



HAINES BOROUGH, ALASKA

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June 25, 2013

Pat Kemp, Commissioner
Alaska Department of Transportation
PO Box 112506
Juneau, AK 99811

Re: Herbicide and Pesticide use in the Haines Borough

The Alaska Department of Environmental Conservation's decision earlier this year to eliminate the public review process and permitting requirements for using chemicals on state lands deeply concerns the Haines Borough. At a minimum, the Haines Borough requests that DEC reinstate a public review process, including right of appeal, for the potential use of herbicides and pesticides within the borough.

Most of the Haines Borough roadways lie adjacent to, or cross anadromous streams and salmon habitat. The Haines Highway passes through the world class Alaska Chilkat Bald Eagle Preserve, home to the largest gathering of Bald Eagles. Spraying herbicides and pesticides has the potential to harm the environment, fish, wildlife, and human health. Healthy salmon returns for commercial, sport and subsistence fisheries provide major economic benefit to Southeast Alaskans. There is a wealth of scientific literature that links pesticide and herbicide contamination with salmon mortality as well as non-lethal impacts that result in lowered survival rates. Many salmon spawn in waterways adjacent to Haines' roadways. The commercial value of the Lynn Canal salmon fishery ranges from \$1 million to \$3.4 million annually.

Pesticide and herbicide use near residences and areas that our citizens use for gathering food, medicinal substances, or craft materials is inherently dangerous. Use within watersheds that provide drinking water for communities or individuals also poses serious threats. Pesticides and herbicides contain toxic chemicals which rapidly disperse in our local rainforest environment. They have been linked with numerous environmentally caused cancers and may have additional detrimental effects that are presently unknown.

Article 10 of the State Constitution clearly provides broad powers to local governments. **Home Rule** local governments enjoy even broader powers. Article 10, Section 11 of

Alaska's Constitution provides that: "A home rule borough or city may exercise all legislative powers not prohibited by law or by charter. Adoption of a Home Rule charter promotes maximum local self-government to the greatest extent possible."

In the past, the community of Haines has opposed the spraying of toxic herbicides or pesticides along borough roadways and on public lands. The Haines Borough continues to strongly oppose the use of herbicides and pesticides on roadways and public lands in the borough.

Protecting our residents and the environment from potential damage caused by using toxic chemicals along roadways in the Chilkat and Chilkoot watersheds and within the Alaska Chilkat Bald Eagle Preserve are of utmost importance to the Haines Borough.

Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stephanie Scott', written in a cursive style.

Stephanie Scott
Mayor, Haines Borough

Cc: Senator Bert Stedman
Representative Jonathan Kreiss-Tomkins
Representative Les Gara
Al Clough, Assistant Commissioner
Matt Boron, DOT, Haines



Municipality of Skagway

GATEWAY TO THE KLONDIKE

P.O. BOX 415 SKAGWAY, ALASKA 99840

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WWW.SKAGWAY.ORG

July 19, 2013

Patrick J. Kemp, Commissioner
Dept. of Transportation & Public Facilities
State of Alaska
P.O. Box 112506
Juneau, AK 99811

RE: ADOT&PF Herbicide Use in the Skagway Borough

The Municipality of Skagway opposes the use of herbicides and pesticides as a maintenance tool for vegetation control measures on Alaska Dept. of Transportation & Public Facilities (ADOT&PF) owned or leased lands and facilities within the Skagway Borough.

About 27% of the land in the Skagway Borough is State-owned and managed; this land includes State Street, Dyea Road and the local airport, all of which are significantly utilized by local residents and seasonal visitors and represent the bulk of the main transportation corridors within the Borough. The care and maintenance of these areas is integral to the viability of the community, and this maintenance has the potential to affect not only Skagway's quality of life, but also the health of its citizens and natural surroundings.

State Street runs through the middle of the Skagway townsite, with residential homes and local businesses bordering it along its entire length. The Dyea Road provides access not only to more residential areas, but also to remote, natural recreational areas that are highly valued by locals. The airport in Skagway is closely bordered on the west side by the Skagway River, and on the east by residential areas.

ADOT&PF's Integrated Vegetation Management Plan of June 2013 specifies that the agency intends to begin using herbicide as a vegetation control tool to "provide improved maintenance service and public safety in a more cost-effective manner." The Municipality of Skagway maintains that the use of herbicides for the maintenance of vegetation has the potential to negatively affect the health and safety of the public as well as the natural environment, at a cost that may be unquantifiable.

The ADOT&PF's vegetation management plan lists alternative preventative and mechanical methods of vegetation maintenance that include mowing, brush cutting, hydro-axing and

burning. The Municipality of Skagway asks that these alternative methods are solely used in the maintenance of vegetation in the Skagway Borough, as they are highly preferable for maintaining the quality of life and health of the borough's citizens and natural surroundings and for substantially reducing possible negative effects known to be caused by the use of herbicides.

Sincerely,

A handwritten signature in cursive script that reads "Stan Selmer". The signature is written in black ink and is positioned above the printed name and title.

Stan Selmer
Borough Mayor

Petersburg Vessel Owners Association

PO Box 232

Petersburg, AK 99833

Phone & Fax: 907.772.9323

pvoa@gci.net • www.pvoaonline.org

August 26, 2013

Commissioner Patrick J. Kemp
Alaska Department of Transportation & Public Facilities
PO Box 112500
3132 Channel Drive
Juneau, Alaska 99811-2500

Via email: dot.commissioner@alaska.gov

RE: Herbicide and Pesticide applications in Southeast Alaska

Dear Commissioner Kemp;

Petersburg Vessel Owners Association (PVOA) is a diverse group of over 100 commercial fishermen and businesses operating primarily in Southeast Alaska. Our members provide millions of meals to the public annually by participating in a variety of fisheries statewide including salmon, herring, halibut, cod, crab, black cod, shrimp, and dive fisheries.

Regulations adopted earlier this spring would allow state agencies to apply herbicides and pesticides on state property and rights of way without obtaining a permit from the Department of Environmental Conservation (DEC) and without public review. The broad application of herbicides and pesticides can and does affect aquatic habitats; the habitat necessary for the production of commercially harvested species that our members are entirely dependent upon for their livelihood. As such, PVOA is in opposition to the broad-based spraying of herbicides or pesticides on state property and rights of way and is in support of the efforts by the Petersburg Borough (RE: Petersburg Borough August 19 letter) and other Home Rule local governments to prohibit such actions on lands within their community boundaries.

The seafood industry and the State of Alaska have invested millions of dollars in marketing efforts publicizing the sustainability, and health benefits of consuming wild Alaska seafood. The foundation of that marketing effort is based on and is absolutely dependent upon Alaska's pristine waters uncontaminated with toxic chemicals. Alaska seafood is not only consumed locally, but is marketed globally. Any suspicion that Alaska seafood may be contaminated with pesticide/herbicide residue could do irreparable harm to that marketing effort, the seafood industry in general and the PVOA membership specifically.

