

## Ginger Blaisdell

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**From:** Rep. Shelley Hughes  
**Sent:** Monday, March 09, 2015 2:16 PM  
**To:** Ginger Blaisdell  
**Subject:** FW: HB 53 tomorrow to be added to testimony

**Categories:** Yellow Category

For tomorrow's hearing.

**From:** jan storbakken [<mailto:janstorbakken@yahoo.com>]  
**Sent:** Monday, March 09, 2015 2:09 PM  
**To:** Rep. Shelley Hughes  
**Cc:** Richard Trojan  
**Subject:** HB 53 tomorrow to be added to testimony

**Representative Shelley Hughes**  
**State Capitol Room 13**  
**Juneau, AK 99801**

**March 6, 2015**

Dear Representative Hughes,

Congratulations on introducing HB 53 we commend you for your commitment to an open and transparent government! We were concerned about the Constitutionality of the previous regulation created in 2013. Removing public comment in regards to Section 2. How would you know the **"Will of the people"** if you have gagged them? We are extremely concerned about herbicide spraying proposed by the Alaska Department of Transportation (DOT) along roadways in southeast Alaska. We offer solutions to issue. A volunteer force for spot invasive weed control and safer alternatives for weed kill application.

Most of the representatives understand the challenge to explain to your "locale" to a government official someone that has not been in rural Alaska. Jan, has personally had an Anchorage VA official tell her to just drive to Ketchikan for an appointment.

At the last POWCAC (Prince of Wales Community Action Committee) I asked Mr. Albert Kookesh what SEALASKA's position on herbicides was; he said "not on SEALASKA lands". We have the support of Craig Tribal Association, Shaan Seet Corp, Alaska Native sisterhood, Klawock, Kassan and Hydaburg tribal organizations.

We understand the difficulty with the state budget and are prepared to offer volunteers!!!!!! We are willing to have a group of volunteers spend their time eradicating invasive weeds! We also have a small army of goats that could safely graze along the side of the roads. If we had public comment we could suggest cost savings practices to the officials regarding invasive weed control.

We represent a growing constituency of people who are no longer willing to tolerate indiscriminate applications of herbicides in the places where we live, work, hunt, fish, gather berries. The deer eat the grass. Roadkill that has consumed the grass, now gets eaten by birds of prey like the American eagle. Runoff goes to the streams and then to the fish there are at least 7 active fish streams on the Thorne Bay Road. We have given photos to Rep. Kriess-Tompkins that there is no 300' buffer on the bridges to streams. We are also concerned for the

frogs and fungi on the island. Frogs do not tolerate pesticides/herbicides and no real studies on the rare mushrooms we have. Mushrooms; Artist Conk and Turkey Tail have been touted as a cancer cure. These would not fare well.

The use of herbicides threatens our salmon streams, drinking water sources, berry-picking areas, deer and other wildlife, and public health. **We received the news of spraying-late. City of Craig received a memo Aug 18<sup>th</sup>. DOT thought that publishing in a Juneau newspaper was enough, notification for Craig, Edna Bay and Thorne Bay. This is not a local paper. Because of the layout of Alaska, news to rural areas are not adequate. We lost our local paper. As an unorganized borough every citizen has a say-there is no authority to speak wholly for this island.**

We are writing to request that you use your authority to reinstate public comment. We urge you to accomplish this through your support of this bill - HB 53.

Thank you for your consideration.

Sincerely,

Richard and Jan Trojan  
907-826-3734  
Craig AK

**Date:** March 9, 2015

**To:** House Transportation Committee (via email)

Co-chair: Neal Foster: [Rep.Neal.Foster@akleg.gov](mailto:Rep.Neal.Foster@akleg.gov)

Co-chair: Shelly Hughes: [Rep.Shelley.Hughes@akleg.gov](mailto:Rep.Shelley.Hughes@akleg.gov)

Member: Charisse Millett: [Rep.Charisse.Millett@akleg.gov](mailto:Rep.Charisse.Millett@akleg.gov)

Member: Benjamin Nageak: [Rep.Benjamin.Nageak@akleg.gov](mailto:Rep.Benjamin.Nageak@akleg.gov)

Member: Louise Stutes: [Rep.Louise.Stutes@akleg.gov](mailto:Rep.Louise.Stutes@akleg.gov)

Member: Matt Claman: [Rep.Matt.Claman@akleg.gov](mailto:Rep.Matt.Claman@akleg.gov)

Member: Dan Ortiz: [Rep.Dan.Ortiz@akleg.gov](mailto:Rep.Dan.Ortiz@akleg.gov)

**RE:** House Bill 53: Use of Pesticides and Broadcast Chemicals

I'm writing today in support of HB 53.

