



## INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) MINUTES

**Meeting Date/Location:** March 14, 2022, virtually via Microsoft Teams

**Members Present:** Chair Douglas Farnham, Brendan Atwood, Diane Bothfeld, Jennifer Mojo, John Kessler, Diane Sherman and Michael Obuchowski

**Members Absent:** Jared Adler

**Minutes By:** Melissa Mazza-Paquette

- 2:01 p.m. meeting called to order, welcome and introductions.
  - Introduction of new ICAR member Jared Adler, Department of Labor
  - Resignation of ICAR member Clare O'Shaughnessy, Agency of Education
- Review and approval of minutes from the [January 12, 2022](#) meeting.
  - Motion made to accept the minutes by John Kessler and seconded by Diane Sherman – all approved.
- Note: An emergency rule titled 'Emergency Administrative Rules for Notaries Public and Remote Notarization' by the Office of the Secretary of State, Office of Professional Regulation was supported by ICAR Chair Farnham on 03/14/22.
- No additions/deletions to agenda. Agenda approved as drafted.
- Public comments:
  - Sylvia Knight/'Earth Community Advocate' spoke and comments were submitted via email and shared with ICAR members.
  - Mike Bald/'Got Weeds?' comments were submitted via email and shared with ICAR members.
- Presentation of Proposed Rules on pages 2-4 to follow.
  1. Vermont Regulations for Control of Pesticides, Agency of Agriculture, Food and Markets, page 2
  2. VOSHA Rule: 29 CRF 1926.1124, 29 CRF 1915.1024; Updates to the Beryllium Standard for the Construction and Shipyard Industry' by the Department of Labor, page 3
  3. Rule 8.00 Cable Television, Vermont Public Utility Commission, page 4
- Next regularly scheduled meeting is Monday, April 11, 2022 at 2:00 p.m.
  - A special meeting will be held late March/early April as needed to review an updated filing of the Vermont Regulations for Control of Pesticides if submitted in a timely manner from the Agency of Agriculture, Food and Markets.
- 4:08 p.m. meeting adjourned.

## **Proposed Rule: Vermont Regulations for Control of Pesticides, Agency of Agriculture, Food and Markets**

**Presented By: Dave Huber and Cary Giguere**

No motions were made. Presenters Dave Huber and Cary Giguere agreed to resubmit a new proposed rule filing that incorporates the following recommendations prior to a special hearing which will be scheduled for a time that works best for all near the end of March 2021 for ICAR's consideration of the proposed rule.

1. Proposed Filing Coversheet, #7: Include reference to the legal authority/enabling legislation as noted in #6.
2. Proposed Filing Coversheet, #8: Include a general description of what this rule does and doesn't do to begin with and then go into detail as to what this rule amendment does. Be clear, transparent and specific when explaining exactly what is being changed.
3. Proposed Filing Coversheet, #9: Include more detail as to why the rule is being amended.
4. Proposed Filing Coversheet, #10: Include more detail as to how the rule is not arbitrary as defined by 3 V.S.A. §801(b)(13)(A).
5. Proposed Filing Coversheet, #11: Consider housing associations and include the public.
6. Proposed Filing Coversheet, #12: Provide more information pertaining to 'significant' and reflect the work done as defined in the Economic Impact Analysis. Include conforming efforts with the federal laws and regulations and costs incurred. Identify that the Vermont changes won't be in addition to the costs already incurred. Use consistency with the Economic Impact Analysis. Explain costs.
7. Economic Impact Analysis: Review for grammar and spelling.
8. Economic Impact Analysis, #3: Request a new certification category for terrestrial invasive plants versus the broader category of emerging forest pests. In the 'Property Management Companies/Landlords' section – add 'to' between 'ought' and 'be'. In the 'Pest Applicators, Pesticide applicator businesses, and dealers' section, define the 'changed permitting requirements' and 'training materials'. Overall, clarify each section and define the economic impact to each.
9. Economic Impact Analysis, #8: Complete 'Alternative 3'.
10. Economic Impact Analysis, #9: Highlight positive impacts in other areas. Include the public.
11. Environmental Impact Analysis, #3: Include the why and how in the first sentence and more detail if warranted in the second sentence.
12. Environmental Impact Analysis, #9: Expand response to describe how the analysis was conducted, identifying relevant internal and/or external sources of information used.
13. Public Input Maximization Plan: Expand beyond homeowners to include the public as well.
14. Public Input Maximization Plan, #3: Define time frame of outreach. Include steps taken and to be done for public outreach and engagement. Detail public hearing information if known.
15. Incorporation by Reference, #5: Include URL web links and phone number. Note that libraries are a valuable resource for those who need internet access to materials listed.

**Proposed Rule: VOSHA Rule: 29 CRF 1926.1124, 29 CRF 1915.1024; Updates to the Beryllium Standard for the Construction and Shipyard Industry, Vermont Department of Labor  
Presented By: Dan Whipple**

Motion made to accept the rule by Diane Bothfeld, seconded by Mike Obuchowski, and passed unanimously with the following recommendations:

1. Proposed Filing – Coversheet, #7: Include statutory citation as noted in #6.
2. Proposed Filing – Coversheet, #12: Be consistent with the Economic Input Analysis. Mention employees if applicable as well.
3. Adopted Filing – Coversheet: Remove.
4. Adopting Page, #4: Include title.
5. Economic Impact Analysis, #3: Include the estimated costs and benefits.
6. Environmental Impact Analysis, #9: Clarify ‘undetectable’ to include reference, such as exposure limits.
7. Public Input Maximization Plan, #3: Review response to #4 and include relevant information in #3.
8. Public Input Maximization Plan, #4: Include timing of public comment.
9. Scientific Information Statement: Remove.
10. Incorporation by Reference, #5: Include URL web links to those listed in #4.
11. Incorporation by Reference, #6: Complete.

**Proposed Rule: Rule 8.00 Cable Television, Vermont Public Utility Commission**  
**Presented By: Jake Marren**

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

1. Proposed Filing – Coversheet: Check for spelling (such as in #9 third line).
2. Proposed Filing – Coversheet, #8: Include ‘to’ between ‘required’ and ‘provide’ in the last sentence.
3. Proposed Filing – Coversheet, #10: Include reasoning.
4. Proposed Filing – Coversheet, #12: Change ‘little or no’ – perhaps to ‘negligible’.
5. Final Proposed Filing – Coversheet: Remove.
6. Adopted Filing – Coversheet: Remove.
7. Economic Impact Analysis, #9: Include reference for ‘any material costs’ to explain why. Include language from the Environmental Impact Analysis, #9.
8. Scientific Information Statement: Remove.
9. Incorporation by Reference: Remove.