Upon review of the Integrated Vegetation Management Program (IVMP), particularly Table 1, POTENTIAL HERBICIDES TO BE USED BY ADOT&PF, and our obtaining a recent scientific study of the documented reports on the toxicity of Glyphosate in humans, we have become increasingly concerned about the broad-based spraying of herbicides containing Glyphosates. The IVMP, lists those herbicides approved by the EPA for aquatic environments which includes Aquamaster® (active ingredient Glyphosate). Section 6.3, Chemical Control, also states: "ADOT&PF may use Aquamaster, Habitat, and Garlon 3 throughout its right-of-ways, FAA

certified airports, accessible non-certified airports, and facilities in compliance with their EPA approved labels. "...Aquamaster...may be used to control vegetation within aquatic areas, if needed, only after an Alaska Pollution Discharge Elimination System Pesticide General Permit and a Pesticide Use Permit are obtained." While the EPA considers herbicides containing Glyphosate minimally toxic to humans and safe for use in aquatic environments, a peer-reviewed study published in the April, 2013 edition of the scientific journal *Entropy*¹ presents data and results disputing EPA's assertions of low toxicity and safety. As stated in the Abstract, Discussion and Conclusions sections:

Abstract: "Glyphosate, the active ingredient in Roundup®, is the most popular herbicide used worldwide. The industry asserts it is minimally toxic to humans, but here we argue otherwise... Glyphosate's inhibition of cytochrome P450 (CYP) enzymes is an overlooked component of its toxicity to mammals. CYP enzymes play crucial roles in biology, one of which is to detoxify xenobiotics. Thus, glyphosate enhances the damaging effects of other food borne chemical residues and environmental toxins. Negative impact on the body is insidious and manifests slowly over time as inflammation damages cellular systems throughout the body."

Discussion: "Contrary to the current widely-held misconception that glyphosate is relatively harmless to humans, the available evidence shows that glyphosate may rather be the most important factor in the development of multiple chronic diseases and conditions that have become prevalent in Westernized societies."

Conclusions: "Glyphosate is likely to be pervasive in our food supply, and, contrary to being essentially nontoxic, it may in fact be the most biologically disruptive chemical in our environment."

This peer-reviewed study casts a disturbing light on the use of any herbicides in or near aquatic environments. The study not only underscores our concerns about the IVMP's use of herbicides in or near aquatic environments but also provides specific justification for the suspension of that plan.

This study has been widely disseminated to the public by a variety of news media, particularly web-based media. As such, the public's awareness and perception of the use of these herbicides in or near Alaska's pristine waters could likely have a negative impact on the public's willingness to buy and consume Alaska seafood. Also, the presence of known toxins in Alaska seafood products could also have a major impact on the global marketing and distribution of those products.

In conclusion, we urge you to reassess the current chemical control provisions in the IVMP and eliminate of the broad-based spraying of herbicides and pesticides as part of the IVMP.

Thank you for your time and attention to this important matter.

Sincerely,

Brian Lynch

Brian Lynch
Executive Director

CC: Gov. Sean Parnell, Sen. Dennis Egan, Sen. Bert Stedman, Rep. Beth Kerttula, Rep. Cathy Munoz, Rep. Jonathan Kreiss-Tomkins, Rep. Peggy Wilson, Stefanie Moreland, ADF&G Commissioner Cora Campbell

¹Samsel, S.; Seneff, S. Glyphosate's suppression of cytochrome P450 enzymes and amino acid biosynthesis by the gut microbiome: Pathways to modern diseases. *Entropy* 2013, 15, 1416-1463.

ALASKA STATE LEGISLATURE

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State Capitol
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Mike Dunleavy
Senator

May 9, 2013

Mr. Clark Hopp
Vice President, Engineering
Alaska Railroad Corp.
PO Box 107500
Anchorage, AK 99501

via: email

Dear Mr. Hopp:

I have recently become aware of serious concern with the Alaska Railroad's upcoming plan to spray herbicides on the track in the Talkeetna area. While I understand the need and requirement for the Alaska Railroad Corporation (ARRC) to control vegetation along your tracks, and I acknowledge that your plan appears to comply with the State regulations governing these activities, I write to urge you to do everything in your power to conduct this project in a manner respectful of the local residents and sensitive to the environment.

To that end, I ask that you carefully review the letters directed to you on this issue from the Talkeetna Community Council, and other concerned area citizens, and to do all you can to accommodate their requests. While I recognize the track area itself may not be classified as a public area, the ARRC should take into consideration the community's concerns by not spraying herbicides on public areas within the Alaska Railroad Right-of-Way. (Those areas include: parts of the Chase trail that lay within the spraying area; any areas where the Chase Trail crosses the Alaska Railroad tracks; downtown Talkeetna; the Talkeetna Depot, and the area adjacent to the bridge over the Talkeetna River.)

Of particular concern is Talkeetna's public water source and other water sources used by local residents in the adjacent areas. I suggest the Alaska Railroad continue to work with community members to identify individual home-site drinking water sources and flag stops used by community residents to provide an adequate set back from those areas. The Alaska Railroad must maintain an adequate distance from these water sources to ensure herbicides do not enter the community's drinking water. Additionally, I strongly urge the ARRC to employ all available means and diligence in order to ensure that the chemicals used in your operation do not compromise any area waters; either through direct application, drift or migration.

To better understand this issue generally, I would appreciate some historic information as to why the Alaska Railroad uses herbicides, what other options have been used in the past or have been explored as alternatives to herbicide treatment, and what if any emerging technology could be considered in lieu of herbicide application. While I understand the

necessity of vegetation control, I believe it is incumbent upon the ARRC to continue to look for the best possible way to accomplish this sort of task.

Thank you for your immediate and continued attention to this important matter. I look forward to a report on how the concerns outlined above were addressed and the additional information I requested at your earliest convenience. Additionally, I ask that you provide a copy of your reply to me to the Talkeetna Area Community Council so they may also have that information. Should you need clarification on this issue or additional information from my office, please feel free to contact either myself or Brett Huber, my Chief of Staff, at 907.376.3370.

Sincerely,

Senator Mike Dunleavy
Senate District D

cc: Tim Sullivan, Manager External Affairs, ARRC
Whitney Wolff, Talkeetna Community Council, Inc.
Mr. John Strassenburgh
Ms. Beck Long

MD:bwh



Talkeetna Community Council, Inc.

A non-profit, community service organization

Alaska Railroad
Stephanie Wheeler - Corporate Comm. Officer
Clark Hopp - Vice President of Engineering

May 7, 2013

The Talkeetna Community Council Inc. met last night for it's regular monthly meeting where we responded to numerous citizen concerns regarding the ARR's upcoming plan to apply herbicides to the rail in our area . According to a notice posted on the ARR web site, and Tom Brooks who was present at the meeting, this spraying is poised to commerce next week.

1.) TTCI REQUESTS ARR SUSPEND SPRAYING FROM MP 225 TO MP 232 (Craver's Right of Way Farm to the end of the Chase Trail)

These miles of track pass through or within close proximity to: a farm, a playground, an ARR depot with tourists, a camper park, a restaurant, an active heli pad, a crossing frequented by bicyclists, a Princess bus loading area, the National Park Service residence, Talkeetna's public water source, and the Chase Trail used recreationally.

The herbicide Oust Extra has specifically stated on it's label that it is not to be applied in recreational areas. The section of track noted above is used recreationally. Tom Brooks has confirmed that application of the herbicide will follow guidelines on the label.