Public process to state pesticide and herbicide spraying programs was removed by regulatory changes made by DEC in March of 2013. HB 53 will restore the public comment requirements prior to any potential state pesticide application. It is this simple: ***public comment is a fundamental part of our democratic decision-making process.*** For this reason alone, I support HB 53.

Yet HB 53 does more. It creates protective buffer zones around fish habitat and drinking water sources. It requires: releasing spraying plans to the public, public comment periods, and finding of no harm before application. It also allows for emergency pesticide application if warranted.

Why should I worry about pesticides? Perhaps the question should be; why all of us ought to be worried about pesticides? There is mounting long term, peer reviewed scientific evidence that pesticides affect human health in various ways. For example: it's been shown that glyphosate is linked to a wide range of diseases (to numerous to mention here) in humans, mammals and many aquatic organisms. I believe some of the chemicals DOT proposes to use around our state have already been banned in Europe for adverse health reasons. Perhaps others more informed than I can speak directly to this. Close scrutiny by the public is warranted. Our very health depends on it.

Thank you for the opportunity to comment.

Sincerely,

/s/ Michael A. McKimens

Michael A. McKimens

PO Box 304

Craig, AK 99921

Phone/Fax 907-826-3770

Email: [mckimens@aptalaska.net](mailto:mckimens@aptalaska.net)

Cc: Jonathan Kreiss-Tomkins: [Rep.Jonathan.Kreiss-Tomkins@akleg.gov](mailto:Rep.Jonathan.Kreiss-Tomkins@akleg.gov)  
Reid Magdanz: [Reid.Magdanz@akleg.gov](mailto:Reid.Magdanz@akleg.gov)

March 8, 2015

Dear Representative Foster, Representative Hughes, and members of the House Transportation Committee:

These are my comments on HB 53, relating to the terrestrial application of pesticides (a term that includes herbicides) by state agencies on state lands and rights of way, Transportation Committee hearing Tuesday March 10, 2015.

I ask that my comments be included in the public record. I also ask that the attached letter, which I wrote to Alaska Department of Conservation (ADEC) July 31, 2012 regarding its then proposed (now adopted) regulation change that now makes HB 53 necessary, be included in the public record.<sup>1</sup>

I have lived in Alaska since 1971; I eat wild salmon and other fish, and I object to the lack of meaningful regulation, to the extent that, among other things, pesticides can now legally be applied "up to the waters edge"<sup>2</sup> of our salmon streams with no setback or buffer. I also object to the elimination of the opportunity for public participation in these pesticide use decisions.

I am writing to express my support of HB 53.

Under the previous permitting system, in effect until 2013, ADEC exercised both its authority and its responsibility to control terrestrial pesticide use by state agencies on state public lands and rights of way. However, under the existing regulations (or, more correctly, the lack thereof), there is no longer a permitting process, and applicator agencies are not required to obtain approval from ADEC in order to spray pesticides (as long as it is not an aerial or aquatic application). The elimination of the permitting process under the current regulations means that a state agency wishing to pursue a pesticide spray operation may do so on its own authority, and without the benefit of a public participation. The public is cut completely out of the decision making process.

When ADEC abolished the permit system in 2013, it adopted an almost total hands off approach to the use of pesticides by state agencies on state public lands and rights of way. The current regulations, for example, do not contain any requirement (or provide any mechanism to ensure) that ADEC:

- review, evaluate, monitor, or control an applicator agency's pesticide spray operation;
- evaluate a proposal to use pesticides to determine if the spray operation would have an unreasonable adverse effect;
- develop standards for, review, evaluate, or approve an Integrated Pest Management (IPM) Plan;
- monitor or test for an applicator agency's compliance with an IPM Plan or with the EPA label;
- obtain information from the applicator agency prior to spraying (information that ADEC in the past required via the pesticide permitting process) necessary to properly evaluate a spray proposal in order to identify any unreasonable adverse effect on human health, animals, or the environment. For example, protection of Alaska's water resources cannot be assured because there is now no

requirement or mechanism to identify water bodies or private drinking water systems or sources within or in close proximity to spray areas;

- determine the need for or impose no-spray setbacks or buffers around water bodies; and
- provide for meaningful and informed public participation in pesticide use decisions.

