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STATE OF VERMONT

Legislative Committee on Administrative Rules (LCAR)

TO: Sen. Christopher Bray, Chair, Senate Committee on Natural Resources and Energy
Rep. David Durfee, Chair, House Committee on Agriculture, Food Resiliency, and Forestry
Sen. Virginia "Ginny" Lyons, Chair, Senate Committee on Health and Welfare
Rep. Amy Sheldon, Chair, House Committee on Environment and Energy
Sen. Robert Starr, Chair, Senate Committee on Agriculture
Rep. Theresa Wood, Chair, House Committee on Human Services

CC: Michael O'Grady, Deputy Chief Counsel, Office of Legislative Counsel

FROM: Legislative Committee on Administrative Rules

DATE: February 2, 2023

RE: Concerns Related to the Vermont Rule for the Control of Pesticides

At the January 19, 2023, meeting of the Legislative Committee on Administrative Rules (LCAR), LCAR approved the Vermont Rule for the Control of Pesticides with proposed modifications submitted by the Agency of Agriculture, Food and Markets in correspondence dated [November 23, 2022](#), [November 29, 2022](#), [December 13, 2022](#), and [January 17, 2023](#). See [Final Vermont Rule for Control of Pesticides \(Jan. 17, 2023\)](#). This was after LCAR took testimony on the rule from the following witnesses at LCAR meetings on December 1, 2022; December 15, 2022; January 5, 2023; and January 19, 2023:

- Anson Tebbetts, Secretary of Agriculture, Food and Markets, Agency of Agriculture, Food and Markets;
- Steve Dwinell, Director, Public Health and Agriculture Resources, Agency of Agriculture, Food and Markets;
- David Huber, Deputy Director, Public Health and Agriculture Resources, Agency of Agriculture, Food and Markets;
- Cary Giguere, Compliance Director, Cannabis Control Board;
- Bryan Redmond, Director, Drinking Water and Groundwater Protection Division, Department of Environmental Conservation;
- Michael O'Grady, Deputy Chief Counsel, Office of Legislative Counsel;
- Rep. Joseph "Chip" Troiano;
- Judy Bellairs, Pollinator Protection Leader, Vermont Chapter of the Sierra Club;
- Jared Carpenter, Water Protection Advocate, Lake Champlain Committee;
- Chris Fastie, Senior Fellow, Conservation Law Foundation;
- Sylvia Knight, Earth Community Advocate and Researcher;

- Steven Lasee, Environmental Toxicologist, Lasee Consulting;
- Mason Overstreet, Staff Attorney, Conservation Law Foundation; and
- Drew Toher, Community Resource and Policy Director, Beyond Pesticides.

LCAR also received written public comments, all of which are available on LCAR's Committee Information Page under filing [22-P06](#), in addition to comments that the Agency of Agriculture, Food and Markets received throughout the rulemaking process. See [Vermont Regulations for Control of Pesticides: Public Comment Response Summary](#).¹

In reviewing written materials, taking testimony, and discussing the Vermont Rule for the Control of Pesticides, some members of LCAR had questions and expressed concerns about the presence of polyfluoroalkyl substances (PFAS) in pesticides and the scientifically proven detrimental effects that PFAS have on human health and the environment at large; the lack of a clear and accessible pathway for citizen involvement in Agency of Agriculture, Food and Markets' decisions involving pesticide use as there is with certain acts or decisions of the Secretary of Natural Resources, see [10 V.S.A. chapter 220](#) (consolidated appeals of certain acts or decisions of the Secretary of Natural Resources); and the protections for pollinators from pesticides.

These issues related to the Vermont Rule for the Control of Pesticides are outside the jurisdiction of LCAR but within the jurisdiction of one or more of your committees. Accordingly, LCAR requests that the House Committees on Agriculture, Food Resiliency, and Forestry, on Environment and Energy, and on Human Services and the Senate Committees on Agriculture, on Health and Welfare, and on Natural Resources and Energy review one or more of the following:

- proactive preventions, protections, and prohibitions related to PFAS in pesticides;
- how to ensure that there are clear and accessible pathways for public participation related to decisions involving the use of pesticides; and
- protections for pollinators from pesticides.

¹ The Vermont Regulations for Control of Pesticides was the original name for the Vermont Rule for Control of Pesticides. One of the modifications proposed by the Agency of Agriculture, Food and Markets and approved by LCAR was changing the name to the Vermont Rules for the Control of Pesticides.