2.) NOTIFICATION OF SPRAYING - TTCI requests that the ARR actively contact residents of the Chase area to identify flagstop mile posts and drinking water sources within 200 feet of the tracks for suspension of spraying. No spraying should be conducted within 200 feet of a flagstop, drinking water source, or water body.

Local residents have taken the initiative to put PSA's (public service announcements) on our local KTNA radio to alert flagstop users that they can submit locations to ARR. Residents of the Chase area do not have access to newspapers - especially during break up. TTCI has reviewed the notice on the ARR site and finds it inadequate. It

Talkeetna Community Council, Inc.
P.O. Box 608, Talkeetna AK 99676

does not alert residents that they can submit a flagstop location or drinking water source to request that no spraying occur within 200 feet of those locations.

TCCI also requests a hard copy notice of spraying be posted at the crossing at ARR MP 232. Notification must contain SPECIFIC DATES of spraying so trail users can be out of the vicinity and avoid dangerous contact.

3.) TCCI REQUESTS A DETAILED PLAN AND PROCEDURES FOR IDENTIFYING WATER BODIES, FLAGSTOPS AND AREAS OF SUSPENDED SPRAYING.

TCCI is alarmed that the ARR does not appear to have a plan for how water bodies and flagstops will be identified and omitted from spraying. Tom Brooks was asked what system is in place for this critical safety measure required in the IVMP - he was specifically asked if the blue and white color coded tie marking system from the 2010 Seward to Indian application would be used in 2013 - he was clear that it would not. He stated vaguely that a GPS system would be used but provided no details of the procedures.

The impending spraying will occur in the next weeks - it is imperative the affected communities have detailed information about the safety and no spray buffer plan. Stephanie Wheeler states in a letter to Talkeetna resident Becky Long "ARR will use appropriate methods such as a pilot car and setbacks" to protect water.

TCCI adamantly requests a pilot car be required during ALL herbicide application and specifically from Sunshine through the Hurricane Turn route. It is common knowledge that this stretch of track is both residential and used recreationally. It is in close proximity to the Susitna and Indian Rivers, and is actively advertised by the ARR as a tourism destination. (Gold Creek area will also host several work camps this season for Susitna Watana studies - one of which is adjacent to the rail and bridge)

TCCI has consistently been opposed to the ARR use of herbicides. It is a hazard to humans, fish, wildlife and all aspects of the ecosystem. The systematic removal of the DEC public process concerning herbicide application allows for no oversight or participation from those who will be adversely affected.

We look forward to a timely response to our requests.
Sincerely,

Whitney Wolff
Talkeetna Community Council, Inc.

***Talkeetna Community Council, Inc.
P.O. Box 608, Talkeetna AK 99676***



June 17, 2013

Commissioner Patrick J. Kemp,
Department of Transportation & Public Facilities
PO Box 112500
3132 Channel Drive
Juneau, Alaska 99811-2500

Re: Herbicide and Pesticide applications in the Petersburg Borough

Dear Commissioner Kemp;

The Petersburg Borough has learned that earlier this spring, regulations were adopted that would allow state agencies to apply herbicides and pesticides on state property and rights of way without obtaining a permit from the Department of Environmental Conservation and without public review. The Petersburg Borough is very concerned that this action denies our citizens the right to participate in the decision-making process and jeopardizes our community. The broad application of herbicides and pesticides can and does affect drinking water, aquatic habitat, and impacts traditional food gathering areas. In addition, this process exposes our children and pets to harmful, possibly carcinogenic, toxins.

These regulations were adopted despite widespread public opposition across the state. The people of Alaska collectively own our public water supply, our fish and our wildlife resources. We strongly feel that we should have a voice regarding if and when there are any plans which might negatively impact those resources within our area. The 30-day notification requirement prior to application that was adopted, allows for no public input. This falls way short of providing our citizens a voice.

Alaska markets our wild salmon to the world by touting our pristine waters. Applying toxic chemicals to the upland habitat would certainly make that a questionable claim. Spraying our uplands could negatively impact productivity of local salmon streams. Even the small tributaries are important fish rearing habitat. Also, many out-the-road residents rely on surface run-off and small streams for their drinking water. Many of our residents gather berries, fiddlehead ferns, and other traditional foods along roadways in our area. If herbicides and pesticides are applied, there is simply no way to protect against contamination. This is particularly true in our island rain forest ecosystem where anything applied to the land is rapidly washed into adjacent waterways and eventually into salt water by the rain.

You may recall that several years ago the Department of Transportation announced plans to spray herbicides to control plant growth along Mitkof Highway. The people of

Borough Administration
PO Box 329, Petersburg, AK 99833 – Phone (907) 772-4519 Fax (907) 772-3759
www.ci.petersburg.ak.us

Petersburg expressed strong opposition and that program was stopped before it got started. Some were opposed to the visual impact, but most were more concerned that toxic residue would contaminate residential runoff-based water supplies and run into aquatic habitats and impact fish productivity. Those concerns have not changed. ADOT went back to mowing the roadsides and, although that method is more labor intensive, it has kept the vegetation down and kept toxic chemicals out of the island's water supplies and waterways.

Article 10 of the State Constitution clearly provides broad powers to local governments. **Home Rule** local governments enjoy even broader powers. Article 10, Section 11 of Alaska's Constitution provides that: "A home rule borough or city may exercise all legislative powers not prohibited by law or by charter. Adoption of a Home Rule charter promotes maximum local self-government to the greatest extent possible."

Given that language in the constitution, it certainly seems that the Borough, not the state, should be making the decision on whether or not it is important to protect our primary industry and protect the residents of the borough from toxic contamination. We feel strongly the large-scale application of herbicides and pesticides should not be allowed within our Borough. This is the best way to protect our citizens and the waterways of our community.

The Borough hopes that it does not have to consider the adoption of an ordinance and land use restrictions that will ban the large-scale application of herbicides and pesticides within Borough boundaries. At the very least any plans to apply herbicides or pesticides should require a public review process and approval by the Assembly before application could occur.

We would appreciate your immediate attention to this issue.

Sincerely,

Susan Flint
Vice Mayor



Distribution

KFSK Radio
Petersburg Pilot
Senator Dennis Egan (email)
Representative Beth Kerttula (email)



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Transportation and
Public Facilities

TRANSPORTATION MANAGEMENT & SECURITY
Office of the Commissioner

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July 9, 2013

Vice Mayor, Susan Flint
Petersburg Borough
P.O. Box 329
Petersburg, Alaska 99833

RE: Response to Herbicide and Pesticide applications in the Petersburg Borough

Dear Vice Mayor Flint:

Thank you for your letter addressing Petersburg Borough concerns regarding the Alaska Department of Environmental Conservation (DEC) rulemaking on the use of pesticides and the Alaska Department of Transportation & Public Facilities (DOT&PF) possible use of pesticides within the Petersburg Borough. Commissioner Kemp has asked that I provide a direct response to you as I am the DOT&PF Statewide Maintenance Engineer and oversee the department's pest and vegetation management programs.