There is no requirement that ADEC itself be meaningfully informed of an upcoming spray operation. Although the current regulations require that ADEC be notified 15 days in advance of a spray operation, they are silent on the nature, content, and form of the notification (e.g., would a quick phone call... "this is the Alaska Railroad, we intend to spray pesticides in 15 days, good bye" ... suffice? Or must the notification be in writing? Including what information?). Even if there was guidance on the nature, content, and form of a notice, 15 days provides insufficient time for ADEC to research and understand the spray operation enough to justify a "stop" or "modify/mitigate" order if warranted.

ADEC may still retain the responsibility to control pesticide use, but the current regulations are so weak that it is impossible or impractical for ADEC to meaningfully exercise its authority to fulfill that responsibility. Pesticide use is potentially a significant public health issue, and ADEC, with these post-2013 regulations, has decided, instead of protecting public health and the environment, to step aside, and get out of the way.

This lack of meaningful regulation represents an abdication of the ADEC's fundamental duty to protect human health and the environment and is inconsistent with the purpose of chapter 90 which is "to protect human health, safety, and welfare, animals, and the environment by ensuring the proper use, sale, distribution, transportation, storage, and disposal of pesticides and their containers."

The risk of pesticide use and its effect on public health, animals, and the environment needs a hard look in light of the abolishment of the pre-2013 permitting system, with specific consideration of the bullet points I have provided above. HB 53 is a step in the right direction.

Thank you for your consideration.

Sincerely,

John Strassenburgh  
PO Box 766  
Talkeetna, AK 99676  
[jsandr@matnet.com](mailto:jsandr@matnet.com)  
907-733-6874

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<sup>1</sup> I include my ADEC letter because ADEC's action in 2013 to eliminate the permitting requirements for the terrestrial application of pesticides by state agencies on state public lands and rights of way represents exceptionally bad public policy, which puts our public waters, our salmon, and human health at risk.... bad enough so the details should be on the record.

<sup>2</sup> Applicators must comply with the product's EPA label. "Up to the waters edge" is common language on the label.

## Ginger Blaisdell

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**From:** Rep. Shelley Hughes  
**Sent:** Monday, March 09, 2015 3:24 PM  
**To:** Ginger Blaisdell  
**Subject:** FW: House Bill 53

**Categories:** Yellow Category

Another.

-Stuart

**From:** Brad and Stephanie Jurries [<mailto:alaskajurries@gmail.com>]  
**Sent:** Monday, March 09, 2015 3:18 PM  
**To:** Rep. Neal Foster  
**Cc:** Rep. Shelley Hughes; Rep. Charisse Millett; Rep. Benjamin Nageak; Rep. Louise Stutes; Rep. Matt Claman; Rep. Daniel Ortiz  
**Subject:** House Bill 53

To Members of the House Transportation Committee;

I would like to urge you to pass House Bill 53 regarding the reinstatement of the public comment period before using chemical herbicides along state roadways. I had many questions for DOT last fall when they were planning on spraying here on POW. I went back and forth with them many times trying to get answers to my questions, such as, "How often will the applications of herbicides be done, and is it going to have to be on-going for the long term?", and "What would be determined to be a 'successful' outcome of application, versus an 'unsuccessful' outcome?". I believe we have a right to know this kind of information, and they never appropriately responded to my concerns. I will forward to you some of the back and forth e-mails regarding the discussions I had with DOT. The lack of consideration for my concerns makes me believe that we need to pass HB 53 so that these kinds of questions will need to be addressed by DOT.

Thank you for your consideration of this issue.

Stephanie Jurries

Prince of Wales Island, AK

907-321-5772

## Ginger Blaisdell

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**From:** Rep. Shelley Hughes  
**Sent:** Monday, March 09, 2015 5:02 PM  
**To:** Ginger Blaisdell  
**Subject:** FW: Questions

**Categories:** Yellow Category

HB 53

**From:** Brad and Stephanie Jurries [mailto:[alaskajurries@gmail.com](mailto:alaskajurries@gmail.com)]  
**Sent:** Monday, March 09, 2015 3:31 PM  
**To:** Rep. Neal Foster; Rep. Shelley Hughes; Rep. Charisse Millett; Rep. Benjamin Nageak; Rep. Louise Stutes; Rep. Matt Claman; Rep. Daniel Ortiz  
**Subject:** Fwd: Questions

