

Final Proposed Filing - Coversheet

Instructions:

In accordance with Title 3 Chapter 25 of the Vermont Statutes Annotated and the “Rule on Rulemaking” adopted by the Office of the Secretary of State, this filing will be considered complete upon filing and acceptance of these forms with the Office of the Secretary of State, and the Legislative Committee on Administrative Rules.

All forms shall be submitted at the Office of the Secretary of State, no later than 3:30 pm on the last scheduled day of the work week.

The data provided in text areas of these forms will be used to generate a notice of rulemaking in the portal of “Proposed Rule Postings” online, and the newspapers of record if the rule is marked for publication. Publication of notices will be charged back to the promulgating agency.

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PLEASE REMOVE ANY COVERSHEET OR FORM NOT REQUIRED WITH THE CURRENT FILING BEFORE DELIVERY!

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Certification Statement: As the adopting Authority of this rule (see 3 V.S.A. § 801 (b) (11) for a definition), I approve the contents of this filing entitled:

Regulated Introduced Plant Species

_____/s/ Anson Tebbetts_____, on 05/01/2026
(signature) (date)

Printed Name and Title:

Anson B. Tebbetts, Secretary, Vermont Agency of Agriculture, Food and Markets

RECEIVED BY: _____

- Coversheet
- Adopting Page
- Economic Impact Analysis
- Environmental Impact Analysis
- Strategy for Maximizing Public Input
- Scientific Information Statement (if applicable)
- Incorporated by Reference Statement (if applicable)
- Clean text of the rule (Amended text without annotation)
- Annotated text (Clearly marking changes from previous rule)
- ICAR Minutes
- Copy of Comments
- Responsiveness Summary

1. TITLE OF RULE FILING:

Regulated Introduced Plant Species

2. PROPOSED NUMBER ASSIGNED BY THE SECRETARY OF STATE

27P007

3. ADOPTING AGENCY:

Vermont Agency of Agriculture, Food and Markets

4. PRIMARY CONTACT PERSON:

(A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE).

Name: Emilie Inoue

Agency: Vermont Agency of Agriculture, Food and Markets
(VAAFMM)

Mailing Address: 116 State Street, Montpelier, VT 05620-2901

Telephone: 802-505-0217 Fax:

E-Mail: Emilie.Inoue@vermont.gov

Web URL *(WHERE THE RULE WILL BE POSTED)*:
agriculture.vermont.gov

5. SECONDARY CONTACT PERSON:

(A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE PRIMARY CONTACT PERSON).

Name: Stephanie Smith

Agency: Vermont Agency of Agriculture, Food and Markets

Mailing Address: 116 State Street, Montpelier, VT 05620-2901

Telephone: 802-661-8051 Fax:

E-Mail: Stephanie.Smith@vermont.gov

6. RECORDS EXEMPTION INCLUDED WITHIN RULE:

(DOES THE RULE CONTAIN ANY PROVISION DESIGNATING INFORMATION AS CONFIDENTIAL; LIMITING ITS PUBLIC RELEASE; OR OTHERWISE, EXEMPTING IT FROM INSPECTION AND COPYING?) No

IF YES, CITE THE STATUTORY AUTHORITY FOR THE EXEMPTION:

PLEASE SUMMARIZE THE REASON FOR THE EXEMPTION:

7. LEGAL AUTHORITY / ENABLING LEGISLATION:

(THE SPECIFIC STATUTORY OR LEGAL CITATION FROM SESSION LAW INDICATING WHO THE ADOPTING ENTITY IS AND THUS WHO THE SIGNATORY SHOULD BE. THIS SHOULD BE A SPECIFIC CITATION NOT A CHAPTER CITATION).

6 V.S.A. § 1032(1) and 6 V.S.A. § 1 (a) (10)

8. EXPLANATION OF HOW THE RULE IS WITHIN THE AUTHORITY OF THE AGENCY:

This rule is established by the Agency of Agriculture, Food and Markets under the authority granted to the secretary at 6 V.S.A., Chapter 84, 'Pest Survey, Detection and Management', and 6 V.S.A., § 1 (a) (10), 'General powers of agency; Secretary of Agriculture, Food and Markets'.

9. THE FILING HAS CHANGED SINCE THE FILING OF THE PROPOSED RULE.

10. THE AGENCY HAS INCLUDED WITH THIS FILING A LETTER EXPLAINING IN DETAIL WHAT CHANGES WERE MADE, CITING CHAPTER AND SECTION WHERE APPLICABLE.

11. SUBSTANTIAL ARGUMENTS AND CONSIDERATIONS WERE RAISED FOR OR AGAINST THE ORIGINAL PROPOSAL.

12. THE AGENCY HAS INCLUDED COPIES OF ALL WRITTEN SUBMISSIONS AND SYNOPSES OF ORAL COMMENTS RECEIVED.

13. THE AGENCY HAS INCLUDED A LETTER EXPLAINING IN DETAIL THE REASONS FOR THE AGENCY'S DECISION TO REJECT OR ADOPT THEM.

14. CONCISE SUMMARY (150 WORDS OR LESS):

This amendment modernizes the existing Noxious Weed Quarantine, which will be renamed the Regulated Introduced Plant Species Rule, by establishing a clearer, science-based, and more flexible process for identifying and regulating introduced plant species of concern in Vermont. The amended rule removes the previous static list and replaces it with a responsive, flexible, and meaningful framework grounded in Pest Risk Assessment (PRA) criteria and review by an advisory group of subject-matter and industry experts. The amendment clarifies prohibited activities, updates definitions, adds best management practices (BMPs) and permitting pathways, and strengthens consistency with federal regulations by incorporating federally regulated plant species under 7 CFR § 360.200. The

revised structure improves transparency, regulatory clarity, and enforceability, while supporting prevention-focused management that aligns with Vermont's ecological, agricultural, and forestry needs.

15. EXPLANATION OF WHY THE RULE IS NECESSARY:

This amendment is necessary to update and strengthen Vermont's approach to preventing the introduction and spread of certain introduced plant species that can adversely impact natural and working lands. The previous rule relied on a static list that did not reflect new scientific information, shifting environmental conditions, or emerging species of concern. The amended rule establishes a transparent, evidence-based listing process grounded in PRA criteria and expert review, improving the state's ability to respond to changing biological, ecological, and industry realities. The amendment also clarifies prohibited activities, adds best management practices to support understanding and implementation, and creates a permitting process for cases where alternative practices are necessary. These changes improve clarity, consistency, and enforceability, while ensuring that Vermont's regulatory approach reflects current science and better supports prevention-focused land stewardship.

16. EXPLANATION OF HOW THE RULE IS NOT ARBITRARY:

The Rule is not arbitrary because it establishes a clear, evidence-based process for identifying plant pest species using scientific assessments and specific criteria. It creates an advisory workgroup composed of subject matter and industry experts to develop and evaluate plant pest species for potential inclusion on the regulated list. This process considers factors such as a plant's growth characteristics, rate and manner of reproduction, and its impact on natural or managed environments. In developing the Rule, the Agency also solicited feedback and input from the Departments of Forests, Parks and Recreation; Fish and Wildlife; and Environmental Conservation, as well as the Agency of Transportation, Vermont Nursery and Landscape Association, Vermont Land Trust, The Nature Conservancy, and USDA Plant Protection and Quarantine.

**17. LIST OF PEOPLE, ENTERPRISES AND GOVERNMENT ENTITIES
AFFECTED BY THIS RULE:**

Nursery dealers (including brick and mortar stores, and online retailers selling into Vermont); landscaping professionals, landowners and land managers; aquarists; state and local government entities; construction and earth moving companies; and environmental organizations.

18. BRIEF SUMMARY OF ECONOMIC IMPACT (150 WORDS OR LESS):

Economic impacts include the costs associated with managing spread through the proposed best management practices and permitting when BMPs cannot be followed. These costs will be borne primarily by entities and individuals engaged in the sale, movement, installation, management, or stewardship of plant materials and landscapes in Vermont. However, preventing introduction and spread will reduce the far greater long-term costs of removal and control if these plant species become established, and will provide associated environmental benefits.

19. A HEARING WAS HELD.

20. HEARING INFORMATION

(THE FIRST HEARING SHALL BE NO SOONER THAN 30 DAYS FOLLOWING THE POSTING OF NOTICES ONLINE).

IF THIS FORM IS INSUFFICIENT TO LIST THE INFORMATION FOR EACH HEARING, PLEASE ATTACH A SEPARATE SHEET TO COMPLETE THE HEARING INFORMATION.

Date: 4/14/2026

Time: 06:00 PM

Street Address: UVM Ext. 327 Route 302, Suite 1, Barre

Zip Code: 05641

URL for Virtual:

Date: 4/16/2026

Time: 06:00 PM

Street Address:

Zip Code:

URL for Virtual:

<https://teams.microsoft.com/meet/24365589758447?p=b3NWCcct6dWRhKfyu>

Meeting ID: 243 655 897 584 47

Passcode: B9tW62XH

Date:

Time: AM

Street Address:

Zip Code:

URL for Virtual:

Date:

Time: AM

Street Address:

Zip Code:

URL for Virtual:

21. DEADLINE FOR COMMENT (NO EARLIER THAN 7 DAYS FOLLOWING LAST HEARING):

April 23, 2026

KEYWORDS (PLEASE PROVIDE AT LEAST 3 KEYWORDS OR PHRASES TO AID IN THE SEARCHABILITY OF THE RULE NOTICE ONLINE).

Pest Risk Assessment

Distribution

Quarantine

Watch List

Regulated Plant

Introduced Species



May 1, 2026

Hon. Trevor Squirrel, Chair
Legislative Committee on
Administrative Rules
Vermont State House
Montpelier, Vermont 05602

Amendments to Final Proposed Rule

Dear Chairperson Squirrel and Members:

The Agency of Agriculture, Food and Markets is including this letter in its filing set to explain the changes made since the filing of the proposed rule. The changes made are provided below with language alterations indicated in italics.

Cover Sheet

The cover sheet has been deleted in its entirety at the suggestion of the Secretary of State's Office.

Title Change

The title is amended to remove "Quarantine #3" and from the title designation, and now reads as follows: "*Regulated Introduced Plant Species*".

Section 1.01

Section 1.01 is amended to change the word "environmental" to "ecological" and now reads as follows: "*Some introduced species outcompete and displace native and cultivated plants in natural ecosystems and managed lands, causing significant ecological, agricultural, forestry, and economic impacts.*"

Section 2.01

Section 2.01 is amended to clarify the mechanical method definition to include viable seed as a qualifying condition, and now reads as follows: "*Mechanical: chipping, grinding, biological digester or milling (only for plants that do not reproduce vegetatively and have no viable seed).*"

Section 2.22

Section 2.22 is amended to revise the definition of Tier 3 Plant and now reads as follows: "*Tier 3 Plant means a non-indigenous regulated species, including federally regulated species, that is broadly established across Vermont, considered injurious, and not feasibly removable statewide with current methods. Local management remains ecologically meaningful, including efforts to prevent spread into unaffected areas and targeted removal to sustain native species populations where displacement would otherwise occur.*"

Section 2.25

Section 2.25 is amended to revise the definition of Well-Established and now reads as follows:

"Well-Established means that a plant species has many and/or widespread populations in Vermont."

Section 3.01

Section 3.01 is amended to change "annually or as needed" to "annually and as needed," and now reads as follows: *"The Secretary shall evaluate the Quarantine List annually and as needed to determine whether to add or delete regulated species that are prohibited from being transported, sold, possessed, cultivated, or distributed in Vermont."*

Section 5.04

Section 5.04 is amended to replace all references to "Best Management Practices" and "BMPs" with "Acceptable Management Practices" and "AMPs" throughout the rule, and now reads as follows:

"Activities are exempt from the permitting requirements in this Rule when the acceptable management practices (AMPs) listed below are followed, or when alternative AMPs are approved by the Secretary."

Adopting Page

Instructions:

This form must accompany each filing made during the rulemaking process:

Note: To satisfy the requirement for an annotated text, an agency must submit the entire rule in annotated form with proposed and final proposed filings. Filing an annotated paragraph or page of a larger rule is not sufficient. Annotation must clearly show the changes to the rule.

When possible, the agency shall file the annotated text, using the appropriate page or pages from the Code of Vermont Rules as a basis for the annotated version. New rules need not be accompanied by an annotated text.

1. TITLE OF RULE FILING:

Regulated Introduced Plant Species

2. ADOPTING AGENCY:

Vermont Agency of Agriculture, Food and Markets

3. TYPE OF FILING (*PLEASE CHOOSE THE TYPE OF FILING FROM THE DROPDOWN MENU BASED ON THE DEFINITIONS PROVIDED BELOW*):

- **AMENDMENT** - Any change to an already existing rule, even if it is a complete rewrite of the rule, it is considered an amendment if the rule is replaced with other text.
- **NEW RULE** - A rule that did not previously exist even under a different name.
- **REPEAL** - The removal of a rule in its entirety, without replacing it with other text.

This filing is **AN AMENDMENT OF AN EXISTING RULE** .

4. LAST ADOPTED (*PLEASE PROVIDE THE SOS LOG#, TITLE AND EFFECTIVE DATE OF THE LAST ADOPTION FOR THE EXISTING RULE*):

Title - Regulated Introduced Plant Species Quarantine

Proposed Rule #11P035

Adopted Rule #12-007

Effective Date - 03/30/2012

Economic Impact Analysis

Instructions:

In completing the economic impact analysis, an agency analyzes and evaluates the anticipated costs and benefits to be expected from adoption of the rule; estimates the costs and benefits for each category of people enterprises and government entities affected by the rule; compares alternatives to adopting the rule; and explains their analysis concluding that rulemaking is the most appropriate method of achieving the regulatory purpose. If no impacts are anticipated, please specify “No impact anticipated” in the field.