The department is willing to work with you and discuss any plans for the application prior to any use within borough boundaries. While your concerns are understandable, the Integrated Pest Management plan process (outlined in detail below) provides for public notification. DOT&PF's goal of pest management with the least possible hazard to people, property and the environment, by the most economical means, addresses the concerns of your borough and, consequently, should remove the need for the borough to consider the adoption of any special ordinance about the use of herbicides within your jurisdiction.

DOT&PF oversees 254 airports, 11 ferries serving 35 communities, 5,619 miles of highway and 720 public facilities throughout the state of Alaska. The department is focusing on the safest, efficient and most cost effective management of its right-of-way and, in turn, is developing guidelines for Vegetation Control within department right-of-way. The new guidelines will establish maintenance and operations intentions to assure citizens safety while operating in the department's right-of-way and see that DOT&PF right-of-way receives continued and scheduled vegetation control to the extent feasible by the allowable budget.

DOT&PF has recently posted an Integrated Pest Management (IPM) plan with the DEC, which will be internally known as the DOT&PF Integrated Vegetation Management Program (IVMP). IVMP is an effective and environmentally sensitive approach to pest/vegetation management that

relies on a combination of common-sense practices. IVMPs use current, comprehensive information on the life cycles of pests and their interaction with the environment. This information, in combination with available pest control methods, is used to manage pest damage by the most economical means, and with the least possible hazard to people, property, and the environment.

The new regulation requires that prior to herbicide application the following notification requirements must be met:

- Notification will be provided to ADEC, as required under 18 AAC 90.640(a)(6), not later than 15 days before each proposed application, including multiple application projects, as defined within 18 AAC 90.640(d).
- Two consecutive public notices for planned herbicide applications will be published in a newspaper of general circulation in the affected area, no later than 30 days before the date of scheduled single or multiple application projects as required by 18 AAC 90.640(b).

This notice will include:

- The location of the application
- The complete name and EPA registration number of the herbicide(s)
- The target pests
- The method of application
- For multiple application projects, the approximate number of applications to be made
- How the public can receive more information about the proposed application

Effective vegetation management reduces the risk of functional or structural failure which may contribute to crashes, injury, or disruption to travel. Effective vegetation management will help limit physical obstruction or restricted visibility and can reduce the severity of run-off-road crashes.

DOT&PF objectives in vegetation management within its road system right-of-ways are in accordance with the Guidelines for Vegetation Management, 1st Edition, by the American Association of State Highway and Transportation Officials (AASHTO). These guidelines define three roadside management zones (Zones 1, 2, and 3) from the edge of pavement to improve sight distances, maintain access, protect structures, and reduce wildlife strikes.

The use of herbicide application is expected to significantly improve DOT&PF's ability to manage vegetation upon its road right-of-ways, airports, and facilities. While herbicides are expected to be a useful tool in managing vegetation, we are all citizens who also care about Alaska's environment; herbicide application must be done in an environmentally responsible manner.

In selecting herbicides suitable for DOT&PF use, consideration will be given to habitat conditions in and adjacent to DOT&PF lands. Aquatic habitats, such as wetlands, streams and roadside conveyances, are common upon DOT&PF lands. The boundaries of these aquatic habitats can often only be determined by trained environmental professionals. These aquatic habitats often are hydrologically connected via surface flow to salmon-bearing streams and rivers.

A federal lawsuit in Washington State necessitated environmental reviews of some herbicides and their impact on federally listed salmon species under the Endangered Species Act (ESA). This environmental review has resulted in a list of which herbicides that require a no-spray buffer zone around salmon-bearing streams. While this list was developed to address ESA-listed salmon species in Washington State, DOT&PF will select herbicides that either do not require no-spray buffer zones around salmon-bearing streams or were not included as part of the lawsuit.

Additionally, the climactic conditions throughout the state result in unique soil conditions which can impede the breakdown of some types of herbicides. Given these environmental conditions, DOT&PF has selected broad spectrum herbicides approved by the U.S. Environmental Protection Agency (EPA) for use in aquatic conditions. Those herbicides containing active ingredients which have been shown to have a long residence time within Alaskan soils, such as trifluralin and chlorsulfuron, will be avoided.

Please see the DEC web site (<http://dec.alaska.gov/eh/pest/pe.htm>) or the DOT&PF Maintenance & Operations web site (<http://www.dot.state.ak.us/stwdmno/>) to view the IVMP. If you have any additional concerns regarding the IVMP, please feel free to contact me directly at your convenience.

Sincerely,

A handwritten signature in blue ink, appearing to read 'M. Coffey', with a stylized flourish at the end.

Michael J. Coffey
Chief, Statewide Maintenance and Operations
Office of the Commissioner

cc: Commissioner Patrick J. Kemp, P.E.



August 19, 2013

Commissioner Patrick J Kemp, and
Michael J. Coffey, Statewide Maintenance and Operations
Department of Transportation & Public Facilities
PO Box 112500
3132 Channel Drive
Juneau, Alaska 99811-2500

Re: Reply to response to Herbicide and Pesticide applications in the Petersburg Borough

Dear Commissioner Kemp and Mr. Coffey,

We are in receipt of your July 9 letter addressing the Petersburg Borough's June 17 letter of concern regarding the regulations adopted by the State of Alaska allowing for the broad application of herbicides and pesticides on state property and rights of way without first obtaining a permit from the Department of Environmental Conservation and without public review. Unfortunately, we view your reply as totally unresponsive to our concerns. Our concerns are focused on the effects of the contamination of aquatic habitats and the transmission of that contamination into fish and other aquatic resources and seafood that are not only consumed by residents of the Petersburg Borough but are harvested commercially and marketed globally. Regrettably, your letter is merely a reiteration of the Integrated Vegetation Management Program (IVMP) and the regulations allowing the broad-based pesticide/herbicide application. Your letter completely ignores our primary concerns regarding that application and the lack of citizen input into the appropriateness of the application of toxic chemicals to areas where they eventually will enter the aquatic environments. It also ignores our concerns regarding contamination of drinking water, impacts to harvesters of berries and other edibles along roadways, and other concerns.

The seafood industry and the State of Alaska has invested millions of dollars in marketing efforts touting the sustainability, and health benefits of consuming wild Alaska seafood (as was pointed out in our June 17 letter). The foundation of that marketing effort is absolutely dependent upon Alaska's pristine waters uncontaminated with toxic chemicals. Any suspicion that Alaska seafood could be contaminated with pesticide/herbicide residue could do irreparable harm to that marketing effort and the seafood industry itself which is the lifeblood of the Petersburg Borough economy.

