



## **Pesticide newsletter**

**N°5 - September 2021**

### **Jurisdictional news**



#### **United States: Vermont fails to protect bats from pesticides**

Two U.S. environmental groups, the Vermont Natural Resources Council and the Center for Biological Diversity are [suing](#) the Vermont Agency of Natural Resources over its July 19, 2021 decision. Agency Secretary Julie Moore's decision concludes that the Brandon-Leicester-Salisbury-Goshen-Pittsford District's chemical pesticide program for insect control does not require an incidental take permit under the provisions of Vermont's regulations for environmental procedures (Endangered Species Protection). Plaintiffs claim that the Secretary made a decision not to act under Vermont's endangered species protection laws.

Specifically, she refused to require an application to harm five threatened and endangered Vermont bat species. To control mosquitoes, the Insect Control District sprays toxic insecticides, malathion and permethrin, into the habitat of bats, the Indiana bat, northern long-eared bat, eastern small-footed bat, little brown bat, and tri-colored bat, all of which are protected under Vermont's Endangered Species Protection Act.

The two organizations are relying on a 2019 [expert report](#) by Arrowwood Environmental that explains how the Insect Control District's activities are harming or potentially killing these endangered bats, already threatened by white-nose syndrome and habitat loss. According to attorney Mason Overstreet of Vermont Law School's Environmental Advocacy Clinic, "The agency's decision to ignore both the scientific consensus and the clear, preemptive language of Vermont's Endangered Species Act amounts to an abandonment of its responsibility to vulnerable wildlife."

By [March 2021](#), the Endangered Species Committee, a scientific advisory group to the Secretary of the State Agency of Natural Resources and the Commissioner of the Department of Fish and Wildlife, had unanimously and formally recommended that the Agency require the Insect Control District to initiate the incidental take permit process to continue spraying pesticides. Biologists pointed out that the Natural Resources Agency was the only state agency with the expertise and authority to protect bats and that a permit was the only available means to do so. Yet, in July 2021, the agency rejected that recommendation.

For Lori Ann Burd, director of environmental health at the Center for Biological Diversity, "Given that bats help regulate mosquito populations, the state's rash decision to allow them to be killed to control mosquitoes is a short-sighted choice that will cause long-term harm. It leaves us no choice but to go to court to protect them."

It is scientifically proven that bees and birds are [victims](#) of pesticides. Unfortunately, they are not the only ones to suffer as evidenced by the [legal action](#) brought by the two groups.

[Back to Justice Pesticides website](#)