Rules affecting or regulating schools or school districts must include cost implications to local school districts and taxpayers in the impact statement, a clear statement of associated costs, and consideration of alternatives to the rule to reduce or ameliorate costs to local school districts while still achieving the objectives of the rule (see 3 V.S.A. § 832b for details).

Rules affecting small businesses (excluding impacts incidental to the purchase and payment of goods and services by the State or an agency thereof), must include ways that a business can reduce the cost or burden of compliance or an explanation of why the agency determines that such evaluation isn’t appropriate, and an evaluation of creative, innovative or flexible methods of compliance that would not significantly impair the effectiveness of the rule or increase the risk to the health, safety, or welfare of the public or those affected by the rule.

1. TITLE OF RULE FILING:

Regulated Introduced Plant Species

2. ADOPTING AGENCY:

Vermont Agency of Agriculture, Food and Markets

3. CATEGORY OF AFFECTED PARTIES:

LIST CATEGORIES OF PEOPLE, ENTERPRISES, AND GOVERNMENTAL ENTITIES POTENTIALLY AFFECTED BY THE ADOPTION OF THIS RULE AND THE ESTIMATED COSTS AND BENEFITS ANTICIPATED:

The following categories of parties may be affected by the amended rule: nursery dealers (including brick-and-mortar businesses and online retailers selling into Vermont); landscaping professionals; state and local government entities dealing with construction and earth-moving; construction companies; Agency of Natural Resources; Agency of Agriculture, Food and Markets.

VAAFM assessed impacts to these categories using the following scale: minor impact, neutral impact, or positive impact.

Nursery dealers and the landscape industry:

The amended rule will have a neutral to positive impact on nursery dealers and landscape professionals. Members of this category may experience costs associated with managing or disposing of regulated plant material; however, these costs are already incurred under current regulations.

This rule provides additional flexibility by allowing options such as leaving material on site or rendering it non-viable, which can offer cost-effective approaches to preventing spread. The rule also increases transparency regarding regulated plant species, which is expected to have a positive impact on compliance.

The inclusion of an official Watch List will provide the industry with access to clear, science-based information about plant species that are not currently on the Quarantine List but may warrant closer monitoring. The Watchlist is intended to support early awareness, informed decision-making.

Municipal public works departments, the Vermont Agency of Transportation, and construction companies: The amended rule will have a neutral to positive impact on this category of parties. The rule allows certain activities to be exempt from additional regulatory requirements (such as permitting), provided that best management practices outlined in the rule are followed.

While there may be costs associated with identifying and managing infested material and implementing land management and right-of-way maintenance practices to prevent the spread of regulated introduced plant species, these costs are already borne under existing regulations. The quarantine's purpose, as authorized by state law, is to prevent the introduction and spread of regulated species. When construction and maintenance projects are carried out in accordance with the rule's

best management practices, regulatory burden is reduced because permits are not required.

Vermont Agency of Natural Resources (ANR):

The amended rule will have a neutral to positive impact on ANR. The rule supports ANR's mission to conserve Vermont's natural environment by helping to maintain healthy ecosystems and improve the management of natural resources. Increased clarity regarding regulated plant species may also reduce the number of inquiries received by ANR related to these species.

Vermont Agency of Agriculture, Food and Markets (VAAFMM):

The amended rule will have a neutral to positive impact on VAAFMM. The rule increases the Agency's flexibility to regulate designated introduced plant species by allowing updates to the Quarantine List without requiring formal rule amendments for each addition or removal.

As the agency responsible for enforcement, VAAFMM can reduce the risk of agricultural, environmental and economic losses by regulating identified introduced plant species and preventing their introduction and spread.

4. IMPACT ON SCHOOLS:

INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON PUBLIC EDUCATION, PUBLIC SCHOOLS, LOCAL SCHOOL DISTRICTS AND/OR TAXPAYERS CLEARLY STATING ANY ASSOCIATED COSTS:

No impacts on schools are anticipated.

5. ALTERNATIVES: *CONSIDERATION OF ALTERNATIVES TO THE RULE TO REDUCE OR AMELIORATE COSTS TO LOCAL SCHOOL DISTRICTS WHILE STILL ACHIEVING THE OBJECTIVE OF THE RULE.*

Alternatives were not considered because the amended rule does not create any negative impacts on schools.

6. IMPACT ON SMALL BUSINESSES:

INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON SMALL BUSINESSES (EXCLUDING IMPACTS INCIDENTAL TO THE PURCHASE AND PAYMENT OF GOODS AND SERVICES BY THE STATE OR AN AGENCY THEREOF):

Nurseries, landscapers, construction companies, and land management businesses of all sizes may need to adjust certain practices and train staff to comply with the quarantine. The best management practices are designed to be straightforward, practical, and low cost.

7. **SMALL BUSINESS COMPLIANCE:** *EXPLAIN WAYS A BUSINESS CAN REDUCE THE COST/BURDEN OF COMPLIANCE OR AN EXPLANATION OF WHY THE AGENCY DETERMINES THAT SUCH EVALUATION ISN'T APPROPRIATE.*

Businesses can reduce the cost and burden of complying with the Rule by taking a proactive approach and understanding which species are regulated, the associated limitations on possessing, cultivating, selling, or moving them, and the steps needed to mitigate spread. Training staff to identify regulated introduced plant species, refraining from ordering regulated species for retail sales, integrating compliance checks into routine operations, and using state resources such as workshops and informational materials can further streamline compliance.

8. **COMPARISON:**

COMPARE THE IMPACT OF THE RULE WITH THE ECONOMIC IMPACT OF OTHER ALTERNATIVES TO THE RULE, INCLUDING NO RULE ON THE SUBJECT OR A RULE HAVING SEPARATE REQUIREMENTS FOR SMALL BUSINESS:

Alternative 1- No Amendment (Status Quo)

Under this alternative, the current quarantine structure and static species list would remain unchanged. This option was rejected because the existing rule does not provide a responsive way to add newly identified or emerging introduced plant species. The rule must be formally reopened each time the quarantine list requires updating. The current rule also lacks a watch list to identify species of potential future concern and does not offer the flexibility needed to address species that are not yet present in Vermont but may become risks. Retaining the status quo would limit the state's ability to respond to new scientific information or changing ecological conditions.

Alternative 2 – Amend Only Portions of the Existing Rule

Under this alternative, the Agency would revise isolated sections of the existing rule, such as updating definitions or adjusting the existing species list, while leaving the overall structure in place. This option was rejected because limited edits would not resolve the core issues identified during review. The current rule is static, vague, lacks transparency and does not include a watch list to identify species of potential future concern. Incremental changes would also fail to address ambiguity around what activities are allowed or prohibited and would not create the flexible framework needed to address unwanted plant species that are not yet present in the state. As a result, partial amendments would not achieve the clarity, adaptability, or scientific grounding necessary for effective implementation.

Alternative 3 – Rely Solely on Federal Regulation

Under this alternative, Vermont would discontinue maintaining a state-specific quarantine list and instead rely exclusively on federal regulation of plant species designated under 7 CFR § 360.200. This option was rejected because federal listings address only a narrow subset of species that pose risks at the national scale and do not account for Vermont-specific environmental conditions, regional pathways of introduction, or species that are high priority locally but not regulated federally. Relying solely on federal oversight would leave gaps in Vermont's ability to prevent the establishment and spread of identified introduced plant species that may be of concern within the state. This approach would also remove the ability to evaluate species based on local ecological data, public input, or emerging regional information. Without a state-focused framework, Vermont would be unable to proactively identify or address plant species that are not federally regulated but pose significant risks to Vermont's natural and working lands.

Alternative 4 - Establish Voluntary Guidelines Instead of Regulation

Under this alternative, the Agency would issue voluntary best management practices and non-binding guidance for identifying, managing or avoiding the sale and movement of introduced plant species of concern, rather than maintaining a regulatory quarantine. This option was rejected because voluntary measures do not provide a consistent or enforceable framework to prevent the introduction or spread of plant species that may pose ecological or economic risks.

Participation would likely be inconsistent across sectors, leading to uneven adoption of recommended practices and leaving gaps in prevention efforts. Voluntary guidelines would also lack a clear, standardized process for evaluating species of concern or responding to emerging information, limiting the state's ability to act proactively. Without regulatory tools such as a permitting process or defined prohibited activities, Vermont would have limited capacity to address high-risk species and ensure science-based decision-making.

Selected Approach - Full Amendment with Pest Risk Assessment (PRA)Based Framework

The chosen amendment provides the most effective, scientifically grounded, flexible, and enforceable approach to preventing the introduction and spread of regulated plant species in Vermont at this time.

9. SUFFICIENCY: *DESCRIBE HOW THE ANALYSIS WAS CONDUCTED, IDENTIFYING RELEVANT INTERNAL AND/OR EXTERNAL SOURCES OF INFORMATION USED.*

The sufficiency of this economic analysis is based on Agency observations in the field, discussions with industry representatives and professionals and experiences of other states and USDA.

Environmental Impact Analysis

Instructions:

In completing the environmental impact analysis, an agency analyzes and evaluates the anticipated environmental impacts (positive or negative) to be expected from adoption of the rule; compares alternatives to adopting the rule; explains the sufficiency of the environmental impact analysis. If no impacts are anticipated, please specify “No impact anticipated” in the field.

Examples of Environmental Impacts include but are not limited to:

- Impacts on the emission of greenhouse gases
- Impacts on the discharge of pollutants to water
- Impacts on the arability of land
- Impacts on the climate
- Impacts on the flow of water
- Impacts on recreation
- Or other environmental impacts

1. TITLE OF RULE FILING:

Regulated Introduced Plant Species

2. ADOPTING AGENCY:

Vermont Agency of Agriculture, Food and Markets

3. GREENHOUSE GAS: *EXPLAIN HOW THE RULE IMPACTS THE EMISSION OF GREENHOUSE GASES (E.G. TRANSPORTATION OF PEOPLE OR GOODS; BUILDING INFRASTRUCTURE; LAND USE AND DEVELOPMENT, WASTE GENERATION, ETC.):*

The Rule supports the health of native ecosystems, which in turn promotes carbon sequestration in forests, wetlands, and grasslands, helping offset emissions. By limiting the introduction and spread of certain introduced plant species, the Rule contributes to long-term emissions reduction by conserving intact ecosystems and maintaining their natural carbon-storing capacity.

4. WATER: *EXPLAIN HOW THE RULE IMPACTS WATER (E.G. DISCHARGE / ELIMINATION OF POLLUTION INTO VERMONT WATERS, THE FLOW OF WATER IN THE STATE, WATER QUALITY ETC.):*

The Rule seeks to decrease the cultivation, sale, and eventual establishment of regulated introduced plant species in the state, which can negatively affect water quality and aquatic environments. By prohibiting human-aided spread of these species, the Rule helps reduce risks of erosion and the degradation of biodiversity in aquatic and riparian areas.

5. **LAND:** *EXPLAIN HOW THE RULE IMPACTS LAND (E.G. IMPACTS ON FORESTRY, AGRICULTURE ETC.):*

The Rule supports land used for forestry by limiting the spread of regulated introduced plant species that can outcompete indigenous vegetation and affect forest ecosystems and forestry activities. These species can grow rapidly in forested areas, reducing biodiversity and slowing the growth of native trees, which may influence timber production and overall forest health. By regulating these species, the Rule promotes long-term forest health and supports sustainable forestry practices. In agriculture, the Rule helps prevent regulated introduced plant species from becoming established in fields and pastures, where they can interfere with crop production and reduce the quality of forage for livestock. Without prevention, increased mechanical and chemical management may be required to keep land productive. By limiting the introduction and spread of regulated introduced plant species, the Rule helps maintain productive land, reduce management and disposal costs, and support the forestry and agricultural sectors as well as overall biodiversity.

6. **RECREATION:** *EXPLAIN HOW THE RULE IMPACTS RECREATION IN THE STATE:*

The Rule affects recreation by helping maintain the health and accessibility of natural areas used for outdoor activities. By preventing the spread of regulated introduced plant species, the Rule supports the preservation of trails, parks, and water bodies, reducing the likelihood of overgrowth that can interfere with hiking, fishing, boating, and other outdoor uses. These species can also alter habitats and landscapes that draw recreational users, diminishing the overall experience. By managing these plants, the Rule helps ensure that Vermont's recreational spaces

remain attractive, accessible, and safe for both residents and visitors.

7. **CLIMATE:** *EXPLAIN HOW THE RULE IMPACTS THE CLIMATE IN THE STATE:*

Healthy ecosystems enhance biodiversity, stabilize soil, and support water and forest resources. By minimizing the establishment of competitive introduced plant species, the Rule contributes to climate stability, ecological resiliency, and the overall environmental health of the state.

8. **OTHER:** *EXPLAIN HOW THE RULE IMPACT OTHER ASPECTS OF VERMONT'S ENVIRONMENT:*

No other impacts not discussed in number's 3-7 above.

9. **SUFFICIENCY:** *DESCRIBE HOW THE ANALYSIS WAS CONDUCTED, IDENTIFYING RELEVANT INTERNAL AND/OR EXTERNAL SOURCES OF INFORMATION USED.*

The analysis was developed with input from experts across several state agencies, including the Department of Environmental Conservation, Forests, Parks and Recreation, the Agency of Transportation, and Fish and Wildlife. These partners shared practical, Vermont-specific knowledge about land management, water and forest health, wildlife, and transportation impacts. Their insight helped make sure the analysis reflects real conditions on the ground. The assessment also uses research from trusted scientific sources to support its findings. Using both expert input and proven research makes the analysis more accurate, reliable, and relevant to Vermont. Together, this information provides a clear and well-rounded understanding of the potential environmental effects.

Public Input Maximization Plan

Instructions:

Agencies are encouraged to hold hearings as part of their strategy to maximize the involvement of the public in the development of rules. Please complete the form below by describing the agency's strategy for maximizing public input (what it did do, or will do to maximize the involvement of the public).