Members of the House Transportation Committee,

The following is a series of emails in which I was trying to get information about the spraying of herbicides along the roadways on POW Island. The usage of chemicals on the land should be taken very seriously. Many supposedly safe herbicides and pesticides are causing unprecedented levels of cancer and sickness in places where they are used heavily such as the San Joaquin Valley in California. We need to stop considering chemical usage on the land as a status quo operation, and seriously consider whether there are viable alternatives. At the very least, reinstating the public requirement would allow for the discussion between the communities and the state regarding the issue. Thank you again for your time.

Stephanie Jurries  
907-321-5772

----- Forwarded message -----

**From:** Coffey, Michael J (DOT) <[mike.coffey@alaska.gov](mailto:mike.coffey@alaska.gov)>  
**Date:** Thu, Dec 4, 2014 at 4:29 PM  
**Subject:** Re: Questions  
**To:** "[alaskajurries@gmail.com](mailto:alaskajurries@gmail.com)" <[alaskajurries@gmail.com](mailto:alaskajurries@gmail.com)>  
**Cc:** "Commissioner, DOT (DOT sponsored)" <[dot.commissioner@alaska.gov](mailto:dot.commissioner@alaska.gov)>

Commissioner Kemp asked me to respond to your email enquiry. Herbicides are simply another tool in our vegetation management toolbox along with mechanical cutting. Vegetation management is one of many routine maintenance activities that we conduct across the state. The primary goal of vegetation management is safety – regardless of the method used. Any and all applications of herbicides will be in accordance with our IVMP and ADEC regulations.

Thank you,

Mike



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Michael J. Coffey

Chief, Statewide Maintenance and Operations

Office of the Commissioner

Alaska Department of Transportation and Public Facilities

Office 907-465-3904

Cell 907-978-9039

Fax 907-586-8365



"Keep Alaska Moving through service and infrastructure."

**From:** Brad and Stephanie Jurries [<mailto:alaskajurries@gmail.com>]

**Sent:** Wednesday, December 03, 2014 6:07 PM

**To:** Commissioner, DOT (DOT sponsored)

**Subject:** Re: Questions

DEAR COMMISSIONER,

I have inquired multiple times now about the herbicide spraying and have been very patient in awaiting a response. PLEASE respond to my questions. They are valid questions and I deserve a response. Thank you very much.

Stephanie Jurries

On Mon, Nov 24, 2014 at 6:29 PM, Brad and Stephanie Jurries <[alaskajurries@gmail.com](mailto:alaskajurries@gmail.com)> wrote:

Dear Commissioner,

I asked a few questions back in September about the herbicide spraying on Prince of Wales Islands. I believe my questions are legitimate and you have had adequate time to respond to my inquiry. Please allow me the courtesy of a response.

Thank you for your time.

Stephanie Jurries  
907-321-5772

On Mon, Sep 8, 2014 at 7:43 AM, Brad and Stephanie Jurries <[alaskajurries@gmail.com](mailto:alaskajurries@gmail.com)> wrote:

Mr. Kemp,

I assume that Mr. Coffey is keeping you informed about some of my questions, but to be sure, I wanted to send you the content of my most recent email to Mr. Coffey, from which I have not yet received a response.

Mr. Coffey,

Thank you for your relevant response to my inquiry.

I had already seen and read the IVMP, and I completely understand the need to use a variety of methods to keep the vegetation clear along the roadways for safety reasons.

*NO one who is against the use of herbicides here on POW is against the clearing of brush along the roadsides. We are against the use of herbicides to do so.*

So far, I am not hearing any really good reason to use herbicides, except that the local DOT office does not have enough man-power to complete the vegetation clearing. The solution sounds very simple; authorize more money for the POW DOT office to hire a larger summer crew to clear the vegetation with brush-cutters, and AVOID dumping chemicals on our island.

I have a few more questions.

1. IF herbicides are applied to the 17 mile stretch of road, what result will be considered:

- a. )successful-how do you determine a successful application result?
- b.) unsuccessful- what are the determining factors of an "unsuccessful" application?

Please outline the plan by DOT once the herbicides have been applied.