Your letter points out that *"DOT&PF has selected broad spectrum herbicides approved by the U.S. Environmental Protection Agency for use in aquatic conditions"*. The IVMP Table 1, POTENTIAL HERBICIDES TO BE USED BY ADOT&PF, lists those herbicides approved for aquatic environments which includes Aquamaster® (active ingredient Glyphosate). The IVMP Section 6.3, **Chemical Control**, goes on to state: *"ADOT&PF may use Aquamaster, Habitat, and Garlon 3 throughout its right-of-ways, FAA certified airports, accessible non-certified airports, and facilities in compliance with their EPA approved labels. Both Aquamaster and Habitat may be used to control vegetation within aquatic*

areas, if needed, only after an Alaska Pollution Discharge Elimination System Pesticide General Permit and a Pesticide Use Permit are obtained.” Although the EPA considers herbicides containing Glyphosate minimally toxic to humans and “safe” for use in aquatic environments, a recent study published in the scientific journal *Entropy*¹ sheds a significantly different and disturbing light on that assumption. As stated in the **Abstract**:

“Glyphosate, the active ingredient in Roundup®, is the most popular herbicide used worldwide. The industry asserts it is minimally toxic to humans, but here we argue otherwise... Glyphosate's inhibition of cytochrome P450 (CYP) enzymes is an overlooked component of its toxicity to mammals. CYP enzymes play crucial roles in biology, one of which is to detoxify xenobiotics. Thus, glyphosate enhances the damaging effects of other food borne chemical residues and environmental toxins. Negative impact on the body is insidious and manifests slowly over time as inflammation damages cellular systems throughout the body.”

This peer-reviewed paper, which we were unaware of prior to our June 17 letter, adds to our concerns about the broad-based herbicide use proposed by DOT&PF and has heightened our opposition to that plan. This information has now been broadly disseminated on a variety of news media and should be considered common knowledge. As such, it is likely the public awareness of the use of these herbicides in or near Alaskan waters will have a negative impact on the public's willingness to buy and consume Alaska seafood. This information also increases our concerns regarding exposure of our resident's to these toxins through contaminated drinking water, consumption of contaminated plants, and direct contact with the toxins.

In conclusion, based on your unresponsiveness to our concerns and the additional information we have obtained regarding the toxicity of the permitted herbicides, the Petersburg Borough appears to have no choice but to consider taking regulatory action, via the adoption of ordinances and/or land use restrictions that will ban the large-scale application of herbicides and pesticides within Borough boundaries. We hope that regulatory remedies will not be necessary to stop the large-scale application of herbicides and pesticides within the Petersburg Borough. However, without assurance from the State that application of herbicides and pesticides will not occur within our Borough, we must consider taking that action.

Sincerely,



Mark Jensen
Mayor

¹Samsel, S.; Seneff, S. Glyphosate's suppression of cytochrome P450 enzymes and amino acid biosynthesis by the gut microbiome: Pathways to modern diseases. *Entropy* **2013**, 15, 1416-1463.



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Transportation and
Public Facilities

TRANSPORTATION MANAGEMENT & SECURITY
Office of the Commissioner

3132 Channel Drive
P.O. Box 112500
Juneau, AK 99811-2500
Main: 907.465-3904
Fax: 907.586-8365
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September 12, 2013

Mayor Mark Jensen
P.O. Box 329
Petersburg, AK 99833

Mayor Mark Jensen,

The Alaska Department of Transportation and Public Facilities (DOT&PF) is in receipt of your August 19 letter expressing concerns with our Integrated Vegetation Management Plan. We discussed your concerns with the Department of Environmental Conservation (DEC) and it turns out most of the issues expressed in your letter (contamination of aquatic habitats, impact on local fisheries, contamination of drinking water, impacts to harvesters of berries and other edibles, and impact to the seafood industry) were addressed in detail by DEC during the regulation process. DEC's Pesticide Regulation Revision Responsiveness Summary is attached to this letter and I would draw your attention to the following comments:

Concern:	See responses here:
General safety of using pesticides	Introduction
Environmental contamination/aquatic contamination	Comment 82; Comment 83
Impacts to salmon	Comment 83
Impacts to drinking water	Comment 80
Subsistence activities	Comment 81
Impact to public perception of fishing industry	Comment 153
Risk to human health	Introduction; Comment 79
Lack of public input in decisions	Comment 88

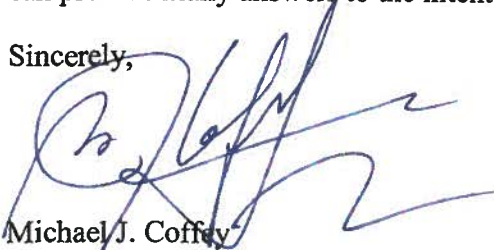
Managing invasive vegetation within the DOT&PF right-of-way and on state lands is also a goal of the IVMP. Some of these species cannot be controlled without the use of herbicides. Japanese knotweed (*Polygonum cuspidatum*), for instance, is becoming an increasing problem for DOT&PF M&O staff as well as other local, state, and federal agencies. Japanese knotweed is very invasive and can establish and spread along marine and freshwater waterways. The plants clog waterways and lower the quality of habitat for wildlife and fish. It

also reduces the food supply for juvenile salmon in the spring. In this instance, the application of a herbicide enhances waters that support salmon.

The DOT&PF believes that our limited, specific, and targeted herbicide application provides an appropriate balance in maintaining state lands for public health with the low risks associated with the selected herbicides to both human and wildlife health.

If you have any additional questions regarding pesticides, please feel free to contact Karin Hendrickson, Pesticide Control Program Coordinator with the Department of Environmental Conservation at Karin.Hendrickson@Alaska.Gov. Karin has helped us through this process and can provide many answers to the intent, use, and results of our pesticide program.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael J. Coffey", is written over a circular stamp or seal.

Michael J. Coffey
Chief, Statewide Maintenance and Operations
Office of the Commissioner

CC: Dan Breeden, Special Program Manager, DOT&PF
Liz Cabrera, Coordinator, Petersburg Economic Development Council
Dennis Egan, Senator, Alaska
Les Gara, Representative, Alaska
Stephen Giesbrecht, City Manager, Petersburg
Karin Hendrickson, ADEC
Patrick J. Kemp, P.E., Commissioner, DOT&PF
Beth Kerttula, Representative, Alaska
K. Kim Rice, P.E., Deputy Commissioner, DOT&PF
Stephanie Scott, Mayor, Haines
Stan Selmer, Mayor, Skagway
Bert Stedman, Senator, Alaska
Joe Viechnicki, KFSK, Petersburg
Petersburg Vessel Owners Association
pilotpub@gmail.com
Barry Bracken and Kathy Bracken



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

**Department of Environmental
Conservation**

DIVISION OF ENVIRONMENTAL HEALTH
Director's Office

555 Cordova Street
Anchorage, Alaska 99501
Main: 907.269.7644
Fax: 907.269.7654
www.dec.alaska.gov/eh

December 11, 2014

The Honorable Mayor Mark Jensen & Borough Assembly
Petersburg Borough
PO Box 329
Petersburg, AK 99833

Dear Mr. Jensen and Assembly Members,

Thank you for your continued interest in the role that the Department of Environmental Conservation (DEC) performs regarding pesticide regulation in Alaska. I am writing to provide additional information about pesticide use, control, and permitting. These issues were raised by your community as a result of the right-of-way maintenance project proposed by the Department of Transportation and Public Facilities.

The Pesticide Control Program's only role in Alaska is as a regulatory authority. We do not engage in the application of pesticides, nor does we have any role in the decisions of whether to apply pesticides in response to a pest infestation. We regulate the registration, sale, distribution, and use of pesticides statewide. While we have broad authority over regulation of pesticide use in Alaska, we do not have the legal authority to ban the legal use of pesticides.