This form must accompany each filing made during the rulemaking process:

1. TITLE OF RULE FILING:

Regulated Introduced Plant Species

2. ADOPTING AGENCY:

Vermont Agency of Agriculture, Food and Markets

3. PLEASE DESCRIBE THE AGENCY'S STRATEGY TO MAXIMIZE PUBLIC INVOLVEMENT IN THE DEVELOPMENT OF THE PROPOSED RULE, LISTING THE STEPS THAT HAVE BEEN OR WILL BE TAKEN TO COMPLY WITH THAT STRATEGY:

The Vermont Agency of Agriculture, Food and Markets (VAAFMM) took a proactive and inclusive approach to developing the proposed rule by seeking continuous input from key partners across government agencies, academia, non-governmental organizations, and the private sector. These partners played an important role in shaping the proposed rule by providing valuable insights to ensure it addresses the concerns of the various sectors involved in introduced plant species exclusion and management.

As part of its outreach, VAAFMM discussed the proposed rule at conferences and meetings, engaging industry professionals and other interested parties. During the upcoming public comment period, VAAFMM will further involve the regulated community by holding a public hearing and conducting further outreach to the partners and organizations that participated in development of the proposed rule to ensure they are aware of the opportunity to review and provide comment. This

Public Input

outreach aims to provide clear information, gather feedback, and ensure that the community understands and supports the rule.

4. BEYOND GENERAL ADVERTISEMENTS, PLEASE LIST THE PEOPLE AND ORGANIZATIONS THAT HAVE BEEN OR WILL BE INVOLVED IN THE DEVELOPMENT OF THE PROPOSED RULE:

ANR: Department of Forests, Parks and Recreation

ANR: Department of Environmental Conservation

ANR: Department of Fish and Wildlife

Agency of Transportation

USDA-APHIS-PPQ

USDA-FS-Green Mountain National Forest

USDA-FWS

USDA-NRCS

USDA-NPS

Vermont Nursery and Landscape Association

Vermont Land Trust

Lake Champlain Basin Program

The Nature Conservancy

University of Vermont

Private Sector-Weed Management

Incorporation by Reference

THIS FORM IS ONLY REQUIRED WHEN INCORPORATING MATERIALS BY REFERENCE. PLEASE REMOVE PRIOR TO DELIVERY IF IT DOES NOT APPLY TO THIS RULE FILING:

Instructions:

In completing the incorporation by reference statement, an agency describes any materials that are incorporated into the rule by reference and how to obtain copies.

This form is only required when a rule incorporates materials by referencing another source without reproducing the text within the rule itself (e.g., federal or national standards, or regulations).

Incorporated materials will be maintained and available for inspection by the Agency.

1. TITLE OF RULE FILING:

Regulated Introduced Plant Species

2. ADOPTING AGENCY:

Vermont Agency of Agriculture, Food and Markets

3. DESCRIPTION (*DESCRIBE THE MATERIALS INCORPORATED BY REFERENCE*):

This rule incorporates by reference the list of Federal Noxious Weeds contained in 7 CFR § 360.200 (Federal Noxious Weed List), as amended. This material is available online at:

<https://www.ecfr.gov/current/title-7/subtitle-B/chapter-III/part-360> and may be inspected at no cost at public libraries or accessed through the United States Government Publishing Office. This incorporation includes only the referenced material and excludes any later amendments not specifically incorporated within this rule.

4. FORMAL CITATION OF MATERIALS INCORPORATED BY REFERENCE: 7 CFR § 360.200

5. OBTAINING COPIES: (*EXPLAIN WHERE THE PUBLIC MAY OBTAIN THE MATERIAL(S) IN WRITTEN OR ELECTRONIC FORM, AND AT WHAT COST*):

For individuals with internet access, the incorporated references, which are free to the public, can be accessed through various internet domains such as: federal register (<https://www.federalregister.gov/>), US Code (<https://uscode.house.gov/>), Cornell online law library (<https://www.law.cornell.edu/>), and the Agency of Natural Resources webpage (<https://anr.vermont.gov/>).

For individuals without internet access, VAAFM also suggests the use of libraries as a valuable resource where many of the incorporated references may either be found in hardcopies or online using a public library computer.

6. **MODIFICATIONS** (*PLEASE EXPLAIN ANY MODIFICATION TO THE INCORPORATED MATERIALS E.G., WHETHER ONLY PART OF THE MATERIAL IS ADOPTED AND IF SO, WHICH PART(S) ARE MODIFIED*):

Not applicable

Run Spell Check

Interagency Committee on Administrative Rules (ICAR) Minutes

Date/Time: February 9, 2026, 2:00 PM

Location: Virtually via Microsoft Teams

Members Present: Chair Nick Kramer (note, Chair Kramer was in attendance for the ANR rule only), Diane Sherman, Jared Adler, John Kessler, Patrick Murphy, and Jennifer Mojo

Members Absent: Nicole Dubuque

Minutes By: Chrissy Gilhuly

- ▶ 2:00 p.m. meeting called to order.
- ▶ Review and approval of minutes from the January 29, 2026 [meeting](#).
- ▶ No additions/deletions to agenda. Agenda approved as drafted.
- ▶ No public comments made.
- ▶ Presentation of Proposed Rules with recommended changes on pages to follow.
 - 1) Agency of Agriculture, Food and Markets (AAFM) – Quarantine #3; Regulated Introduced Plant Species.
 - a. This amendment modernizes the existing Noxious Weed Quarantine by establishing a clearer, science-based, and more flexible process for identifying and regulating introduced plant species of concern in Vermont.
 - b. The amended rule removes the previous static list and replaces it with a responsive, flexible and meaningful framework grounded in Pest Risk Assessment (PRA) criteria and review by an advisory group of subject-matter and industry experts.
 - c. The amendment clarifies prohibited activities, updates definitions, adds best management practices (BMPs) and permitting pathways and strengthens consistency with federal regulations by incorporating federally regulated plant species under 7 CFR § 360.200.
 - d. The revised structure improves transparency, regulatory clarity, and enforceability, while supporting prevention-focused management that aligns with Vermont’s ecological, agricultural, and forestry needs.
 - 2) Agency of Human Services (AHS) – Refugee Medical Assistance Rule Update

Vermont Agency of Administration

- a. This proposed rulemaking amends the Refugee Medical Assistance rule which was last amended effective November 1, 2019. This proposed rule establishes criteria for eligibility and coverage under the Refugee Medical Assistance program.
- 3) Agency of Natural Resources (ANR) – Proposed Amendments to the Vermont CO2 Trading Program Rule.
 - a. The proposed rule amends the Vermont CO2 Budget Trading Program Rule which implements RGGI in Vermont. The amendments reflect revisions agreed to by the RGGI states (CT, DE, ME, MD, MA, NH, NJ, NY, RI, and VT) to the RGGI Model Rule made during the most recent program review.
 - 4) Agency of Administration, Department of Taxes, Current Use Advisory Board – Rules for Implementing Use Value Appraisal of Agricultural and Forest Land in Vermont
 - a. This rule updates and reorganizes the administrative rules governing the Use Value Appraisal (Current Use) Program for agricultural, forest, and conservation lands. The revisions align the rules with statutory changes enacted since 1985, improve clarity and consistency, and incorporate current standards and practices.
- ▶ Next scheduled meeting is March 9, 2026, at 2:00 p.m.
 - ▶ 3:26 p.m. meeting adjourned.

To receive this information in an alternative format or for other accessibility requests, please contact:

Agency of Administration
ADM.Secretary@vermont.gov, 802-828-3322

Vermont Agency of Administration

Proposed Rule: Agency of Agriculture, Food and Markets (AAFM) – Quarantine #3; Regulated Introduced Plant Species.

Presented By: Emilie Inoue, Plant Health Section Supervisor and Stephanie Smith, Deputy Director

Motion made to accept the rule by John Kessler, seconded by Jennifer Mojo, and passed unanimously with the following recommendations:

- 1) **Cover Sheet**
 - a. #7: Single apostrophe – confirm that is correct or needs an edit
 - b. #8: Add that the name is changing in the first sentence or two
 - c. #12: Add some clarification point regarding cost
 - d. #15 & 16 appear twice
- 2) **Adopting Page**
 - a. #4: Add title
- 3) **Economic Impact**
 - a. Page three, change “neutral positive” to “neutral to positive”
 - b. #8: PRA, spell out acronym
- 4) **Public Input Maximization Plan**
 - a. #3: Clarify your plan to reach back out to entities listed in #4 to alert that it is available for comment

Regulated Introduced Plant Species: Public Comment Response Summary

On December 19th, 2025 the Vermont Agency of Agriculture, Food and Markets (Agency or VAAFM) submitted a proposed rule titled “Quarantine #3 —Regulated Introduced Plant Species” to the Vermont Secretary of State. The public comment period began on March 11, 2026, when the Secretary of State’s Office published the proposed rule. In accordance with the requirements of 3 V.S.A. § 840(a), the Agency held 2 public hearings at the times and locations provided below:

- April 14, 2026 – 6:00-8:00 PM (University of Vermont Extension, Berlin Office)
- April 16, 2026 – 6:00-8:00 PM (Virtual only)

Pursuant to 3 V.S.A. § 840(c), the Agency is required to afford all persons reasonable opportunity to submit data, views or arguments, orally or in writing, at least through the seventh day following the last public hearing. Since submitting the proposed rule, the Agency has created a webpage, conducted email outreach, and held multiple public hearings all for the purpose of engaging the public. The public comment period concluded on April 23, 2026.

In addition to affording the public a reasonable opportunity to submit public comment, 3 V.S.A. § 840(d) requires that the Agency consider fully all written and oral submissions concerning its proposed rule. Comments received, whether orally or in writing, during the public comment period were compiled and evaluated by Agency staff.

This public comment response summary includes substantial arguments regarding the language of the proposed rule 26P007, “Regulated Introduced Plant Species Rule” and satisfies the requirements of 3 V.S.A. § 841(b)(2).

The response summary consists of two parts, Part I – Public Comment Responsive Summary, and Part - II Individualized Public Comment Response. Part I is divided into two parts: (A) a numerical breakdown of all public comments received, and (B) the Agency’s response to comments that it summarized and combined into common themes, according to sections of the proposed rule. Part II recounts individual comments and the Agency’s responses.

Part I – Public Comment Response Summary

A. Summary of Public Comments

For purposes of this summary, a public comment is any statement, oral or written, made by any person or organization that expresses their views, concerns, or suggestions regarding the proposed rule. Comments submitted as part of organized submissions or form letter campaigns and comments that make the same or similar arguments are grouped together. Lengthier comments are divided into parts and matched with sections of the proposed rule that would change if the Agency were to adopt the comments' recommendations. In quantifying the total number of comments, the Agency did not identify the proponents of any particular set of comments.

1. Written Comments

The public submitted a total of twelve written comments on the proposed rule during the public comment response period, March 11, 2026 – April 23, 2026

2. Public Hearings and Verbal Comments

The Agency held two public hearings attended by a total of 0 persons.

Two verbal comments were received during the comment period.

B. Agency Response Summary

The comment period for the proposed RIPS Quarantine Rule drew substantive, technically grounded feedback that engaged seriously with both the ecological and regulatory dimensions of the rule. The comments fall into three broad areas: precision around definitions, structural transparency, and the relationship between regulatory authority and public education.

Regarding definitions, several comments identified language that either overstated or understated the ecological realities the rule is meant to reflect. Several suggested revisions were accepted by the Agency - including a strengthened Tier 3 definition that makes clear local management remains meaningful even for widely established species, a simplified "Well-Established" definition tied to scale of distribution rather than reproductive behavior, and a technical clarification to the mechanical treatment method. These changes improve internal consistency and provide an accurate picture of what each tier means concerning species distribution across Vermont..

On structural transparency, comments raised practical questions about how the rule functions administratively - who writes pest risk assessments, how agency input is gathered, where the Quarantine List is maintained, and what initiates a review. The Agency's responses clarify that these processes are active and supported by established interagency relationships and annual review requirements.

There were comments related to the boundary between regulation and outreach and education. The rule governs the sale and movement of regulated plant species - it does not extend to activities on private property once a species is established. Several comments raise concern about this boundary, particularly around Tier 2 and Tier 3 species that landowners may unknowingly maintain or spread activities that fall outside the rule's regulatory scope. Education and outreach remain essential complements to the rule, carried through partnerships with University of Vermont Extension, and Departments of Forest, Parks and Recreation, Environmental Conservation, Fish and Wildlife at the Vermont Agency of Natural Resources, and through

vtinvasives.org. The tiered classification structure and Watch List also function as built-in awareness tools.

The suggestion to replace "Best Management Practices" with "Acceptable Management Practices" was accepted. The practices in Section 5.04 represent a compliance threshold, not an optimal standard, and the Agency agrees that the terminology should reflect that.

Part II: Individual Comments and the Agency's responses

Comment 1: Acceptable Treatment Site Definition (Section 2.01)

Notes that the methods listed in Section 2.01 are specific and limited to rendering plant material non-viable at a designated disposal location, questions whether the 6-foot burial depth requirement is necessary across all contexts, and recommends that the mechanical method definition be amended to include "and no viable seeds" as a qualifying condition alongside the existing restriction on vegetative reproduction.

AAFM Response:

The methods listed in Section 2.01 are intentionally limited to disposal and containment activities at a treatment site. The definition is not intended to capture regulated introduced plant management practices, which are addressed separately in Section 5.4.

Regarding the 6-foot burial depth requirement, the Agency acknowledges that this standard may exceed what is necessary in certain contexts. The depth requirement was established to prevent vegetative re-sprouting of persistent species capable of regenerating from buried material. The existing provision for "other methods approved in writing by the Secretary or designee" provides some adaptability.

Regarding the mechanical method definition, the Agency agrees that the qualifying language should be clarified. The revised definition reads:

"Mechanical: chipping, grinding, biological digester or milling (only for plants that do not reproduce vegetatively and have no viable seed)."