2. THEN, once herbicides have been applied, WHAT will be the next step, beyond the initial application?

Is there a long-term plan in place depending up a variety of results? i.e. if the application is "successful" (whatever that means) will there be more herbicides applied along OTHER stretches of road on POW? Will they have to be reapplied every year? Do you simply stop with the brush-cutters at that point and just use herbicides every year? Do you think that a single application will take care of the problem or will it have to be reapplied every year FOREVER? Will there be buffer zones around all of the salmon streams? (And there are a LOT of salmon streams here!!) Will you check the weather forecasts before application? What if we have one of our rainstorms that dump 2" in one day, the day after the herbicides are applied? Will they still be effective or will they just wash into the ditches which run to the streams which run to the ocean?

3. We have been informed that the plan to spray has been delayed until spring, pending an environmental review. As stated in your response letter,

" We have postponed the Thorne Bay Road herbicide application until next spring so that we have adequate time to complete our environmental review and the delineation of wetlands."

IF POW residents hadn't caused such an uproar, was DOT going to do an environmental review or is that just an afterthought since we are all so upset about it? Have you done an environmental review for the Edna Bay/Kosciuzko herbicide spraying?

Thank you again for your time.

Stephanie Jurries  
907-321-5772

## **Ginger Blaisdell**

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**From:** Rep. Shelley Hughes  
**Sent:** Monday, March 09, 2015 7:01 PM  
**To:** Ginger Blaisdell  
**Subject:** FW: HB 53

**From:** Kathryn Guillaum [<mailto:kguillaum1@gmail.com>]  
**Sent:** Monday, March 09, 2015 6:09 PM  
**To:** Rep. Neal Foster; Rep. Shelley Hughes; [Rep.CharisseMillet@akleg.gov](mailto:Rep.CharisseMillet@akleg.gov); Rep. Benjamin Nageak; Rep. Louise Stutes;  
Rep. Matt Claman; [Rep.DanOrtiz@akleg.gov](mailto:Rep.DanOrtiz@akleg.gov)  
**Subject:** HB 53

**Thank You for recognizing and introducing HB53**

**We here, on Prince of Wales Island, are concerned about the regulation that was created in 2013. It removed "public comment" regarding "Section 2", so concerned citizens had no right to air their grievances on the proposed herbicide spraying in Southeast Alaska, by the D.O.T. I believe this is against our State Constitution and in my mind, highly suspect.**

**When it was finally brought to our attention about the road leading to Thorne Bay, it was almost too late. The Dept. of Transportation was ready to spray herbicides, on that 17 mile stretch, not caring about the environmental impact. They finally received so many correspondence about the almost hidden intent of their proposed spraying, that they had to pause and decided the matter needed more analysis. It was not until we raised such a fuss, that they backed off temporarily; supposedly to halt spraying till Spring.**

**A few people in Craig decided that our vegetation and wildlife and waters is a worthy reason to fight, what was almost a given. So this is a pivotal time for us.**

**We are willing to do our part to help keep weeds at bay in our individual areas. A little labor is far superior to killing plants, animals and fish, with poisonous indifference**

**Personally I disregard the label of "invasive plants", but that was another reason for spraying, apparently.**

**It is my opinion it was just an excuse, and I still believe this.**

**At the very least, we need to have "public comment" reinstated when a proposed action effects us Alaskans, our health and our lands.**

**Please Keep Alaska Healthy and let the "lower 48" know, we truly care about our "Last Frontier" State. Let our State be a shining example to follow!**

**Thank You for your time and consideration!**

**Sincerely,**

**Kathryn Guillaum & Arthur Cook  
907 401-0807                      907 401-0853**

## Ginger Blaisdell

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**From:** Rep. Shelley Hughes  
**Sent:** Monday, March 09, 2015 6:59 PM  
**To:** Ginger Blaisdell  
**Subject:** FW: Prevent the Unnecessary Use of Harmful Pesticides

**From:** [cherie.northon@gmail.com](mailto:cherie.northon@gmail.com) [<mailto:cherie.northon@gmail.com>] **On Behalf Of** Cherie Northon  
**Sent:** Monday, March 09, 2015 4:34 PM  
**To:** Rep. Neal Foster; Rep. Shelley Hughes; Rep. Charisse Millett; Rep. Benjamin Nageak; Rep. Louise Stutes; Rep. Matt Claman; Rep. Daniel Ortiz  
**Subject:** Prevent the Unnecessary Use of Harmful Pesticides

All

I have written comments numerous times about the use of pesticides around waterways, and yet they seem to be ignored. In Anchorage, low but measurable amounts of 2,4-D were detected in 2013 in two lakes that are surrounded by homes. Ostensibly this is from yard runoff, but it's a change in the lakes' chemistry and one that is unfavorable.

