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STATE OF MICHIGAN
DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT

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PUBLIC HEARING

WEDNESDAY, MARCH 31, 2021

AT ABOUT 9:05 A.M.

- - -

LANSING, MICHIGAN

HELD VIA ZOOM

- - -

REGULATION 637, RULE 11

PESTICIDE USE

- - -

HEARING FACILITATOR:

BRAD DEACON
Director, Office of Legal Affairs
& Emergency Management
Michigan Department of Agriculture and
Rural Development

ALSO PRESENT: Brian Verhougstraete
Mike Phillip
Susan Bagley
Jamie Guardiola
George Noonan

- - -

REPORTED BY: Lori Anne Penn, CSR-1315

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I N D E X

Opening Statement - Brad Deacon 3

(Recess)

- - -

Closing Statement - Brad Deacon 6

- - -

1 Wednesday, March 31, 2021

2 At 9:05 a.m.

3 - - -

4 (Public hearing commenced pursuant to due notice.)

5 MR. DEACON: Good morning. It is 9:05 on
6 Wednesday, March 31. Good morning. We will start the
7 public hearing.

8 Good morning. My name is Brad Deacon,
9 and I am the hearing officer for the Michigan Department
10 of Agriculture and Rural Development. Today I am
11 conducting the public hearing on the proposed changes to
12 Rule 11 within Regulation 637, titled Pesticide Use.

13 For the record, the date is March 31,
14 2021, and the time is 9:05 a.m. We are conducting this
15 hearing virtually using Zoom, in conformance with
16 provisions of the Epidemic Orders issued by the Michigan
17 Department of Health and Human Services to address the
18 COVID-19 pandemic. Additionally, conducting today's
19 hearing remotely allows for not only protection of the
20 public and Department staff, but also greater
21 participation by interested parties across the state
22 without having to drive to the Lansing area.

23 Present today from the Michigan
24 Department of Agriculture and Rural Development are Brian
25 Verhougstraete, Mike Phillip, Susan Bagley, Jamie
Penn Reporting, LLC - lori.penn@yahoo.com

1 Guardiola, and George Noonan.

2 On behalf of the Michigan Department of
3 Agriculture and Rural Development and its Director, Gary
4 McDowell, welcome to today's public hearing. We very
5 much appreciate your interest and attendance today.

6 This hearing is being conducted under
7 authority provided to the Director in the Natural
8 Resources and Environmental Protection Act, Part 83,
9 Pesticide Control, at Section 324.8325 of the Michigan
10 Compiled Laws. Part 83 provides for regulation of the
11 sale and use of pesticides.

12 Notice of this public hearing was
13 published in the Michigan Register on March 15, 2021, in
14 Issue #4 of 2021. Legal notices were also published in:

- 15 • The Escanaba Daily Press on March 10,
- 16 • The Kalamazoo Gazette and The Bay City Times
17 on March 11.

18 This hearing is being recorded by Lori
19 Penn. A transcript will be prepared and will serve as
20 the official record of today's proceedings.

21 Copies of the proposed amendments to Rule
22 11 for Regulation 637, Pesticide Use, as well as the
23 Regulatory Impact Statement and Cost Benefit Analysis
24 developed by the Department are available from the
25 Department and have been posted on the website for the
 Penn Reporting, LLC - lori.penn@yahoo.com

1 Michigan Office of Administrative Hearings and Rules.

2 Written comments must be received by the
3 close of business today, Wednesday, March 31, 2021, by
4 5:00 p.m. If anyone has written comments but has not yet
5 sent them, please raise your hand in the virtual room and
6 I will provide an e-mail address, fax number, or U.S.
7 mailing address.

8 I ask that everyone in attendance who
9 wishes to speak in today's hearing to please raise your
10 hand in this virtual setting if you are able to do so. I
11 will call on everyone who indicates a desire to speak,
12 including those who are attending by telephone only.
13 Anyone present who wishes to have their attendance
14 included in the record, but who does not wish to speak,
15 please provide your name and city in the chat function.
16 If you are unable to do that, I will ask for that
17 information as well at the conclusion of the hearing.

18 When I call on anyone to speak, please
19 state your name, spell your last name, and indicate whom
20 you represent, if you represent an organization.

21 By way of ground rules, let me state that
22 our purpose today is to gather comments and concerns from
23 the public for the record which will be considered during
24 the administrative rulemaking process.

25 In synopsis, the proposed changes to Rule
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1 11 of Regulation 637 are to incorporate the provisions
2 changed through the emergency rule process used in 2020
3 to facilitate the State of Michigan's coordinated public
4 health response to Eastern Equine Encephalitis, also
5 known as EEE.

6 At this point, I will call on Brian
7 Verhougstraete from the Department's Pesticide and Plant
8 Pest Management Division for any additional comments.

9 MR. VERHOUGSTRAETE: I have no additional
10 comments at this time.

11 MR. DEACON: Thank you, Brian. With the
12 preliminaries completed, let me ask if there is anyone
13 from the public who wishes to speak on the proposed rule
14 changes? (No response.)

15 Is there anyone present who does not wish
16 to speak on the rule changes but would like their
17 attendance noted for the record? (No response.)

18 Seeing as how we have no one from the
19 public wishing to speak at this time, but that the
20 hearing has only been going for six minutes, we will go
21 into recess and reconvene at 9:35.

22 (Recess from 9:11 a.m. to 9:36 a.m.)

23 - - -

24 MR. DEACON: All right. This is Brad
25 Deacon on Wednesday, March 31 at 9:36 a.m. for the public
Penn Reporting, LLC - lori.penn@yahoo.com

1 hearing on Regulation, proposed changes to Regulation
2 637, Rule 11. It is 9:36 a.m., and we have come back
3 from recess.

4 At this point, there are still no members
5 of the public present to provide comment today. The
6 comment, public comment will be accepted until 5:00
7 o'clock today through any other number of means to reach
8 the Department.

9 For the record, I have not received any
10 notices -- checking e-mail right now as well -- of any
11 difficulties of anyone being able to access the public
12 hearing.

13 At this point, then, we will close out
14 today's public hearing. Thank you all for attending.
15 And the hearing today is closed at 9:37 a.m.

16 (At 9:37 a.m., the public hearing closed.)

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C E R T I F I C A T E

I, Lori Anne Penn, do hereby certify that I reported in stenotype the ZOOM proceedings had in the within-entitled matter, that being the Public Hearing regarding Regulation 637 - Pesticide Use Rules, before Brad Deacon, Hearing Officer for the Michigan Department of Agriculture and Rural Development, on Wednesday, March 31, 2021; and do further certify that the foregoing transcript, consisting of pages 1-8 is a true and correct transcript of my stenotype notes.

Lori Anne Penn

Lori Anne Penn, CSR-1315
Penn Reporting, LLC
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Dated: March 31, 2021