Comment 2: Tier 1 Species That Establish in Vermont (Section 2.20)

Question: Does a Tier 1 species that establishes in the state stay Tier 1 until the Secretary moves it to Tier 2?

AAFM Response:

Yes. A Tier 1 plant stays Tier 1 until the Secretary formally reclassifies it. The tiered system isn't automatic - movement between tiers requires a deliberate decision by the Secretary, typically informed by updated distribution data and input from subject matter experts. We recognize this means there could be a lag between when a species establishes and when it gets reclassified, and that is something we want to address through regular annual review (see Section 3.01).

Comments 3 and 4: Tier 2 and Tier 3 Plant Definitions (Sections 2.21 and 2.22)

Question about the value of splitting the former Class B into Tier 2 and Tier 3, suggesting either a return to a two-tier classification or stronger language in the Tier 3 definition that justifies continued quarantine. The commenter's concern is that the current Tier 3 definition characterizing well-established species as not feasibly removable - is misleading, as it implies that local control efforts are futile and therefore unimportant.

Comment points out that local control of Tier 3 species remains meaningful for two reasons: preventing spread into currently unaffected areas, and maintaining native species refugia in areas where the RIPS is already dominant. The commenter offers revised definition language for Tier 3 that reflects these management realities.

AAFM Response

The split of the former Class B into Tier 2 and Tier 3 is intentional. Tier 2 identifies species that are not yet widely distributed - where focused management effort can have statewide implications. Tier 3 identifies species that are broadly established statewide, where complete removal from the state is not currently feasible but localized control remains worthwhile. The distinction builds prioritization directly into the structure of the rule.

All prohibitions on transport, sale, and distribution apply equally across all tiers. A Tier 3 designation does not reduce or soften those requirements in any way.

The Agency agrees that the current Tier 3 definition should be revised. As written, the language implies that control of well-established species is not worthwhile, which is not the intent. The following revised definition is proposed:

"Tier 3 Plant means a non-indigenous regulated species, including federally regulated species, that is broadly established across Vermont, considered injurious, and not feasibly removable statewide with current methods. Local management remains ecologically meaningful, including efforts to prevent spread into unaffected areas and targeted removal to sustain native species populations where displacement would otherwise occur."

Comment 5: Well-Established Definition (Section 2.25)

Suggestion that the current definition of "Well-Established" is too broad- as written, it applies equally to both Tier 2 and Tier 3 species, making it ineffective as a distinguishing term. The commenter recommends replacing the current language with simpler language that reflects scale of distribution rather than reproductive behavior.

AAFM Response:

The Agency agrees that the current definition does not adequately distinguish Tier 3 species from Tier 2 species, as both are self-sustaining and reproduce without human intervention. The revised definition reads:

"Well-Established means that a plant species has many and/or widespread populations in Vermont."

This language is intentionally non-prescriptive in terms of population number or percent of potential sites, which preserves the Secretary's flexibility to apply the term across a range of species and distribution related contexts. The revision aligns the definition with its function in the tiered classification system.

Comment 6: Annual Review of Quarantine List (Section 3.01)

Suggestion to change "annually or as needed" to "annually and as needed," arguing that "or" implies the annual review is optional if no other trigger exists.

AAFM Response:

The Agency agrees. The word "or" suggests the annual review may be substituted by need-based review

rather than complemented by it. The suggested revision is adopted. The revised language reads:

"The Secretary shall evaluate the Quarantine List annually and as needed to determine whether to add or delete regulated species..."

This change clarifies that annual review is a baseline requirement, not contingent on whether other circumstances arise.

Comment 7: Subject Matter Expert Consultation (Section 3.02)

In the interest of consistency across administrations, it would be advisable to formally assign one or more agencies the responsibility of annually recommending quarantine list changes to the Secretary, rather than leaving that function solely to the Secretary's discretion.

AAFM Response:

The Secretary retains sole authority to establish and maintain the Quarantine List, as provided in statute. Assigning formal recommendation responsibility to specific agencies would require statutory change beyond the scope of this rule.

In practice, continuity across administrations is maintained through the agency representatives identified in 3.02, whose participation in expert review is ongoing and not dependent on any individual Secretary. The annual review requirement established in 3.01 further ensures that list evaluation occurs on a consistent basis regardless of administration.

Comment 8: Additions or Deletions to the Quarantine List (Section 3.03)

Question: how is input from the various agencies identified in the rule sought during the process of adding or deleting species from the Quarantine List.

AAFM Response:

Various agency input is sought through the subject matter expert consultation process established in Section 3.02. Representatives from identified agencies are engaged during PRA review and prior to any formal recommendation to the Secretary.

Comment 9: Pest Risk Assessments (Section 3.04)

Question: who is responsible for writing a Pest Risk Assessment (PRA)?

AAFM Response:

PRAs may be written by AAFM Plant Health staff, and/or subject matter experts at partner agencies. In cases where a species has already been assessed by other state and federal partners existing assessments may be adopted or adapted rather than duplicated.

Comment 10: Criteria for Quarantine List Inclusion (Section 3.05)

Suggestion: remove criterion (a), "High reproductive capacity," because it is difficult to define and is not reliably correlated with a species' ability to displace native plants. Comment notes that some introduced species with high reproductive rates do not threaten native species and are not ecologically damaging displacers, making the criterion a weak and potentially misleading indicator of risk.

AAFM Response:

The Agency agrees that "high reproductive capacity" alone is an insufficient indicator of adverse impact. However, reproductive capacity is retained as a criterion because it remains one factor among several that collectively inform risk assessment. No single criterion is intended to be determinative, and the listing criteria are evaluated in combination rather than independently.

Comment 11: Violations and Enforcement (Section 4.01)

Suggestion: Add an Education Section that would assign the Secretary or a partner agency formal responsibility for advising and encouraging landowners to manage Tier 2 and Tier 3 species on their land.

AAFM Response:

The rule as structured is primarily a commerce and transport rule - it focuses on the prohibition of the sale and movement of regulated plant species. The rule itself needs to be practical, impactful and enforceable. Education and outreach is a critical and necessary part of increasing public awareness about regulated plant species. The Plant Health section collaborates with University of Vermont Extension, and Departments of Forest, Parks and Recreation, Environmental Conservation, Fish and Wildlife at the Vermont Agency of Natural Resources in responding and engaging with the public via vtinvasives.org. Outreach efforts extend beyond individual landowners to include the Vermont Nursery and Landscape Association, municipalities, Natural Resource Conservation Districts, and the Agency of Transportation – recognizing that reducing the spread of regulated plant species depends equally on those who sell nursery stock and those who contract and conduct construction and land disturbing work across the state.

The Tier 3 plant definition (Section 2.22) has been revised to clarify that broad statewide establishment does not diminish the value of local management.

The Watch List itself is also meant to structurally serve as an official early awareness system for plant species not on the Quarantine List. This early alert tool serves as its own educational mechanism aimed towards increased public awareness and proactive response.

Comment 12: Exemptions and Best Management Practices (Section 5.04)

Question: How are BMPs conveyed and implemented?

AAFM Response:

Acceptable management practices will be communicated through multiple channels including AAFM's Plant Health programs, partner agency outreach, industry training, and public-facing resources developed in coordination with UVM Extension and other partners. The rule itself establishes the BMPs as conditions of exemption, meaning that compliance is a prerequisite for permit-free activity rather than a voluntary guideline. Please note that that "Best Management Practices" has been updated to "Acceptable Management Practices – AMPs" (see comment 14).

Comment 13: Location and Maintenance of the Quarantine List (Section 6)

Question: where is the Quarantine List is housed and how it is maintained given that it is not attached to the rule itself?

AAFM Response:

The Quarantine List is maintained by AAFM's Plant Health Program as a standalone administrative document,

separate from the rule. This structure is intentional - housing the list outside the rule allows species to be added or removed through an administrative process rather than requiring a full rulemaking proceeding each time the list changes. The list can be updated on a timeline responsive to new scientific information, emerging concerns, or changes in a species' distribution without the burden of amending the rule itself.

The list will always be publicly accessible through AAFM's website and other official channels and is subject to the annual review process established in Section 3.01. Any changes to the list are made by the Secretary following the criteria and expert consultation process outlined in Sections 3.02 through 3.05.

Comment 14: Best Management Practices (BMPs) Terminology (Section 5.4)

Question: Is the term "Best Management Practices" accurate terminology given that the practices described represent minimum acceptable standards rather than optimal ones. Suggestion to replace with "Acceptable Management Practices" as a more precise alternative.

AAFM Response:

The Agency agrees. The management practices outlined in Section 5.04 establish a minimum threshold for permit exemption rather than an aspirational standard of care, and "Best Management Practices" does not accurately reflect that function. The terminology will be updated to "Acceptable Management Practices" throughout the rule. The revised language for Section 5.04 reads:

"Activities are exempt from the permitting requirements in this Rule when the acceptable management practices (AMPs) listed below are followed, or when alternative AMPs are approved by the Secretary."

All references to BMPs within Section 5.04 and elsewhere in the rule will be updated to AMPs. This change better reflects the intent of the section and sets appropriate expectations for regulated parties - that compliance represents a minimum standard, and that more protective practices are encouraged where feasible.

Regulated Introduced Plant Species: Public Input

From: James Graves <gravesjhazen@gmail.com>
Sent: Thursday, April 23, 2026 10:29 AM
To: AGR - Plant Health <AGR.PlantHealth@vermont.gov>
Subject: RIPS Quarantine Rule - Comments

Hi Emilie and others,

I've attached (Word and PDF format) thorough comments on the draft RIPS Quarantine Rule that I hope will be helpful. I enjoyed reading this, and appreciate especially the idea that species lists can be changed readily without going through a new rule process.

You'll see I hope there can be a way to engage all Vermonters in managing RIPS, and envision adding an Education Section to the Rule. I have no idea if this is feasible or the best means to an end, but something important that we need to find a way to address and that we need top administrators to think about and help lead.

Thank you for all your work on this.

Best,
Jim

James H. Graves, PhD
Professor of Biology (retired), Green Mountain College
Vermont Flora Advisory Group member
gravesjhazen@gmail.com
802-235-2098
cell: 802-417-6861

RIPS Quarantine Rule: Comments, Jim Graves

Jim Graves, PhD, Professor of Biology (retired) Green Mountain College, Vt Flora Advisory Group member
gravesjhazen@gmail.com 802-235-2098 cell: 802-417-6861

Comments in 12pt font. Sections of the draft rule commented on in 8pt font.
Q = just a question, perhaps indicating clarification needed

Regulated Introduced Plant Species Quarantine Vermont Agency of Agriculture, Food & Markets

General:

Good draft! It seems like a good idea here that the quarantine lists are separate from the rule. The idea that lists can change readily without a new rule is excellent. Thanks!

Trying to be thorough, see specific comments below. First, just something that may not be a fixable here, but an overarching concern. As far as I know, the rule has never given any impetus to land owners to remove regulated introduced plant species (RIPS) once they are established in the state (Tier 2 and 3 here). Instead it's constrained to making sale and transport illegal. Education about the value of controlling RIPS is needed. It would be ideal to add an Education Section to the rule (see comment in Section 4).

Section 2. Definitions

2.01 Acceptable Treatment Site means a location where regulated introduced plant species are taken to be rendered non-viable. All material must be contained to prevent spread during treatment. Acceptable methods include:

- a. Heat: burning (with permits), solarization, or composting;
- b. Desiccation: drying;
- c. Mechanical: chipping, grinding, biological digester or milling (only for plants that do not reproduce vegetatively and have no viable seed);
- d. Chemical: herbicides;
- e. Landfill: double bagged for disposal;
- f. Burial: under at least 6 feet of clean fill; and/or (6' unnecessary in many contexts)
- g. Other methods approved in writing by the Secretary or designee.

This is a list of methods to kill RIPS at an "acceptable treatment site".

If an Education Section is added, and a list of acceptable methods for in situ control of RIPS was included, it would include a number of methods not listed here, such as pulling, cutting, light block such as landscape fabric, biodegradable and targeted herbicide, cutting, approved biological control, herbivory by generalists, flame weeding, controlled burning, and composting.

2.20 Tier 1 Plant means a non-indigenous regulated species not present in Vermont when listed, considered injurious, including federally regulated species not present in the State.

Q: Does a Tier 1 species that establishes in the state stay Tier 1 until the Secretary moves it to Tier 2?

2.21 Tier 2 Plant means a non-indigenous regulated species with limited distribution in Vermont, considered injurious but potentially subject to complete local removal if addressed promptly, including federally regulated species with limited distribution.

The former Class B will be split into Tier 2 & Tier 3 (if I understand correctly). The value of keeping Tier 3 plants in quarantine remains high (see comments on Tier 3 below), so it's not clear what value there is in separating them. Suggestion: return to a two-tier classification OR, as described below, indicate the value of quarantine of Tier 3 plants in their definition.

2.22 Tier 3 Plant means a non-indigenous regulated species well-established in Vermont, injurious, and not feasibly removable with current methods, including federally regulated species broadly established in the State.

The definition of a Tier 3 Plant is unfortunately incorrect about the feasibility of removing it, so it misleads users about the value of having the plants in quarantine. It's true that it's infeasible to remove widespread RIPS statewide, but any RIPS can be removed on a small scale. As written, the definition gives the impression that control of Tier 3 plants fails, and so isn't important. Here are two values of controlling Tier 3 plants locally: 1. Widely distributed RIPS are typically still absent from many potential sites: detecting and removing new isolated individuals prevents spread into new areas. This is especially important for RIPS that spread almost solely vegetatively. It may be infeasible to remove *Phragmites australis* from a whole county, but preventing spread of contaminated fill and quick detection of any introductions in unclean fill after roadwork or other sitework prevents establishment of new populations in large areas currently free of the species. The simple expedient of monitoring roadsides bordering wetlands to detect and remove discovered individuals has the potential to prevent spread of *Phragmites* across the wetland indefinitely. 2. Any species can be removed from a particular area. It is a valuable management goal (and a common practice) to remove a widespread RIPS from small portions of areas it has occupied where this conserves small populations of a number of species or a single rare species. Such refugia of native species help maintain populations and genetic diversity of these species across a region where the non-native species may even replace a high percentage of the native species' original habitat. The goal of this control is not to eradicate the non-native species in a region, but to maintain it at low density in selected areas to sustain populations of native species in those areas. Of these two values, #1 benefits greatly from keeping a RIPS quarantined to keep new plantings away from areas where the species has not established; but #2 is helped too by keeping the plant in quarantine if through education many land owners spend a few hours per year managing the species on their land. Suggested revision: "Tier 3 Plant means a non-indigenous regulated (including federally regulated) species well-established in Vermont, feasibly removeable in small areas with current methods to prevent establishment of new populations or to reduce density to sustain native species that would otherwise be displaced by the RIPS."