All the water we have on the Earth is all we'll ever have. We cannot live without it, and yet human actions are impacting it detrimentally in a variety of ways. I urge you to consider returning public input for spraying especially on state lands and rights-of-way.

Thank you for considering this important legislation.

Cherie Norhton

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Cherie Northon, Ph.D.  
Mapping Solutions  
P.O. Box 230329  
Anchorage, AK 99523  
907 561-4627  
[www.mapmakers.com](http://www.mapmakers.com)

Dear Fellow Alaskans,

I am writing on a subject, that I feel we should all be better educated on, which is the health of our environment with respect to pesticides. Perhaps many of us trust that there are regulating agencies working hand in hand with research scientists to provide unbiased data that will keep us all safe. Unfortunately, this is not the truth. US regulations only require the companies that manufacture and sell pesticides to conduct their own safety studies.(2,7) This is a painfully obvious conflict of interest, and a large and growing body of independent research shows that these self made safety studies are suspect. Indeed, evidence shows that many pesticides are dangerous to human health.

History has shown the manufacturers of pesticides to be wrong in the past. Take for instance Monsanto, a chemical and biotech giant. Founded in 1901 its first product was Saccharine. Since then they have dabbled in nuclear research, manufacturing synthetic plastics such as PCBs, pesticides (like DDT, agent orange, and roundup), and GMOs (Genetically Modified Organisms). (2,7) They assured us that all of these products were perfectly safe. Unfortunately, for the health of us and our environment, most have proven to be exactly the opposite of safe. Now, the state of Alaska can spray these pesticides on state land without even a period of public comment.

In the 1980s Roundup was allowed into Europe, (2) However, today many European countries are trying to ban Roundup and other products made by Monsanto including GMOs. (9) A recent study has found that 44% of people tested from 18 different European countries had glyphosate (the active ingredient in Roundup) residues in their urine. (3). Couple this with the fact that there has also been research that points to glyphosate causing birth defects, endocrine disruption, cancer, autism, and Parkinson's. (2,5,7) We have good reason to be worried about the health of ourselves, and our children.

There have been many studies done on the affects of glyphosate in water systems. One study done on leopard frog tadpoles exposed to glyphosate, showed that after three weeks only 2% survived. Exposing juvenile tadpoles left a 21% survival rate. "The most striking result from the experiments was that a chemical designed to kill plants killed 98% of all tadpoles within three weeks, and 79% of all juveniles within one day."(1). Have there been any studies done on salmon eggs and fry in our streams? Our salmon stocks are certainly one of Alaska's treasures, and worth protecting. (6) Fresh water mussels are also sensitive to glyphosate and surfactants that are added to Roundup. (3) Alaska is trying to build an oyster and geoduck farming industry and right now our pristine waters are one of our biggest advantages. The large scale use of pesticides on uplands may very well harm fish and shellfish downstream. The State of Alaska or any other entity proposing large scale application of pesticides should prove that they are not causing harm to humans or the environment.

Roundup can also have an adverse affect on our water in another way. It can stimulate the growth of some algae to the point where they can be a danger to human and

animal health. (4) When algae blooms become too abundant they use up all available oxygen and cause die off of themselves, and any other creatures using oxygen in that water. This results in toxic water until the dead bodies are cleared from the water, usually by bacterial actions. Roundup actually has 51% other ingredients in it. Surfactants are added to help the glyphosate travel into the plant. These same surfactants also help glyphosate travel into animal cells. (4)

Glyphosate is a broad spectrum pesticide that inhibits the synthesis of amino acids in plants, and bacteria. (1, 2, 3, 5,) The bacteria in our body outnumber our own cells 10 to 1. (5) Many of them are in our gut helping us digest our food, producing nutrients we need, and maintaining a healthy PH. Without them we can get sick with such diseases as allergies, Crohn's disease, Parkinson's, autism, cancer, infertility, obesity, and more. (5) Glyphosate in the human body can kill beneficial bacteria.