The enclosed factsheet further explains our role in the regulation of pesticide use in Alaska, including how we operate and our responsibility for enforcement of pesticide regulations to ensure that public health and the environment are protected. It also explains the purpose for the 2013 regulations change, which allows pesticide use on state land or rights-of-way in accordance with an Integrated Pest Management (IPM) plan. This specific project type is the only type that requires an IPM plan, and the factsheet also describes the types of higher risk projects, including applications to water, which still require DEC permits.

I encourage you to visit the Pesticide Control Program's website at www.dec.alaska.gov/eh/pest/ to learn more about the work that DEC does to protect public health and the environment. For further questions, please feel free to contact Bob Blankenburg, Solid Waste and Pesticide Program Manager, at bob.blankenburg@alaska.gov.

Sincerely,

A handwritten signature in blue ink that reads "Elaine Busse Floyd".

Elaine Busse Floyd
Director, Environmental Health Division

Enclosure: DEC Factsheet: Regulating Pesticide Use in Alaska, December 2014

PRINCE OF WALES COMMUNITY ADVISORY COUNCIL

Chairman: Jon Bolling, Craig
Vice Chairman: Leslie Isaacs, City of Klawock
Secretary/
Treasurer: Misty Fitzpatrick, Coffman Cove

PO Box 725
Craig, AK 99921
(907) 826-3275
FAX: (907) 826-3278

October 3, 2014

Mr. Al Clough
SE Region Director
Alaska Department of Transportation and Public Facilities
PO Box 112506
Juneau, AK 99811-2506

Dear Al:

At its September 23, 2014 meeting the Prince of Wales Community Advisory Council (POWCAC) voted to notify the State of Alaska of POWCAC's its support for using mechanical means as the primary method to manage roadside vegetation, and to avoid using spray defoliant except in a case of genuine emergency.

The State of Alaska's preference for using spray defoliant as the primary means to manage roadside vegetation raises great concern among POWCAC members. Those concerns are identified below.

Subsistence

Residents of POW, like other communities in Alaska, gather fish, berries, wildlife, and water along road corridors, including state highways. We are concerned that spray defoliant will adversely affect the food and water meant for human consumption. While we understand that DOT/PF will adopt protocols for the application of the planned defoliant, there is a continual risk of misapplication of the sprays, and the resulting degradation of locally available foods for island residents. The adoption of defoliant sprays as the preferential treatment for control of roadside plants runs contrary to the well-established practice of subsistence gathering along public roads here.

Seafood Marketing

The state's enormous commercial fishing industry is successful due in part to marketing of Alaska seafoods as a healthy, natural protein. The Alaska Seafood Marketing Institute relies on this important feature to generate demand for commercially caught fish, which results in stable prices and markets. Like many areas of Alaska, many Prince of Wales Island residents hold commercial fishing licenses, and our economic well-being is due in no small part to well managed and marketed fisheries. Spray application of defoliant as the common means of controlling roadside vegetation greatly increases the risk of

PARTICIPATING MEMBERS:

Coffman Cove, Craig, Craig Tribal Association, Hollis, Hydaburg, Hydaburg Cooperative Assn., Kasaan, Organized Village of Kasaan, Klawock, Klawock Cooperative Assn., Naukati, Thorne Bay, Whale Pass

detectable residual levels of defoliant chemicals being found in Alaska seafood. Just as the use of defoliants is incompatible with subsistence gathering, the use of the sprays also works against the very useful efforts to market Alaska seafoods as a well-managed and natural food source for consumers world-wide.

Lack of Opportunity for Public Comment

The regulations regarding application of spray defoliants, effective March 7, 2013 do not provide for sufficient public comment prior to the use of the defoliants along state roads. Given the high level of public concern regarding defoliant use, ample public notice and an opportunity for public comment is needed, and should be the standard practice prior to any proposed application of defoliants.

An occasion may rise where a true emergency exists that justifies application of spray defoliants, such as the presence of an invasive species of plant or pest poses an immediate danger to an important public resource. In such cases the State of Alaska should have ready an expedited public notice and comment process to keep the public informed defoliant use. For all other maintenance tasks that manage vegetation, including mechanical brushing, paving around and behind guardrail posts and other roadway fixtures, and hand clearing where necessary, mechanical means should prevail.

POWCAC echos calls from the Southeast Conference of Mayors to have staff from the Alaska Department of Transportation and Public Facilities, and the Alaska Department of Environmental Conservation meet with representatives from POW Island to discuss the use of defoliants.

Sincerely,



Jon Bolling
POWCAC Chairman

PARTICIPATING COMMUNITIES:

Coffman Cove, Craig, Hollis, Hydaburg, Kasaan, Klawock, Naukati, Thorne Bay, Whale Pass



November 6, 2014

To:

Mr. Al Clough
SE Region Director
Alaska Department of Transportation and Public Facilities
PO Box 112506
Juneau, AK 99811-2506

And:

Incoming State of Alaska Administration and Leadership:

Dear Al et al:

At its September 23, 2014 meeting the Prince of Wales Community Advisory Council (POWCAC) voted to notify the State of Alaska of POWCAC's its support for using mechanical means as the primary method to manage roadside vegetation, and to avoid using herbicides, pesticides, and spray defoliant except in a case of genuine emergency. Attached are the resolutions and letters sent to and gathered by the Prince of Wales Watershed Association (POWWA) from Prince of Wales Cities, Communities, and Tribes that POWCAC and POWWA represents that show opposition to the State of Alaska's proposed project "Integrated Vegetation Managment Plan (IVMP) POW Thorne Bay Road PRoejct 68377" and other projects proposed using herbicides, pesticides, and spray defoliant as the primary means to manage roadside vegetation and the lack of a public comment and recourse for residents who continue and have historically opposed projects that include herbicide, pesticide, and spray defoliant, all of which raises great concern among POWCAC and POWWA members. Some of our many concerns are summarized and identified below.

Subsistence

Residents of POW, like other communities in Alaska, gather fish, berries, wildlife, mushrooms, and water along road corridors, including state highways. We are concerned that herbicides, pesticides, and spray defoliant will adversely affect the food and water meant for human consumption. While we understand that DOT/PF will adopt protocols for the application of the planned spraying of the chemical cocktail of the eight selected to be mixed and sprayed, there is a continual risk of misapplication and accumulation of the sprays, and the resulting degradation of locally available foods and water safety for island residents and visitors. The aquatic macro-inveratbrates (bugs), pollinators, amphibians, and juvenile fish that contribute to our food web in this area could be in danger from this accumulation as

reports from south that have adopted these chemic treatment methods continue to prove after the repeated applications with genetic mutations and reproductive issues. The adoption of herbicides, pesticides, and defoliant sprays as the preferential treatment for control of roadside plants runs contrary to the well-established practice of subsistence gathering along public roads here.