2.25 Well-Established means that a plant species has become self-sustaining in Vermont, reproducing and spreading without human intervention.

Definition needs to be changed: any Tier 2 or Tier 3 species meets this definition. Suggested revision: Delete "self-sustaining in Vermont, reproducing and spreading without human intervention"; suggested full text: "Well-established means that a plant species has many and/or widespread populations in Vermont." (It seems best not to try to make this explicit in number of populations or percent of potential sites.)

Section 3. Designation as a Regulated Introduced Plant Species

3.01 The Secretary shall evaluate the Quarantine List annually or as needed to determine whether to add or delete regulated species that are prohibited from being transported, sold, possessed, cultivated, or distributed in Vermont. As part of the review, the Secretary may solicit and/or evaluate recommendations from subject matter experts.

Suggested change: "...annually and as needed..."

3.02 The Secretary may convene subject matter experts to review scientific information, including PRAs, and to provide recommendations. The Secretary retains sole authority to establish and maintain the Quarantine List. Experts may include the following (alphabetically listed) representatives: • Vermont Agency of Agriculture, Food & Markets • Vermont Department of Environmental Conservation • Vermont Department of Fish and Wildlife • Vermont Department of Forests, Parks and Recreation • Vermont Agency of Transportation • University of Vermont • U.S. Department of Agriculture • U.S. Department of the Interior • Other institutions or individuals with relevant expertise invited by the Secretary.

Q:As Secretaries change, to maintain consistency, would it be advisable to assign responsibility to 1 or more agencies to annually recommend changes to the quarantine lists to the Secretary?

3.03 Additions or Deletions to the Quarantine List: (a) Plant species to be added to the Quarantine List must be on the Watch List. (b) The Secretary shall manage a Watch List of non-indigenous plant species. A species may be added to the Watch List if one or more of the following apply: (1) It has a known regulation or restriction status in nearby northeastern states; (2) A preliminary Pest Risk Assessment provides evidence of potential risk; (3) It has documented distribution in the United States or Vermont; (4) There are documented concerns regarding its introduction, spread, or ecological or economic impacts. (c) Plant or plant pest must be capable of directly or indirectly causing injury, disease, or damage to any beneficial organisms, plants, plant parts, or plant products. (d) The Secretary may prioritize species within the Watch List for PRA review.

Q: How is input from various agencies sought?

3.04 Pest Risk Assessments should include: (a) Known distribution/spread in the U.S. and Vermont; (b) Climate and growing conditions of native range; (c) Reproductive and growth characteristics; (d) Mechanisms/pathways for spread; (e) Environmental and economic impacts; (f) Management feasibility; (g) Federal regulated status; and (h) Other pertinent factors.

Q: Who writes an PRA?

3.05 Subject matter experts convened pursuant to 3.02 shall review PRAs. Based on that review, species that meet the established criteria may be recommended to the Secretary for inclusion on the Quarantine List. The criteria include: (a) High reproductive capacity; (b) Ability to outcompete native and cultivated plants; (c) Management difficulty or high cost; (d) Capacity to expand range in Vermont; (e) Whether it may directly or indirectly cause injury, disease, or damage to any beneficial organisms, plants, plant parts, or plant products; (f) Ecological, agricultural, forestry, or economic impacts, including effects on endangered species; or (g) Other relevant criteria identified by experts.

Suggestion: deleting “(a) High reproductive capacity”. It’s hard to define and not well-correlated with ability to displace native species (e.g., introduced ruderal species with high reproductive rates are often poor competitors, and not displacers). (b) great – direct indication of displacement.

Section 4. Violations and Enforcement

4.01 All persons must comply with 6 V.S.A. Chapter 84 and this Rule. The Secretary may determine violations of any provision. Prohibited actions include: (a) Cultivating, distributing, transporting, or possessing a Tier 1 regulated species; and/or (b) Distributing or transporting a Tier 2 or Tier 3 regulated species.

Under the rule, once a species is established in the state, it’s in Tier 2 or 3, and any land owner may cultivate it (or let established plants grow, reproduce, and spread). As far as I know, the rule has always been limited to forbidding sale and other transport like this. So there’s a big gap in the rule’s ability to prevent an increase in impacts of RIPS. Even if it had no legal repercussions, I’d like to see the rule give impetus to land owner control of Tier 2 and 3 RIPS. For example, I wish for another Section in the rule, an Education section, where the Secretary (or another agency) is given the responsibility to advise and encourage land owners to remove Tier 2 and 3 plants from their land to whatever extent practical. Norway Maple is a good example where leadership is needed to explain (a) why the species is a problem (examples from science), (b) the value of removing it to future forest composition, and (c) alternatives to plant. Norway Maple has been on the quarantine list for over 10 years, but large fecund individuals disperse fertile seed to wide surrounding areas, some of those offspring now bearing seed. I think most people in the state are unaware of impacts of what looks to them attractive and benign in the front yard.

5.04 Activities are exempt from the permitting requirements in this Rule when the best management practices (BMPs) listed below are followed, or when alternative BMPs are approved by the Secretary. (a) Transportation for disposal if plant material is fully contained and secured so that no spread or dispersal can occur during transit to an approved treatment site. (b) Disposal of plant material, as follows: (1) Reuse on site: excavated material containing Tier 3 plant(s) may be reused within the exact limits of the original site. Disturbed soils must be stabilized as soon as possible; or (2) Off-site disposal: regulated species may be disposed of and rendered non viable at an acceptable treatment site. (c) Transport for identification or reporting when material is in a sealed container. (d) Incidental transport through roadside mowing, provided the following BMPs are followed: (1) Timing: mowing is timed to minimize the risk of spreading propagules and to reduce the risk of spread. (2) Equipment cleaning: all equipment used in managing regulated species must be cleaned of plant and vector material before leaving the site using one or more of these methods: (A) a staging area where regulated species cannot establish; (B) washing with water from a portable wash station; (C) high-pressure air, if containment of material is possible; and/or (D) brush or broom, if containment of material is possible. (e) Stockpiling during construction on an impervious

surface, until disposal at an acceptable treatment site or return to the original site. (f) Preserved specimens that are rendered non-viable (e.g., herbaria). (g) Sale of non-viable plant parts for culinary, cultural, or medicinal use.

Q: How are BMPs conveyed and implemented?

~~Vermont Agency of Agriculture, Food & Markets Quarantine #3~~

~~Noxious Weeds~~

Section I: Statement of Concerns

~~Whereas, the~~

Persons requiring additional information regarding this rule or other matters relating to plant health in Vermont should contact:

Plant Industry Division
Vermont Agency of Agriculture, Food and Markets
116 State Street, Montpelier, VT 05620-2901

AGR.PlantIndustry@vermont.gov

Regulated Introduced Plant Species

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Regulated Introduced Plant Species

Vermont Agency of Agriculture, Food & Markets ~~having found that certain noxious weeds out compete~~ Regulated Introduced Plant Species

Section 1. Purpose and Authority

~~The Vermont Agency of Agriculture, Food and Markets adopts this Rule to prevent the introduction and spread of unwanted plant species and plant pests. Some introduced species outcompete and displace native and cultivated plants in natural ecosystems and managed lands; and~~

~~1.01 Whereas, competition and displacement of plants by certain noxious weeds has, causing significant environmental~~ecological~~, agricultural, forestry, and economic impacts; and. Whereas, it has been determined to be~~

~~It is in the best interest~~interests~~ of the State of Vermont to prevent and regulate introduced and injurious plant species. This Rule supports the importation, movement, sale, possession, cultivation and /-or distribution~~prevention~~ of certain noxious weeds:~~

~~Therefore, introduced plant species that may pose risks to the State of public and Vermont's natural resources and ecosystems, including plants that are not in Vermont is hereby establishing this noxious weed~~or have limited distribution. This Rule is adopted pursuant to the Secretary's quarantine regulation in order to protect Vermont's environmental and economic resourees~~ authority in 6 V.S.A. Chapter 84. Penalties for violations are as provided in 6 V.S.A. Chapter 1.~~

~~Section H:~~2. Definitions

~~"Class A Noxious Weed" means any noxious weed that is not native to the State, not currently known to occur in the State on the date of listing, and poses a serious threat to the State.~~

~~"Class B Noxious Weed" means any noxious weed that is not native to the state, is of limited-distribution statewide, and poses a serious threat to the State, or any other designated noxious weed being managed to reduce its occurrence and impact in the State, including those on the Federal Noxious Weed List (7 C.F.R. 360.200).~~

~~"Committee" means the Vermont invasive exotic plant advisory committee appointed by the secretary.~~

~~2.01 "Acceptable Treatment Site means a location where regulated introduced plant species are taken to be rendered non-viable. All material must be contained to prevent spread during treatment. Acceptable methods include:~~

~~(a) Heat: burning (with permits), solarization, or composting;~~

~~(b) Desiccation: drying;~~

Regulated Introduced Plant Species

(c) Mechanical: chipping, grinding, biological digester or milling (only for plants that do not reproduce vegetatively and have no viable seed);

(d) Chemical: herbicides;

(e) Landfill: double bagged for disposal;

(f) Burial: under at least 6 feet of clean fill; and/or

(g) Other methods approved in writing by the Secretary or designee.

2.02 Beneficial Organism has the same meaning as in 6 V.S.A. Ch. 84.

2.03 Complete Removal means the total removal of a regulated introduced plant species from a defined area.

2.04 Cultivate²² means to intentionally promote or improve the growth of a plant by labor and attention.

“

2.05 Distribute²² means the intentional act of transporting or disseminating plant material to import, consign, sell, offer for the purposes of spreading sale, solicit orders, or otherwise provide regulated species into or establishing a new location for said materials within Vermont by any means, including sales outlets, catalogues, telephone, Internet, or other electronic methods, whether for commercial gain or not, in knowing violation of this rule.

“Move” means the intentional act of transporting plant material from the property where said material originates, whether for commercial gain or not, in knowing violation of this rule.

2.06 “Noxious Weed” means any Federally regulated species mean any plant designated by the U.S. Department of Agriculture (USDA) as a noxious weed under 7 CFR § 360.200, meaning it is identified as having the potential to cause significant harm to agriculture, the environment, public health, or the economy, and is therefore subject to federal movement restrictions and permitting requirements.

2.07 Non-indigenous species means a species that has not existed historically in Vermont but has been introduced or has the potential to be introduced due to human activities or unintentional processes.

2.08 Non-viable means incapable of growth, germination, or reproduction.

2.09 Person has the same meaning as in 6 V.S.A. Chapter 84.

2.10 Pest Risk Assessment (PRA), for purposes of this Rule, means an assessment prepared to evaluate risks posed by a plant species or plant pest considered for

designation.

2.11 Plant has the same meaning as in 6 V.S.A. Chapter 84.

2.12 Plant Pest has the same meaning as in 6 V.S.A. Chapter 84.

2.13 Plant Product has the same meaning as Plant.

2.14 Possess means to expose, own, have, or control regulated introduced plant species.

2.15 Regulated Introduced Plant Species or “regulated species” means any non-indigenous plant or plant pest designated by the Secretary, in any stage of development, including ~~all current and subsequent subspecies, varieties, and cultivars, and parasitic plants whose presence, whether direct or indirect, is detrimental to the environment, crops or other desirable plants, livestock, land, or other property, or hybrids, that is injurious to the public health or the economy generally~~ other plants or beneficial organisms and/or may cause related injury, disease, or damage.

~~"Plant" means trees, shrubs, and vines; forage, fiber, and cereal plants; cuttings, grafts, scions, buds and lumber; fruit, vegetables, roots, bulbs, seeds and wood; other propagative materials; and all other plants, parts of plants, and plant products.~~

~~"Possession" means to intentionally grow, manage or cultivate through planting, pruning, watering, fertilization, weeding, propagation, or any other means that promotes the growth of the noxious weed. This does not include the incidental or unintentional occurrence of a noxious weed on wild or managed land.~~

~~“~~

~~2.16 Regulated Introduced Plant Species Quarantine List (Quarantine List) means the list of plant or plant pest species regulated under this Rule, including Tier 1, Tier 2, and Tier 3 species.~~

~~2.17 Secretary²² means the Secretary of the Agency of Agriculture, Food and Markets, or ~~his or her~~ designee.~~

~~Section III: Statutory Authority~~

~~This rule-~~

~~2.18 Spread means the human-aided expansion of regulated species to a new geographic location where the species is not known to exist.~~

- 2.19 Stockpiled Material means any viable regulated species temporarily stored off the site of origin.
- 2.20 Tier 1 Plant means a non-indigenous regulated species not present in Vermont when listed, considered injurious, including federally regulated species not present in the State.
- 2.21 Tier 2 Plant means a non-indigenous regulated species with limited distribution in Vermont, considered injurious but potentially subject to complete local removal if addressed promptly, including federally regulated species with limited distribution.
- 2.22 Tier 3 Plant means a non-indigenous regulated species, including federally regulated species, that is broadly established across Vermont, considered injurious, and not feasibly removable statewide with current methods. Local management remains ecologically meaningful, including efforts to prevent spread into unaffected areas and targeted removal to sustain native species populations where displacement would otherwise occur. established.
- 2.23 Transport means to move a regulated species from one parcel of land to another. Movement solely within the same parcel is not considered transport under this Rule.
- 2.24 Watch List means a list maintained by the Secretary of non-indigenous species under consideration for the Quarantine List.
- 2.25 Well-Established means that a plant species has many and/or widespread populations in Vermont.
- 2.26 Quarantine List means the list of regulated species subject to the prohibitions applicable to Tier 1, Tier 2, and Tier 3 species under this rule.