Monsanto's studies say that glyphosate is not a major problem in water because it binds to most soils and has a low potential to move through soil to contaminate water. (3) In South East Alaska we live in a rain forest, and much of our water flows along the surface of our soil on its way to ditches, lakes, ponds, streams, estuaries, and the sea. Monsanto also says the glyphosate breaks down within 30 days in most soils, but this is dependent on temperature and number of bacteria, as well as soil types. The Environmental Protection Agency says the average half life of glyphosate in soil is about 60 days. (14) "Glyphosate may be retained and transported in soils, with long lasting cumulative effects on soil ecology and fertility, especially in northern ecosystems with long biologically inactive winters." (2) It also breaks down slower in cooler water. (8) Realistically our water would have significant glyphosate in it for at least 120 days, probably much longer. Then there is the fact that one of the chemicals glyphosate degrades into is Aminomethylphosphonic Acid (AMPA), which one study suggested may have acute genotoxic effects. (2) Finally, AMPA itself breaks down into formaldehyde, a well known carcinogen. (8) We do not want to have to deal with long lasting cumulative effects of these chemicals!

There is rapidly increasing demand for organic, and wild foods. More and more people are realizing that all the pesticides, herbicides, and GMOs are bad for human health and desire to keep those ingredients out of their diet. The future should be bright for a food producing state that has kept its soil and water pesticide free. Alaska produces salmon, halibut, crab, shrimp, herring, geoducks, and oysters in near shore waters. Yet, the State of ALaska can undertake large pesticide spraying projects on state uplands (including roadsides) without permitting, and, in fact, without even a period of public comment.

Many of us enjoy harvesting berries, herbs, goose tongue, beach asparagus, fish, and venison. Some of us save money, and eat healthier by supplementing our pantry with wild harvest. I don't want to have to wonder if doing so is going to cause my children and grandchildren to have hard to cure diseases. Think of all the roadside berries that may have been sprayed with harmful pesticide.

Why are we even considering using pesticides on state land? In DEC's Regulating



Pesticide use in Alaska fact sheet, and the ADOT's Integrated Vegetation Management Plan (12,13) there are no references to any scientific studies. They claim there is a need to eradicate invasive plants such as canary grass, and canadian thistles and that there is a need to get rid of woody perennials like salmonberry and alder that block the view. Roadside grass is planted to inhibit the growth of the woody perennials. ADOT has already been planting ground cover. This is probably where most of the invasive plants come from. Another practice that is probably adding invasive species to our roadsides are the unregulated wattles of grass used to anchor bare soil on road sides. There is reason to believe that Roundup will not work on salmonberry and alder. They are woody perennials that would need to be cut down before application of roundup, and even then would not result in complete die-off. Canary grass and thistles can be killed by covering them up with black plastic, several layers of cardboard, or wood mulch throughout a full growing season. (10) After the grass is dead replanting would be important.

One question is, what to plant on our roadsides that would solve these problems? There are new strategies being planned for roadside management. (11) In Florida the DOT is planting stands of native wild flowers along the road ways. In Southeast Alaska the clear roadsides create a unique chance for species that need open areas to grow. Many of these are flowering plants and herbs that are tough ground covers that would help inhibit the growth of the woody plants like salmonberry and alder. Native plants like yarrow and wild carrots will grow in dry rocky areas. Mints, buttercups and sedges will cover in moist to wet areas. Lupines and vetches will take on the job of nitrogen fixing in poor soils that alders often grow in. Fireweed and goats beard will thrive on steep slopes. There are already many areas where clovers and dandelions cover the road sides and inhibit the growth of alders and salmonberry.

Road and airport maintenance is indeed a problem, but there have not been enough studies to know if pesticides are the right answer. The possible repercussions of using poisons that have already contaminated air, land, water, and food around the world, are serious enough that all the people that live here should be able to help make the decision. In order to achieve this, awareness of the issue needs to spread. Areas that will be sprayed, or have been sprayed need to be posted. At least then people can avoid harvesting in those areas, and take our health into our own hands while we continue to work towards banning pesticides in Alaska.

