application permit decisions, as well as creating distrust of Lake Associations and their leadership, seeking to support best practices to maintain their lake’s health¹.

If approved, H.31 would likely take three years from start to finish, before a final decision was made. If the “moratorium” or “ban” were to happen, what would be the legacy of this bill? I believe many other lakes and ponds, will move ever closer to what so many lakes have already experienced and have talked about over the last couple days. We will draw ever closer to a “tipping point” resulting in emergency beach closures, reduced access, and significantly degraded lake health as:

1. The 10 lakes currently permitted, would slowly see their efforts, expenditures and improved habitat gains be lost or returned to a state where only high cost physical means of control would be allowed.
2. Recreational access will again be impaired and decline.
3. Hyper eutrophication will resume or continue in the areas not treated.
4. Phosphorous (increased enrichment) levels will continue to increase.
5. Water temperatures in the littoral zones of lakes will increase.
6. An increased loss of natural plants, aquatic species, and original habitat.
7. Loss of species for all but those that can survive in warm, low dissolved oxygen waters.
8. Oxygen depletion turning to anaerobic water and benthic conditions.
9. Increased algal blooms
10. Loss of invertebrates
11. An increase in the number of lakes and locations experiencing hazardous algal blooms, and the likelihood of cyanobacteria toxic events threatening or preventing lake use, beach closures, and human and animal harm.

What do we want our Legacy to be? That of H.31, putting more VT lakes at risk of reaching *the tipping point*? Consider the experiences of locations like Lake Carmi, Lake Iroquois, St Albans and Missisquoi Bay, and lake Memphremagog that have experienced hazardous algal blooms. Or, will we use our science, the amazing skills of the people in the agencies of Natural Resources, Agriculture, and the Department of Health to make these decisions rather than a small special interest group?

1 Discussions with the DEC indicated no response was received from this person regarding their concerns.

Please! Let our *Legacy be to manage our lakes and ponds through the best science available. We created the invasive species problem, we can safely control it through science, best practice, and regulatory oversight.*

For all Vermonters, for our our families, and for the future of our children and Vermont, please; “Just say NO to H.31.

Thank You,

Lindsey C. Waterhouse

Information Provided as attachments for inclusion in the record:

1. *June 9, 2022 DEC Letter to Professor Cynthia Moulton*
2. *October 2022, Agency of Natural Resources, Permitting Aquatic Herbicide Projects in Vermont's -*
<https://dec.vermont.gov/sites/dec/files/wsm/lakes/ANC/docs/Permitting%20Aquatic%20Herbicide%20Projects.pdf>
3. *Lake Bomoseen Letter to the Rutland Herald; House Bill H.31; A Bill to Impugn State Agencies When You Don't Like Their Answer*
4. *Lindsey C. Waterhouse – Regarding Risk*
5. *Curriculum Vitae – Lindsey C. Waterhouse*