Section 3. Designation as a Regulated Introduced Plant Species

- 3.01 The Secretary shall evaluate the Quarantine List annually and as needed to determine whether to add or delete regulated species that are prohibited from being transported, sold, possessed, cultivated, or distributed in Vermont. As part of the review, the Secretary may solicit and/or evaluate recommendations from subject matter experts.
- 3.02 ~~The~~ by the Secretary may convene subject matter experts to review scientific information, including PRAs, and to provide recommendations. The Secretary retains sole authority to establish and maintain the Quarantine List. Experts may include the following (alphabetically listed) representatives:

- Vermont Agency of Agriculture, Food and Markets ~~under~~
- Vermont Department of Environmental Conservation
- Vermont Department of Fish and Wildlife
- Vermont Department of Forests, Parks and Recreation
- Vermont Agency of Transportation
- University of Vermont

- U.S. Department of Agriculture
- U.S. Department of the authority grantedInterior
- Other institutions or individuals with relevant expertise invited by the Secretary

3.03 Additions or Deletions to the secretary atQuarantine List:

- (a) Plant species to be added to the Quarantine List must be on the Watch List.
- (b) The Secretary shall manage a Watch List of non-indigenous plant species. A species may be added to the Watch List if one or more of the following apply:
 - (1) It has a known regulation or restriction status in nearby northeastern states;
 - (2) A preliminary Pest Risk Assessment provides evidence of potential risk;
 - (3) It has documented distribution in the United States or Vermont;
 - (4) There are documented concerns regarding its introduction, spread, or ecological or economic impacts.
- (c) Plant or plant pest must be capable of directly or indirectly causing injury, disease, or damage to any beneficial organisms, plants, plant parts, or plant products.
- (d) The Secretary may prioritize species within the Watch List for PRA review.

3.04 Pest Risk Assessments should include:

- (a) Known distribution/spread in the U.S. and Vermont;
- (b) Climate and growing conditions of native range;
- (c) Reproductive and growth characteristics;
- (d) Mechanisms/pathways for spread;
- (e) Environmental and economic impacts;
- (f) Management feasibility;
- (g) Federal regulated status; and
- (h) Other pertinent factors.

3.05 Subject matter experts convened pursuant to 3.02 shall review PRAs. Based on that review, species that meet the established criteria may be recommended to the Secretary for inclusion on the Quarantine List. The

criteria include:

- (a) High reproductive capacity;
- (b) Ability to outcompete native and cultivated plants;
- (c) Management difficulty or high cost;
- (d) Capacity to expand range in Vermont;
- (e) Whether it may directly or indirectly cause injury, disease, or damage to any beneficial organisms, plants, plant parts, or plant products;
- (f) Ecological, agricultural, forestry, or economic impacts, including effects on endangered species; or
- (g) Other relevant criteria identified by experts.

3.06 Following expert recommendations, the Secretary shall provide a 30-day public comment period before making a final determination on listing or delisting. However, if the Secretary determines that time is of the essence, the Secretary may add a plant or plant pest to the quarantine list without a public comment period to promptly address the concern.

Section 4. Violations and Enforcement

4.01 All persons must comply with 6 V.S.A., Chapter 84, 'Pest Survey, Detection and Management', and this Rule. The Secretary may determine violations of any provision. Prohibited actions include:

- (a) Cultivating, distributing, transporting, or possessing a Tier 1 regulated species; and/or
- (b) Distributing or transporting a Tier 2 or Tier 3 regulated species.

4.02 The Secretary may use all enforcement remedies available to enforce every provision of this Rule, including those in 6 V.S.A., § 1 (a) (10), 'General powers of agency; secretary of agriculture, food and markets. Ch. 84 § 1038, 6 V.S.A. Ch. 1 § 15 and any other applicable law.

Section IV: Designation as a Noxious Weed 5. Permits and Exemptions

~~Designation or deletions of noxious weeds shall occur through the following procedure and criteria:~~

~~(A) The secretary shall establish, with input from the committee, a list of prohibited noxious weeds.~~

~~(B) The prohibited weed lists (Class A and Class B lists as appears in Appendix A) will be reviewed annually by the committee to make recommendations for listed species additions or deletions.~~

~~(C) Completion and review of pest risk assessments (described below):~~

- ~~1. Evaluation of real or potential environmental, economic or other impacts of species prohibitions, and~~
- ~~2. other activities as deemed necessary by the committee to provide a comprehensive and defensible rationale for additions or deletions to the lists, and~~
- ~~3. review of presence of established weed populations, and eradication and control efforts, and the success of these efforts.~~

5.01 The Secretary may issue a regulated species permit with any condition(s) the Secretary deems appropriate when the acceptable management practices (AMPs) in 5.04 cannot be met, if the applicant demonstrates that the activity will not result in spread of the regulated species.

5.02 In deciding whether to issue a permit, the Secretary will consider:

- (a) location of the activity;
- (b) methods of disposal and containment;
- (c) monitoring plans;
- (d) risk level;
- (e) purpose (e.g., scientific, educational, cultural);
- (f) inspection needs;

whether

~~(D) The following conditions shall be met for a plant or plant product to be designated as a Class A or B Noxious Weed:~~

- ~~1. As determined by a pest risk assessment, a prohibited noxious weed must pose an actual or anticipated threat to a substantial agricultural, forestry or environmental interest and / or the general public;~~

- ~~3. Administrative penalties as specified in 6 V.S.A., Chapter 1, Section 15, and Chapter 84, Sections 1037 and 1038.~~

~~(D) Prohibitions on possession, cultivation, movement and distribution of plants addressed in V.S.A. titles other than Title 6 remain applicable.~~

~~Section VI: Variances and Exemptions~~

~~(A) A variance may be granted by the secretary to allow Transport for the movement, possession and field experimentation of noxious weeds for scientific, educational, or other purposes under such conditions as may be prescribed by the secretary. Any variance(s) shall be in the form of a permit issued by the secretary.~~

~~(B) Transportation of any Class A or B Noxious weed on any road or highway of the state is exempt if:~~

- ~~1. For disposal as part of a management control activity; or~~

~~2.(c) For the purpose of identifying a species identification or reporting the presence of a species, and the Class A or B Noxious weed when material is in a sealed container.~~

~~(d) Incidental transport through roadside mowing, provided the following AMPs are followed:~~

~~(1) Timing: mowing is timed to minimize the risk of spreading propagules and to reduce the risk of spread.~~

~~(2) Equipment cleaning: all equipment used in managing regulated species must be cleaned of plant and vector material before leaving the site using one or more of these methods:~~

~~(A) a staging area where regulated species cannot establish;~~

~~(B) washing with water from a portable wash station;~~

~~(C) high-pressure air, if containment of material is possible; and/or~~

~~(D) brush or broom, if containment of material is possible.~~

~~(e) Stockpiling during construction on an impervious surface, until disposal at an acceptable treatment site or return to the original site.~~

~~(G)(f) Preserved specimens in the form of that are rendered non-viable (e.g., herbaria or other preservation means are exempt).~~

~~(D) Varieties, cultivars, hybrids and/or subspecies that have been shown through scientific research and analysis not to be invasive are exempt. Those cultivars and varieties so demonstrated as non-invasive are listed in the attached Appendix B.~~

(E) Except as described in (B) above, permits for movement and disposal of listed weeds and associated material (soil, debris, etc.) may be granted by the secretary for the purposes of weed control or infestation mitigation efforts after review of the proposed procedures and disposal site(s). In granting permits, specific consideration shall be made regarding the location of disposal and monitoring sites and whether the movement and disposal effort(s) accomplishes the general intent of reducing the overall impact of noxious weeds on the environment.

~~APPENDIX A: Designated Noxious Weeds~~

~~(A) Class A Noxious Weeds.~~

- ~~(1) *Cabomba caroliniana* (fanwort)~~
- ~~(2) *Egeria densa* (Brazilian elodea)~~
- ~~(3) *Hydrilla verticillata* (hydrilla)~~
- ~~(4) *Hygrophila polysperma* (east Indian hygrophila)~~
- ~~(5) *Myriophyllum aquaticum* (parrot feather)~~
- ~~(6) *Myriophyllum heterophyllum* (variable leaved milfoil)~~
- ~~(7) *Salvinia auriculata* (giant salvinia)~~
- ~~(8) *Salvinia biloba* (giant salvinia)~~
- ~~(9) *Salvinia herzogii* (giant salvinia)~~
- ~~(10) *Salvinia molesta* (giant salvinia)~~
- ~~(11) *Vincetoxicum hirundinaria* (syn: *Cynanchum rossicum*) (pale swallow wort)~~

~~(B) Class B Noxious Weeds.~~

- ~~(1) *Aegopodium podagraria* (goutweed/bishopsweed/snow on the mountain)~~
- ~~(2) *Ailanthus altissima* (tree of heaven)~~
- ~~(3) *Alliaria petiolata* (*A. officinalis*) (garlic mustard)~~
- ~~(4) *Butomus umbellatus* (flowering rush)~~
- ~~(5) *Celastrus orbiculatus* (oriental bittersweet)~~
- ~~(6) *Fallopia japonica* (syn: *Polygonum cuspidatum*) (Japanese knotweed)~~
- ~~(7) *Hydrocharis morsus ranae* (frogbit)~~
- ~~(8) *Lonicera x bella* (bell honeysuckle)~~
- ~~(9) *Lonicera japonica* (Japanese honeysuckle)~~
- ~~(10) *Lonicera maaackii* (amur honeysuckle)~~
- ~~(11) *Lonicera morrowii* (Morrow honeysuckle)~~
- ~~(12) *Lonicera tatarica* (Tatarian honeysuckle)~~
- ~~(13) *Lythrum salicaria* (purple loosestrife)~~
- ~~(14) *Myriophyllum spicatum* (Eurasian watermilfoil)~~
- ~~(15) *Nymphoides peltata* (yellow floating heart)~~
- ~~(16) *Phragmites australis* ssp. *australis* (common reed)~~
- ~~(17) *Potamogeton crispus* (curly leaf pondweed)~~
- ~~(18) *Rhamnus cathartica* (common buckthorn)~~
- ~~(19) *Rhamnus frangula* (syn: *Frangula alnus*) (glossy buckthorn)~~
- ~~(20) *Trapa natans* (water chestnut)~~
- ~~(21) *Vincetoxicum nigrum* (syn: *Cynanchum louiseae*) (black swallow wort)~~
- ~~(22) *Acer platanoides* (Norway maple)*~~
- ~~(23) *Berberis vulgaris* (common barberry)*~~
- ~~(24) *Berberis thunbergii* (Japanese barberry)*~~
- ~~(25) *Euonymus alatus* (burningbush)*~~
- ~~(26) *Iris pseudacorus* (yellow flag iris)*~~
- ~~(27) *Acer ginnala* (Amur maple)*~~
- ~~(28) *Najas minor* (European naiad)*~~
- ~~(29) All weeds listed in 7 C.F.R. 360.200 as amended, which is hereby incorporated by reference including subsequent amendments and editions.~~

~~*Specimens of these species acquired prior to the final filing of this rule may be sold or offered for sale until July 1, 2013.~~

~~APPENDIX B: Subspecies, Hybrids, Varieties and Cultivars Exempted Under Rule~~

- ~~(1) *Rhamnus frangula* (syn: *Frangula alnus*) "Asplenifolia"~~
- ~~(2) *Rhamnus frangula* (syn: *Frangula alnus*) "Fine Line"~~

Attachment—Authority and associated synonyms of listed plants

(A) Class A Noxious Weeds:

- (1) *Cabomba caroliniana* Gray (Fanwort)
- (2) *Cynanchum rossicum* (Kleopow) Borhidi (Syn: *Vincetoxicum hirundinaria* Medikus- (Pale swallowwort)
- (3) *Egeria densa* Planch. (Brazilian elodea)
- (4) *Hydrilla verticillata* (L.f.) Royle (Hydrilla)
- (5) *Hygrophila polysperma* (Roxb.) T. Anderson (East Indian hygrophila)
- (6) *Myriophyllum aquaticum* (Vell.) Verdc. (Parrot feather)
- (7) *Myriophyllum heterophyllum* Michx (Variable leaved milfoil)
- (8) *Salvinia auriculata* Aublet (Giant salvinia/Eared water moss)
- (9) *Salvinia biloba* Raddi (Giant salvinia)
- (10) *Salvinia herzogii* de la Sota (Giant salvinia)
- (11) *Salvinia molesta* D.S. Mitchell (Giant salvinia/Kariba weed)

(B) Class B Noxious Weeds:

- (1) *Acer ginnala* Maxim (Amur maple)
 - (2) *Acer platanoides* L. (Norway maple)
 - (3) *Aegopodium podagraria* L. (Goutweed/Bishopsweed/Snow on the Mountain)
 - (4) *Ailanthus altissima* (Mill.) Swingle (Tree of Heaven)
 - (5) *Alliaria petiolata* (M. Bieb.) Cavara & Grande (Syn: *Alliaria officinalis* Andrz.) (Garlic mustard)
 - (6) *Berberis thunbergii* DC. (Japanese barberry)
 - (7) *Berberis vulgaris* L. (Common barberry)
 - (8) *Butomus umbellatus* L. (Flowering Rush)
 - (9) *Celastrus orbiculatus* Thunb. (Oriental bittersweet)
 - (10) *Cynanchum louiseae* Kartesz & Gandhi (Syn: *Vincetoxicum nigrum* (L.) Moench.) (Black swallowwort)
 - (11) *Euonymus alatus* (Thunb.) Siebold (Burningbush)
 - (12) *Fallopia japonica* (Houtt.) Ronse Deer. (Syn: *Polygonum cuspidatum* Siebold & Zucc.) (Japanese knotweed)
 - (13) *Frangula alnus* Mill., Gard. (Syn: *Rhamnus frangula* L.) (Glossy buckthorn)
 - (14) *Hydrocharis morsus-ranae* L. (Frogbit)
 - (15) *Iris pseudacorus* L. (Yellow flag iris)
 - (16) *Lonicera x bella* Zabel (Bell honeysuckle)
 - (17) *Lonicera japonica* Thunb. (Japanese honeysuckle)
 - (18) *Lonicera maaackii* (Rupr.) Herder (Amur honeysuckle)
 - (19) *Lonicera morrowii* A. Gray (Morrow honeysuckle)
 - (20) *Lonicera tatarica* L. (Tartarian honeysuckle)
 - (21) *Lythrum salicaria* L. (Purple loosestrife)
 - (22) *Myriophyllum spicatum* L. (Eurasian watermilfoil)
 - (23) *Najas minor* All. (European naiad)
 - (24) *Nymphoides peltata* (S.G. Gmel.) Kuntze (Yellow floating heart)
 - (25) *Phragmites australis* ssp. *australis* (Cav.) Trin. ex Steud (Common reed)
 - (26) *Potamogeton crispus* L. (Curly leaf pondweed)
 - (27) *Rhamnus cathartica* L. (Common buckthorn)
- Trapa natans* L. (Water chestnut)

(g) Sale of non-viable plant parts for culinary, cultural, or medicinal use.