Seafood Marketing

The state's enormous sport and commercial fishing industry is successful due in part to marketing of Alaska seafoods as a healthy, natural protein. The Alaska Seafood Marketing Institute relies on this important feature to generate demand for commercially caught fish, which results in stable prices and markets. Like many areas of Alaska, many Prince of Wales Island residents hold commercial fishing licenses and lodges employee fresh water and salt water fishing guides, and our economic well-being is due in no small part to well managed and marketed fisheries. Spray application of herbicides, pesticides, and spray defoliants as the common means of controlling roadside vegetation greatly increases the risk of detectable residual levels of defoliant chemicals being found in Alaska seafood. Just as the use of herbicides, pesticides, and spray defoliants is incompatible with subsistence gathering, the use of the sprays also works against the very useful efforts to market Alaska seafoods as a well-managed and natural food source for consumers world-wide.

Lack of Opportunity for Public Comment

The regulations regarding application of spray defoliants, effective March 7, 2013 do not provide for sufficient public comment prior to the use of the defoliants along state roads. Given the high level of public concern regarding herbicide, pesticide, and spray defoliant use, from the response we have received being unanimously in opposition locally as evidenced through the many resolutions and letters and comments received, ample public notice and an opportunity for public comment is needed, and should be the standard practice prior to any proposed application of defoliants.

An occasion may rise where a true emergency exists that justifies application of spray herbicides, pesticides, and spray defoliants, such as the presence of an invasive species of plant or pest poses an immediate danger to an important public resource that is not easily managed or controlled by mechanical treatment or hand pulling. In such cases the State of Alaska should seek out volunteer community weed pull volunteers, utilize and exhaust non-toxic and chemical means, and have ready an expedited public notice and comment process to keep the public informed defoliant use that involves the public. For all other maintenance tasks that manage vegetation in wetland and floodplain areas, including mechanical brushing, paving around and behind guardrail posts and other roadway fixtures, and hand clearing where necessary, mechanical means should prevail.

POWCAC and POWWA echoes calls from the Southeast Conference of Mayors to have staff from the Alaska Department of Transportation and Public Facilities, and the Alaska Department of Environmental Conservation meet with representatives from POW Island to discuss the use of herbicides, pesticides, and spray defoliants and alternatives to address cost effectiveness of mechanical treatments and means of clearing the right of way for public safety.

There is a mining symposium planned the spring of 2015 hosted by the Organized Village of Kasaan to be at the Craig Tribal Association, where we have agreed as a group that we should have a half day session on the future of Herbicide, Pesticide, and Spray Defoliants, and we

invite the DOT and those interested to respond and participate in a facilitated panel session during that time. Please let me know if you or who you would recommend who can attend and share information as a panel presenter with the residents of POW about this project and future projects on POW and SE that impacts and concerns our communities and our watersheds.

Sincerely,



Brandy Schmitz-Prefontaine

//S// Brandy Prefontaine

Date: November 6, 2014

Brandy Prefontaine

POWWA Watershed Coordinator

Prince of Wales Watershed Association (POWWA)

**Letter approved and signed by POWCAC October 3, 2014 and POWWA Members
Approved November 6, 2014.**

POWWA Member Groups:

Coffman Cove (<http://ccalaska.com>; <http://www.coffmancove.org>)

Cheryl Fecko (POWWA Vice President) - City of Coffman Cove

Misty Fitzpatrick (Participant) - City of Coffman Cove

Craig (www.craigak.com; <http://www.craigtribe.org>)

Jon Boling (POWWA Board Member) - City of Craig

Millie Schoonover (POWWA Board Member) - Craig Tribal Association

Stephanie Fox (Participant) - Craig Tribal Association

Angel Holbrook (Participant) - Craig Tribal Association

Brian Holter, Jr. (Participant) - Craig Tribal Association

Don Pierce (Participant) - City of Craig

Hollis (<http://www.princeofwalescoc.org/communitiesb/hollis>)

Robert Andrews (Participant) - Hollis Community Council

Budd Burnett (Participant) - Hollis Community Council

Tommy Lynch (Participant) - Hollis Community Council

Hydaburg (<http://www.hydaburgtribe.org>)

Anthony Christianson (POWWA President) - City of Hydaburg

Jean Bland (POWWA Board Member) - Hydaburg Cooperative Association

Kasaan (<http://kasaan.org>)

Machelle Edenshaw (Board Member) - Organized Village of Kasaan

Dennis Nickerson (Participant) - Organized Village of Kasaan
Carol Fletcher (Participant) - Organized Village of Kasaan
Fred Olson Jr. (Participant) - City of Kasaan

Klawock (<http://cityofklawock.com>; <http://www.klawock.com>)

Les Issacs (Participant) - City of Klawock
Frank Peratovich (Participant) - City of Klawock
Ann Wyatt (POWWA Treasurer) - Klawock Cooperative Association
Veronica Redifer (Participant) - Klawock Cooperative Association

Naukati Bay (<https://www.naukatibay.com>)

Josh Hills (Participant) - Naukati Bay Inc.
Brandy Prefontaine (POWWA WATERSHED COORDINATOR) - Naukati Bay Inc.
Venessa Richter (Participant) - Naukati Bay, Inc.
Travis Tuttle (Participant) - Naukati Bay, Inc.
Heidi Young (Participant)- Naukati Bay, Inc.

Thorne Bay (<https://www.thornebay-ak.gov>; <http://www.thornebayalaska.net>)

Wayne Brenner (POWWA Board Member) - City of Thorne Bay
James Gould (Participant) - City of Thorne Bay
Mark Minnillo (Participant) - City of Thorne Bay
Karen Peterson (Participant) - City of Thorne Bay

Whale Pass (<http://www.princeofwalescoc.org/communitiesb/whale-pass-1>)

Don Hull (Participant) -Whale Pass
Dolores Loucks (Participant)- Whale Pass
William Patterson (POWWA Board Member) - Whale Pass

Attached: PDF of Resolutions from POW communities and tribes against herbicides, pesticides, and spray defoliants on POW. Letter from POWCAC dated Oct 3, 2014.

CC: POWCAC and POWWA Member Groups

ADOT, USFS, ADNR, Corporations, Alaska Leadership, and State of Alaska Administration and Representatives

sent to DOT

To Greg Patz,

The Hollis Community Council would like to take this opportunity to strongly oppose the spraying of herbicides along the Thorne Bay Road (or any POW road).

You state this may not even be cost effective, and we assume you are speaking of dollars. What about the extreme costs to our birds, fish, wildlife and humans? Roundup has been proven to cause mutations in DNA. Some of these toxins remain active for two years and others come with cautionary advice not to use near water. Have you ever driven the Thorne Bay Road? It is one long stretch of muskeg, marsh and river.

The toxicity of each of these chemicals has long been established, and they are not deemed safe for human contact. The results are in, yet DOT finds it necessary to "experiment". How is this even justifiable? Would such an experiment be carried out in Juneau, Anchorage or Wasilla? Is the health of Prince of Wales residents considered less important, or is the prevalent feeling that we can be steamrolled since we are few in number?

Prince of Wales residents rely on our wild resources for our sustenance. Please, do not trash our environment with toxic chemicals. Mechanical brushing, like that being used in Haines, is the only preferred method. The Hollis Community Council strongly urges DOT to abandon this irresponsible chemical track immediately.

