

1 H.31

2 An act relating to aquatic nuisance control

3 It is hereby enacted by the General Assembly of the State of Vermont:

4 Sec. 1. AQUATIC NUISANCE CONTROL STUDY COMMITTEE;

5 REPORT

6 (a) Creation. The Aquatic Nuisance Control Study Committee is created to
7 assess the environmental and public health effects of the use of pesticides,
8 chemicals other than pesticides, biological controls, and other controls in
9 comparison to the efficacy of their use in controlling aquatic nuisances.

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

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

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

16 (3) the Commissioner of Health or designee;

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

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

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

6 (1) a summary of the use of pesticides, chemicals other than pesticides,
7 and biological controls in the lakes and ponds of Vermont since January 1,
8 2000, including the types of pesticides, chemicals other than pesticides, and
9 biological controls approved for use and why they were approved instead of
10 nonchemical controls;

11 (2) an assessment of the use of pesticides, chemicals other than
12 pesticides, or biological controls on the nontarget environment or nontarget
13 species; and

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

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

1 (B) establish the appropriate standard for approval of the use of
2 pesticides, chemicals other than pesticides, and biological controls for aquatic
3 nuisance control;

4 (C) amend the process for the application of an aquatic nuisance
5 control permit in a manner that improves the opportunity for interested parties
6 to participate in the permitting process and that ensures full transparency in the
7 permitting process; and

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

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

14 (e) Report. On or before December 15, 2023, the Aquatic Nuisance
15 Control Study Committee shall submit a written report to the House
16 Committee on Environment and Energy and the Senate Committee on Natural
17 Resources and Energy with its findings and recommendations.

18 (f) Meetings.

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

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

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

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

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

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

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

14 (2) “Pesticide” has the same meaning as “economic poison” in 6 V.S.A.
15 § 911.

16 Sec. 2. EFFECTIVE DATE

17 This act shall take effect on passage.