Section 6. Quarantine List

6.01 The Secretary may create and update the Quarantine List at any time, consistent with the process identified in section 3 of this Rule. Listed species are immediately subject to this Rule upon designation and public posting. The Secretary shall maintain the list in a publicly accessible location and publish updates within 14 days of a decision to add or remove a plant species or plant pest.

Section 7. Severability

7.01 If any provision of this Rule or its application is found invalid, the remaining provisions remain in effect.

Section 8. Effective Date

(28) 8.01 This Rule is effective on date of adoption.

Persons requiring additional information regarding this rule or other matters relating to plant health in Vermont should contact:

*Plant Industry Division
Vermont Agency of Agriculture, Food and Markets
116 State Street, Montpelier, VT 05620-2901*

AGR.PlantIndustry@vermont.gov

Regulated Introduced Plant Species

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Regulated Introduced Plant Species

Vermont Agency of Agriculture, Food & Markets Regulated Introduced Plant Species

Section 1. Purpose and Authority

1.01 The Vermont Agency of Agriculture, Food and Markets adopts this Rule to prevent the introduction and spread of unwanted plant species and plant pests. Some introduced species outcompete and displace native and cultivated plants in natural ecosystems and managed lands, causing significant ecological, agricultural, forestry, and economic impacts.

It is in the best interests of the State of Vermont to prevent and regulate introduced and injurious plant species. This Rule supports the prevention of introduced plant species that may pose risks to the public and Vermont's natural resources and ecosystems, including plants that are not in Vermont or have limited distribution. This Rule is adopted pursuant to the Secretary's quarantine authority in 6 V.S.A. Chapter 84. Penalties for violations are as provided in 6 V.S.A. Chapter 1.

Section 2. Definitions

2.01 Acceptable Treatment Site means a location where regulated introduced plant species are taken to be rendered non-viable. All material must be contained to prevent spread during treatment. Acceptable methods include:

- (a) Heat: burning (with permits), solarization, or composting;
- (b) Desiccation: drying;
- (c) Mechanical: chipping, grinding, biological digester or milling (only for plants that do not reproduce vegetatively and have no viable seed);
- (d) Chemical: herbicides;
- (e) Landfill: double bagged for disposal;
- (f) Burial: under at least 6 feet of clean fill; and/or
- (g) Other methods approved in writing by the Secretary or designee.

2.02 Beneficial Organism has the same meaning as in 6 V.S.A. Ch. 84.

2.03 Complete Removal means the total removal of a regulated introduced plant species from a defined area.

2.04 Cultivate means to intentionally promote or improve the growth of a plant by labor and attention.

- 2.05 Distribute means to import, consign, sell, offer for sale, solicit orders, or otherwise provide regulated species into or within Vermont by any means, including sales outlets, catalogues, telephone, Internet, or other electronic methods, whether for commercial gain or not.
- 2.06 Federally regulated species mean any plant designated by the U.S. Department of Agriculture (USDA) as a noxious weed under 7 CFR § 360.200, meaning it is identified as having the potential to cause significant harm to agriculture, the environment, public health, or the economy, and is therefore subject to federal movement restrictions and permitting requirements.
- 2.07 Non-indigenous species means a species that has not existed historically in Vermont but has been introduced or has the potential to be introduced due to human activities or unintentional processes.
- 2.08 Non-viable means incapable of growth, germination, or reproduction.
- 2.09 Person has the same meaning as in 6 V.S.A. Chapter 84.
- 2.10 Pest Risk Assessment (PRA), for purposes of this Rule, means an assessment prepared to evaluate risks posed by a plant species or plant pest considered for designation.
- 2.11 Plant has the same meaning as in 6 V.S.A. Chapter 84.
- 2.12 Plant Pest has the same meaning as in 6 V.S.A. Chapter 84.
- 2.13 Plant Product has the same meaning as Plant.
- 2.14 Possess means to expose, own, have, or control regulated introduced plant species.
- 2.15 Regulated Introduced Plant Species or “regulated species” means any non-indigenous plant or plant pest designated by the Secretary, in any stage of development, including subspecies, varieties, cultivars, and hybrids, that is injurious to other plants or beneficial organisms and/or may cause related injury, disease, or damage.
- 2.16 Regulated Introduced Plant Species Quarantine List (Quarantine List) means the list of plant or plant pest species regulated under this Rule, including Tier 1, Tier 2, and Tier 3 species.
- 2.17 Secretary means the Secretary of the Agency of Agriculture, Food and Markets, or designee.
- 2.18 Spread means the human-aided expansion of regulated species to a new geographic location where the species is not known to exist.

- 2.19 Stockpiled Material means any viable regulated species temporarily stored off the site of origin.
- 2.20 Tier 1 Plant means a non-indigenous regulated species not present in Vermont when listed, considered injurious, including federally regulated species not present in the State.
- 2.21 Tier 2 Plant means a non-indigenous regulated species with limited distribution in Vermont, considered injurious but potentially subject to complete local removal if addressed promptly, including federally regulated species with limited distribution.
- 2.22 Tier 3 Plant means a non-indigenous regulated species, including federally regulated species, that is broadly established across Vermont, considered injurious, and not feasibly removable statewide with current methods. Local management remains ecologically meaningful, including efforts to prevent spread into unaffected areas and targeted removal to sustain native species populations where displacement would otherwise occur.
- 2.23 Transport means to move a regulated species from one parcel of land to another. Movement solely within the same parcel is not considered transport under this Rule.
- 2.24 Watch List means a list maintained by the Secretary of non-indigenous species under consideration for the Quarantine List.
- 2.25 Well-Established means that a plant species has many and/or widespread populations in Vermont.
- 2.26 Quarantine List means the list of regulated species subject to the prohibitions applicable to Tier 1, Tier 2, and Tier 3 species under this rule.

Section 3. Designation as a Regulated Introduced Plant Species

- 3.01 The Secretary shall evaluate the Quarantine List annually and as needed to determine whether to add or delete regulated species that are prohibited from being transported, sold, possessed, cultivated, or distributed in Vermont. As part of the review, the Secretary may solicit and/or evaluate recommendations from subject matter experts.
- 3.02 The Secretary may convene subject matter experts to review scientific information, including PRAs, and to provide recommendations. The Secretary retains sole authority to establish and maintain the Quarantine List. Experts may include the following (alphabetically listed) representatives:
- Vermont Agency of Agriculture, Food & Markets
 - Vermont Department of Environmental Conservation
 - Vermont Department of Fish and Wildlife
 - Vermont Department of Forests, Parks and Recreation
 - Vermont Agency of Transportation

- University of Vermont
- U.S. Department of Agriculture
- U.S. Department of the Interior
- Other institutions or individuals with relevant expertise invited by the Secretary

3.03 Additions or Deletions to the Quarantine List:

- (a) Plant species to be added to the Quarantine List must be on the Watch List.
- (b) The Secretary shall manage a Watch List of non-indigenous plant species. A species may be added to the Watch List if one or more of the following apply:
 - (1) It has a known regulation or restriction status in nearby northeastern states;
 - (2) A preliminary Pest Risk Assessment provides evidence of potential risk;
 - (3) It has documented distribution in the United States or Vermont;
 - (4) There are documented concerns regarding its introduction, spread, or ecological or economic impacts.
- (c) Plant or plant pest must be capable of directly or indirectly causing injury, disease, or damage to any beneficial organisms, plants, plant parts, or plant products.
- (d) The Secretary may prioritize species within the Watch List for PRA review.

3.04 Pest Risk Assessments should include:

- (a) Known distribution/spread in the U.S. and Vermont;
- (b) Climate and growing conditions of native range;
- (c) Reproductive and growth characteristics;
- (d) Mechanisms/pathways for spread;
- (e) Environmental and economic impacts;
- (f) Management feasibility;
- (g) Federal regulated status; and
- (h) Other pertinent factors.

3.05 Subject matter experts convened pursuant to 3.02 shall review PRAs. Based on

that review, species that meet the established criteria may be recommended to the Secretary for inclusion on the Quarantine List. The criteria include:

- (a) High reproductive capacity;
- (b) Ability to outcompete native and cultivated plants;
- (c) Management difficulty or high cost;
- (d) Capacity to expand range in Vermont;
- (e) Whether it may directly or indirectly cause injury, disease, or damage to any beneficial organisms, plants, plant parts, or plant products;
- (f) Ecological, agricultural, forestry, or economic impacts, including effects on endangered species; or
- (g) Other relevant criteria identified by experts.

3.06 Following expert recommendations, the Secretary shall provide a 30-day public comment period before making a final determination on listing or delisting. However, if the Secretary determines that time is of the essence, the Secretary may add a plant or plant pest to the quarantine list without a public comment period to promptly address the concern.

Section 4. Violations and Enforcement

4.01 All persons must comply with 6 V.S.A. Chapter 84 and this Rule. The Secretary may determine violations of any provision. Prohibited actions include:

- (a) Cultivating, distributing, transporting, or possessing a Tier 1 regulated species; and/or
- (b) Distributing or transporting a Tier 2 or Tier 3 regulated species.

4.02 The Secretary may use all enforcement remedies available to enforce every provision of this Rule, including those in 6 V.S.A. Ch. 84 § 1038, 6 V.S.A. Ch. 1 § 15 and any other applicable law.

Section 5. Permits and Exemptions

5.01 The Secretary may issue a regulated species permit with any condition(s) the Secretary deems appropriate when the acceptable management practices (AMPs) in 5.04 cannot be met, if the applicant demonstrates that the activity will not result in spread of the regulated species.

5.02 In deciding whether to issue a permit, the Secretary will consider:

- (a) location of the activity;
- (b) methods of disposal and containment;
- (c) monitoring plans;
- (d) risk level;
- (e) purpose (e.g., scientific, educational, cultural);
- (f) inspection needs;
- (g) whether a federal permit is required;
- (h) the requirements of 6 V.S.A. § 1035; and
- (i) any other relevant factors.

5.03 Permits are void and revoked if conditions are violated or if spread occurs.

5.04 Activities are exempt from the permitting requirements in this Rule when the acceptable management practices (AMPs) listed below are followed, or when alternative AMPs are approved by the Secretary.

(a) Transportation for disposal if plant material is fully contained and secured so that no spread or dispersal can occur during transit to an approved treatment site.

(b) Disposal of plant material, as follows:

(1) Reuse on site: excavated material containing Tier 3 plant(s) may be reused within the exact limits of the original site. Disturbed soils must be stabilized as soon as possible; or

(2) Off-site disposal: regulated species may be disposed of and rendered non-viable at an acceptable treatment site.

(c) Transport for identification or reporting when material is in a sealed container.

(d) Incidental transport through roadside mowing, provided the following AMPs are followed:

(1) Timing: mowing is timed to minimize the risk of spreading propagules and to reduce the risk of spread.

(2) Equipment cleaning: all equipment used in managing regulated species must be cleaned of plant and vector material before leaving the site using

one or more of these methods:

- (A) a staging area where regulated species cannot establish;
 - (B) washing with water from a portable wash station;
 - (C) high-pressure air, if containment of material is possible; and/or
 - (D) brush or broom, if containment of material is possible.
- (e) Stockpiling during construction on an impervious surface, until disposal at an acceptable treatment site or return to the original site.
- (f) Preserved specimens that are rendered non-viable (e.g., herbaria).
- (g) Sale of non-viable plant parts for culinary, cultural, or medicinal use.

Section 6. Quarantine List

6.01 The Secretary may create and update the Quarantine List at any time, consistent with the process identified in section 3 of this Rule. Listed species are immediately subject to this Rule upon designation and public posting. The Secretary shall maintain the list in a publicly accessible location and publish updates within 14 days of a decision to add or remove a plant species or plant pest.

Section 7. Severability

7.01 If any provision of this Rule or its application is found invalid, the remaining provisions remain in effect.

Section 8. Effective Date

8.01 This Rule is effective on date of adoption.

The Vermont Statutes Online

The Statutes below include the actions of the 2025 session of the General Assembly.

NOTE: The Vermont Statutes Online is an unofficial copy of the Vermont Statutes Annotated that is provided as a convenience.