Respectfully,

Hollis Community Council



CITY OF THORNE BAY

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www.thornebay-ak.gov

January 28, 2015

Governor Bill Walker and Lieutenant Governor Mallott
Office of the Governor
P.O. Box 110001
Juneau, AK 99811-0001

Dear Governor Walker and Lieutenant Governor Mallott:

First, we would like to congratulate you on your recent election and commend you for your commitment to an open and transparent government. We represent tribal governments, municipalities, and citizen organizations who are extremely concerned about herbicide spraying proposed by the Alaska Department of Transportation (DOT) along roadways in southeast Alaska. The use of herbicides threatens our salmon streams, drinking water sources, berry-picking areas, deer and other wildlife, and public health. The use of herbicides will also have negative economic consequences for subsistence and commercial fisheries, recreation, and tourism. We believe that herbicide spraying is dangerous and unnecessary given that mechanical removal is a viable and economical alternative.

In 2014, the DOT proposed to spray herbicides along 17 miles of highway on Prince of Wales Island. Although plans for herbicide application were postponed in September 2014, DOT has stated that they plan to conduct the spraying in spring or summer of 2015. The public has lost the right to participate in decisions about the use of pesticides on state lands. In 2013, the Alaska Department of Environmental Conservation (ADEC) adopted new regulations that eliminate the requirement for a state agency to obtain a permit from ADEC to spray herbicides or pesticides on state lands and rights-of-way. This change in regulations also eliminated the public's right to participate in the decision-making process. The regulatory changes mean that there is no requirement for the applicator agency to submit a pesticide application to ADEC and ADEC therefore relinquishes permitting authority. These changes also:

- Eliminate permit requirements for the spraying of pesticides by state agencies on state public lands and rights-of-ways. This, among other things, means that there



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is no requirement to identify water bodies, water courses, private drinking water sources, or to establish buffers necessary to safeguard the state's water resources, sensitive waterways, drinking water sources, fish and wildlife habitat, or public health;

- Prevent public participation in decisions about pesticide spraying on public lands and rights-of-way—with no public hearings, opportunity for written public comments, or a way to appeal bad decisions. This deprives Alaskans of our right to speak out about potential harm to our drinking water, fishing streams, lands held in the public trust, subsistence uses, dangers to our children and public health;
- Promote the application of potentially harmful pesticides and herbicides without consideration of toxicity and effects to human health and the environment;
- Weaken public right-to-know requirements to notify the public about places where the pesticides will be sprayed.

As a result of concern for public health, municipalities and tribes in Southeast Alaska have passed resolutions or written letters to restore the public process for decisions about pesticide use or opposed pesticide use altogether, including: City and Borough of Sitka, the Municipality of Skagway, City of Craig, City of Thorne Bay, City of Kasaan, Naukati Bay Inc., the Organized Village of Kasaan, City of Coffman Cove, the Southeast Conference of Mayors, the Prince of Wales Watershed Association and Prince of Wales Community Advisory Council.

Alaskans' opposition to herbicide spraying has a long history. In 1978, Jay Hammond, then-governor of Alaska, issued a directive which banned the use of herbicides by state agencies because of citizen concerns about the health effects of these chemicals. For more than three decades, a broad diversity of Alaskans has consistently voiced strong opposition to the use of herbicides by the Alaska Railroad. Resolutions and letters expressing opposition to the use of herbicides by the Alaska Railroad include: Native Village of Eklutna, Montana Creek Native Association, Inc., Municipality of Anchorage, City of Seward, Kenai Peninsula Borough, Matanuska-Susitna Borough, Denali Borough, Birchwood Community Council, and Talkeetna Community Council. The federally recognized tribal government of the Native Village of Eklutna states particular concerns in their resolution and letter about threat of proposed herbicide use to the safe harvest of berries, medicinal plants, fish and wildlife that are vital to their spiritual,



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cultural, and physical sustenance. The ADEC effectively ignored public concern and allowed the railroad to apply herbicides beginning in 2010. The agency then enacted the regulations in 2013 that eliminate public right-to-know provisions and citizen involvement in decisions about pesticide use in public places, including transportation rights-of-way. Although we agree for the need to address problems of invasive and noxious weeds, herbicides are not necessary to accomplish solutions to this problem.

The Department of Transportation has stated its intent to use herbicides, including such formulations containing active ingredients such as glyphosate, imazapyr, triclopyr, aminopyralid, clopyralid, 2,4-D, fluroxypyr, dicamba, metsulfuron methyl, and chlorsulfuron. These herbicides are associated with a range of adverse environmental and human health effects. For example, glyphosate is associated with birth defects, neurological disorders, reproductive harm, and a rare type of non-Hodgkin's lymphoma.

In addition, manufacturers are not required to disclose "inert" ingredients in herbicide formulations. In the preeminent peer-reviewed environmental health journal published by the National Institute for Environmental Health Sciences, *Environmental Health Perspectives* (Cox C, Surgan M. Unidentified Inert Ingredients in Pesticides: Implications for Human and Environmental Health. *Environmental Health Perspectives* 2006;114(12):1803-1806. doi:10.1289/ehp.9374), the authors warn: "Inert ingredients may be biologically or chemically active and are labeled inert only because of their function in the formulated product...Inert ingredients can increase the ability of pesticide formulations to affect significant toxicological endpoints, including developmental neurotoxicity, genotoxicity, and disruption of hormone function. They can also increase exposure by increasing dermal absorption, decreasing the efficacy of protective clothing, and increasing environmental mobility and persistence. Inert ingredients can increase the phytotoxicity of pesticide formulations, as well as toxicity to fish, amphibians, and microorganisms." The active ingredients cannot be used without an adjuvant and/or surfactant. The scientific literature supports the fact that the use of surfactants/adjuvants increases the bioavailability, toxicity, persistence, and bioaccumulation of the active ingredient. In 2006 the Attorney General of Alaska announced that Alaska "joined with 13 other states and the U.S. Virgin Islands to petition the Environmental Protection Agency (EPA) to require pesticide manufacturers to disclose on the label of their product all hazardous ingredients...The



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EPA currently requires that pesticide labels disclose only the product's "active" ingredients that contain toxic materials intended to kill insects, weeds, or other target organisms. Pesticide products also contain many other "inert" ingredients, which are intended to preserve or improve the effectiveness of the pesticides' active ingredients. These "inert" ingredients may be toxic themselves..." The news release further states that "people who use or who are impacted by the use of a pesticide should have notice of all that product's potential health risks." Thus, it would be wrong for the State to allow state agencies to apply herbicides for which the manufacturers do not disclose ingredients that may harm human health.

Herbicides are intentional and indiscriminate poisons that affect fish, wildlife and people. We represent a growing constituency of people who are no longer willing to tolerate the applications of poisons in the places where we live, work, hunt, fish, gather berries, greens and medicinal plants.

We are writing to request that you use your authority to issue a moratorium on herbicide spraying by the Department of Transportation and that you re-state the permitting process for pesticide applications that includes requirements for public hearings and meaningful participation. Representative Kreiss-Tomkins has introduced legislation (HB 53) that would establish buffer zones around salmon streams and restore the public's right to participate in decisions about pesticide use. We urge you to accomplish this administratively or support passage of this bill.

Thank you for your consideration.

Sincerely,

Wayne Benner, City Administrator on behalf of
James Gould, Mayor
City of Thorne Bay