Title 10 : Conservation and Development

Chapter 041 : Regulation of Stream Flow

Subchapter 003 : WATER WITHDRAWAL FOR SNOWMAKING

(Cite as: 10 V.S.A. § 1032)

§ 1032. Rulemaking on snowmaking withdrawals

The Secretary shall adopt rules to determine conservation flow standards for snowmaking, to be used in relevant Agency of Natural Resources regulatory processes governing water withdrawals, diversions, impoundments, and the construction of appurtenant facilities, and to be used in developing positions to be asserted by the Agency in other State regulatory processes governing conservation flows for snowmaking. These rules shall not supersede water quality standards adopted by the Secretary pursuant to chapter 47 of this title. These rules shall achieve the purposes of this subchapter, and shall provide for the periodic review of any decision issued under the rules. All existing water withdrawals, diversions, and impoundments for snowmaking that are permitted at instream flows below the standards shall be reviewed by July 1, 2000. (Added 1995, No. 15, § 1; amended 2003, No. 115 (Adj. Sess.), § 21, eff. Jan. 31, 2005; 2011, No. 138 (Adj. Sess.), § 27, eff. May 14, 2012.)

The Vermont Statutes Online

The Statutes below include the actions of the 2025 session of the General Assembly.

NOTE: The Vermont Statutes Online is an unofficial copy of the Vermont Statutes Annotated that is provided as a convenience.

Title 6 : Agriculture

Chapter 001 : General Powers; Secretary of Agriculture, Food and Markets

(Cite as: **6 V.S.A. § 1**)

§ 1. General powers of Agency; Secretary of Agriculture, Food and Markets

(a) The Agency of Agriculture, Food and Markets shall be administered by a Secretary of Agriculture, Food and Markets. The Secretary shall supervise and be responsible for the execution and enforcement of all laws relating to agriculture and standards of weight and measure. The Secretary may:

(1) Delegate any authority, power, or duty as necessary for the proper execution of the laws.

(2) Conduct examinations and pass upon the qualifications of applicants for licenses.

(3) Conduct routine inspections and investigate suspected violations of any law administered by the Secretary.

(4) Conduct hearings.

(5) Issue subpoenas and administer oaths in connection with an authorized investigation or hearing.

(6) Enter into contracts on behalf of the Agency.

(7) Seek and obtain temporary or permanent injunctions to restrain a violation of any law administered by the Secretary whenever there are reasonable grounds to believe that a law has been or will be violated.

(8) Institute appropriate proceedings in the name of the Agency to enforce any law administered by the Secretary.

(9) Apply for and accept grants of money or other gifts on behalf of the Agency, subject to 32 V.S.A. § 5.

(10) Adopt and enforce rules to implement the laws administered by the Secretary.

(11) Accept an assurance of discontinuance in lieu of instituting an action or

proceeding for violation of a law administered by the Secretary.

(12) Exercise any other power or authority granted by common law or statute.

(13) Notwithstanding any law to the contrary in this title or Title 9 or 20, issue all licenses, permits, registrations, or certificates under a program administered by the Secretary for a term of up to three years; renew and issue such licenses, permits, registrations, and certificates on any calendar cycle; collect any annual fee set by law for the multiyear licensure, permit, registration, or certificate on a pro-rated basis, which shall not exceed 150 percent of the annual fee for an 18-month cycle, 200 percent of the annual fee for a two-year cycle, or 300 percent of the annual fee for a three-year cycle; and conduct inspections at regulated premises at least once every three years when inspection is required by law. The authority to mandate licenses, permits, registrations, or certificates for more than one year shall not extend to any program administered by the Secretary for which the annual fee is more than \$175.00. The Secretary shall only provide refunds for overpayments of \$25.00 or more on a license, permit, registration, or certificate issued by the Secretary. The Secretary may assess a late fee of \$27.00, provided that the late fee is no greater than the fee due, in which case the late fee shall equal the fee due for any license, registration, permit, or certification renewal that is received more than 30 days past expiration, unless a higher late renewal fee is otherwise prescribed by statute.

(14) Require any person or entity regulated by the Secretary under this title or Title 9 or 20 to file an affidavit under oath or affirmation that the person or entity or their regulated premises is in compliance with an assurance of discontinuance or other order or the terms and conditions of a license, permit, registration, certificate, or approval issued by or under the statutory authority of the Secretary or rules adopted under such statutory authority. The Secretary's request for an affidavit of compliance under this subdivision may be delivered by hand or by certified mail. Failure to file such affidavit when requested or the material misrepresentation of a fact in the affidavit shall constitute a violation of the underlying regulatory program and grounds for revocation or assessment of administrative penalties, or both, under section 15 of this title.

(15) Notwithstanding any law to the contrary in this title, Title 9, or Title 20, whenever the Secretary is required or authorized to serve any person or entity by any means, including by personal service or certified mail, the Secretary may deliver service by electronic mail, provided that the Secretary proves receipt of service or the person or entity agrees to accept electronic service. The Secretary may prove receipt of service whenever the person or entity acknowledges receipt or otherwise responds in a manner that demonstrates actual service. Proof of service may not be solely demonstrated by an automated electronic read receipt message. Any person or entity may agree to accept service through electronic mail by written consent. The agreement to accept electronic mail service may be communicated through electronic mail and need not be signed.

(b) The following entities shall exist and operate within the Agency of Agriculture,

Food and Markets under the general supervision of the Secretary:

- (1) the Vermont Milk Commission;
- (2) the State Dairy Council; and
- (3) the Vermont Dairy Industry Council.
- (4) [Repealed.]

(c) The Secretary shall provide data and funding recommendations to the Vermont Climate Change Oversight Committee with regard to:

- (1) funding and implementing State conservation programs in order to increase carbon sequestration;
- (2) providing cost-share assistance for farmers to purchase manure injection equipment to retrofit existing manure spreaders or purchase new equipment;
- (3) providing cost-share assistance for farms to develop and implement nutrient management plans for smaller dairy farms and continuing to provide annual assistance so that existing plans on medium-sized farms continue to be implemented;
- (4) providing cost-share assistance under the farm agronomic practices program so that farms implement cover crops and other soil erosion and land cover practices; and
- (5) other ways to create incentives for carbon sequestration on farm and forestland, Vermont's "green bank."

(d) The Secretary shall continue the Agency's methane capture program and shall collaborate with the Vermont Climate Change Oversight Committee with regard to the availability of additional funds for these purposes. The goal of the methane digester portion of the program shall be to digest and use 15 percent of the State's dairy cattle manure by 2012 and 50 percent by 2028. The goal of a second aspect of this emissions reduction program shall be to increase the percentage of poultry and nondairy livestock manure composted to 25 percent by 2012 and 50 percent by 2028. (Amended 1959, No. 329 (Adj. Sess.), § 10, eff. March 1, 1961; 1967, No. 303 (Adj. Sess.), § 16(b); 1987, No. 277 (Adj. Sess.), § 1; 1989, No. 256 (Adj. Sess.), § 10(a), eff. Jan. 1, 1991; 1991, No. 17, § 8(a), eff. April 4, 1991; 2003, No. 42, § 2, eff. May 27, 2003; 2007, No. 209 (Adj. Sess.), § 2; 2009, No. 146 (Adj. Sess.), § F7; 2015, No. 39, § 17; 2015, No. 149 (Adj. Sess.), § 1; 2017, No. 75, § 9; 2021, No. 174 (Adj. Sess.), § 2, eff. July 1, 2022; 2023, No. 6, § 34, eff. July 1, 2023.)



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Deadline For Public Comment

Deadline: Apr 23, 2026

The deadline for public comment has expired. Contact the agency or primary contact person listed below for assistance.

Rule Details

Rule Number:	26P007
Title:	Regulated Introduced Plant Species.
Type:	Standard
Status:	Final Proposed
Agency:	Agency of Agriculture, Food and Markets
Legal Authority:	6 V.S.A. § 1032(1) and 6 V.S.A. § 1 (a) (10)
Summary:	This amendment modernizes the existing Noxious Weed Quarantine, which will be renamed the Regulated Introduced Plant Species Quarantine, by establishing a clearer, science-based, and more flexible process for identifying and regulating introduced plant species of concern in Vermont. The amended rule removes the previous static list and replaces it with a responsive, flexible, and meaningful framework grounded in Pest Risk Assessment (PRA) criteria and review by an

advisory group of subject-matter and industry experts. The amendment clarifies prohibited activities, updates definitions, adds best management practices (BMPs) and permitting pathways, and strengthens consistency with federal regulations by incorporating federally regulated plant species under 7 CFR § 360.200. The revised structure improves transparency, regulatory clarity, and enforceability, while supporting prevention-focused management that aligns with Vermont's ecological, agricultural, and forestry needs.

Persons Affected: Nursery dealers (including brick and mortar stores, and online retailers selling into Vermont); landscaping professionals, landowners and land managers; aquarists; state and local government entities; construction and earth moving companies; and environmental organizations.

Economic Impact: Economic impacts include the costs associated with managing spread through the proposed best management practices and permitting when BMPs cannot be followed. These costs will be borne primarily by entities and individuals engaged in the sale, movement, installation, management, or stewardship of plant materials and landscapes in Vermont. However, preventing introduction and spread will reduce the far greater long-term costs of removal and control if these plant species become established, and will provide associated environmental benefits.

Posting date: Mar 11,2026

Hearing Information

Information for Hearing # 1

Hearing date: 04-14-2026 6:00 PM [ADD TO YOUR CALENDAR](#)

Location: University of Vermont Extension, Berlin Office
Address: 327 Route 302, Suite 1
City: Barre
State: VT
Zip: 05641

Hearing Notes:

Information for Hearing # 2

Hearing date: 04-16-2026 6:00 PM [ADD TO YOUR CALENDAR](#)

Location: Virtually via MS Teams
<https://teams.microsoft.com/meet/24365589758447?pb3NWYCcct6dWRhKfyu>
Address: Meeting ID: 243 655 897 584 47 Passcode: B9tW62XH

City: n/a
State: VT
Zip: n/a
Hearing Notes: Virtually via MS Teams at: <https://teams.microsoft.com/meet/24365589758447?pb3NWYCct6dWRhKfyu> Meeting ID: 243 655 897 584 47 Passcode: B9tW62XH

Contact Information

Information for Primary Contact

PRIMARY CONTACT PERSON - A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE.

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Website Address: <https://agriculture.vermont.gov/>

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Information for Secondary Contact

SECONDARY CONTACT PERSON - A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE PRIMARY CONTACT PERSON.

Level: Secondary
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Keyword Information

Keywords:

Pest Risk Assessment

Distribution

Quarantine

Watch List

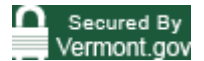
Regulated Plant

Introduced Species

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St. Albans Messenger Legals (legals@samessenger.com ; cfoley@orourkemediagroup.com)	Tel: 524-9771 ext. 117 FAX: 527-1948 Attn: Legals
The Islander (islander@vermontislander.com)	Tel: 802-372-5600 FAX: 802-372-3025
Vermont Lawyer (hunter.press.vermont@gmail.com)	Attn: Will Hunter
VT Digger (legals@vtdigger.org)	Attn: Legals

FROM: APA Coordinator, VSARA

Date of Fax: May 5, 2026

RE: The "Proposed State Rules " ad copy to run on

March 19, 2026

PAGES INCLUDING THIS COVER MEMO:

2

***NOTE* 8-pt font in body. 12-pt font max. for headings - single space body. Please include dashed lines where they appear in ad copy. Otherwise minimize the use of white space. Exceptions require written approval.**

If you have questions, or if the printing schedule of your paper is disrupted by holiday etc. please contact VSARA at 802-828-3700, or E-Mail sos.statutoryfilings@vermont.gov, Thanks.

PROPOSED STATE RULES

By law, public notice of proposed rules must be given by publication in newspapers of record. The purpose of these notices is to give the public a chance to respond to the proposals. The public notices for administrative rules are now also available online at <https://secure.vermont.gov/SOS/rules/>. The law requires an agency to hold a public hearing on a proposed rule, if requested to do so in writing by 25 persons or an association having at least 25 members.

To make special arrangements for individuals with disabilities or special needs please call or write the contact person listed below as soon as possible.

To obtain further information concerning any scheduled hearing(s), obtain copies of proposed rule(s) or submit comments regarding proposed rule(s), please call or write the contact person listed below. You may also submit comments in writing to the Legislative Committee on Administrative Rules, State House, Montpelier, Vermont 05602 (802-828-2231).

Quarantine #3 - Regulated Introduced Plant Species.

Vermont Proposed Rule: 26P007

AGENCY: Vermont Agency of Agriculture, Food and Markets

CONCISE SUMMARY: This amendment modernizes the existing Noxious Weed Quarantine, which will be renamed the Regulated Introduced Plant Species Quarantine, by establishing a clearer, science-based, and more flexible process for identifying and regulating introduced plant species of concern in Vermont. The amended rule removes the previous static list and replaces it with a responsive, flexible, and meaningful framework grounded in Pest Risk Assessment (PRA) criteria and review by an advisory group of subject-matter and industry experts. The amendment clarifies prohibited activities, updates definitions, adds best management practices (BMPs) and permitting pathways, and strengthens consistency with federal regulations by incorporating federally regulated plant species under 7 CFR § 360.200. The revised structure improves transparency, regulatory clarity, and enforceability, while supporting prevention-focused management that aligns with Vermont's ecological, agricultural, and forestry needs.

FOR FURTHER INFORMATION, CONTACT: Emilie Inoue, Vermont Agency of Agriculture, Food and Markets, 116 State Street, Montpelier, VT 05620-2901 Tel: 802-505-0217 E-mail: Emilie.Inoue@vermont.gov URL: <https://agriculture.vermont.gov/>.

FOR COPIES: Stephanie Smith, Vermont Agency of Agriculture, Food and Markets, 116 State Street, Montpelier, VT 05620-2901 Tel: 802-661-8051 E-mail: Stephanie.Smith@vermont.gov.