Cindy Wyatt



1. Rick A. Relyea 2005. THE LETHAL IMPACT OF ROUNDUP ON AQUATIC AND TERRESTRIAL AMPHIBIANS. Ecological Applications 15:1118–1124. <http://dx.doi.org/10.1890/04-1291>
2. <http://permaculturenews.org/2012/11/01/why-glyphosate-should-be-banned-a-review-of-its-hazards-to-health-and-the-environment/>
3. [http://www.foeeurope.org/sites/default/files/press\\_releases/foee\\_5\\_environmental\\_impacts\\_glyphosate.pdf](http://www.foeeurope.org/sites/default/files/press_releases/foee_5_environmental_impacts_glyphosate.pdf)
4. [http://www.delawariverkeeper.org/resources/Factsheets/Glyphosate\\_information\\_sheet.pdf](http://www.delawariverkeeper.org/resources/Factsheets/Glyphosate_information_sheet.pdf)
5. <http://articles.mercola.com/sites/articles/archive/2013/06/09/monsanto-roundup-herbicide.aspx>
6. <http://www.adfg.alaska.gov/index.cfm?adfg=specialstatus.akfishstocks>
7. [http://www.i-sis.org.uk/Why\\_Glyphosate\\_Should\\_Be\\_Banned\\_PDF.php](http://www.i-sis.org.uk/Why_Glyphosate_Should_Be_Banned_PDF.php)
8. <http://www.cdpr.ca.gov/docs/emon/pubs/fatememo/glyphos.pdf>
9. <http://naturalsociety.com/netherlands-say-monsantos-round-herbicide/>
10. <http://dnr.wi.gov/topic/forestmanagement/documents/pub/FR-428.pdf>
11. [http://e360.yale.edu/feature/green\\_highways\\_new\\_strategies\\_to\\_manage\\_roadides\\_as\\_habitat/2661/](http://e360.yale.edu/feature/green_highways_new_strategies_to_manage_roadides_as_habitat/2661/)
12. <http://dec.alaska.gov/eh/docs/pest/PermitsIPMs/dot%202014.pdf>
13. <https://dec.alaska.gov/eh/docs/pest/Regulating%20Pesticide%20Use%20in%20Alaska%202014.pdf>
14. <http://www.epa.gov/ogwdw/pdfs/factsheets/soc/tech/glyphosa.pdf>

Dear Governor Walker,

Right now our state stands at a crossroads on a very important issue. Back in 1978 Governor Hammond issued a directive banning the use of pesticides by state agencies. That was a wise and far sighted move. DOT stopped roadside spraying, and apparently the US Forest Service stopped spraying in the Tongass and Chugach National Forests. The Alaskan Railroad however started accepting free chemicals from DOW Chemical USA to experiment with controlling plant growth along the railroad.

The people living along this railroad have formed the backbone of a years long campaign to keep pesticide use to a minimum, at least in their water supplies, and on their homes. It is a war of attrition though, and every step to stop the spraying has only been temporary. The big companies, like Monsanto have the money and man power to keep on coming back. This is why we need to ban pesticide use. It is like disciplining a child, just say no. Draw the line at our states borders. Otherwise they will keep on coming back with new reasons, promises, and plans to get to do what they want!

Regardless of what these same big companies say about the safety of their products there is mounting evidence from multiple private studies that these products contribute to many autoimmune diseases, birth defects, and cancers. Remember when we were told that agent orange was safe?

Alaska has a chance to make a difference for ourselves, our grandchildren, and the many endangered species this unique state is a home for.

Please consider supporting a ban of pesticide use by commercial agencies in Alaska.

Cindy and Eric Wyatt  
Tokeen Cove, AK

PO Box 369  
Craig, AK 99921

PO Box 766  
Talkeetna, AK 99676  
July 31, 2012

Rebecca Colvin  
Division of Environmental Health  
Alaska Department of Environmental Conservation  
555 Cordova Street  
Anchorage, AK 99501

Via email: [Rebecca.colvin@alaska.gov](mailto:Rebecca.colvin@alaska.gov)

To whom it may concern:

These are my comments on the proposed regulation changes in Title 18 of the Alaska Administrative Code, Chapter 90 dealing with Pesticide Control Regulations, according to the public notice of May 21, 2012.

These proposed changes are ill-conceived and would have the effect of facilitating rather than controlling terrestrial pesticide use<sup>1</sup> by state agencies on state lands and rights of way. These proposed changes represent an abdication of the Alaska Department of Environmental Conservation's ("ADEC") duty to protect human health and the environment and are inconsistent with the purpose of Chapter 90 of Alaska Administrative Code which is "to protect human health, safety, and welfare, animals, and the environment by ensuring the proper use, sale, distribution, transportation, storage, and disposal of pesticides and their containers."

I oppose these proposed regulatory changes, and recommend that they be permanently withdrawn and discarded.

Note that, unless otherwise stated, I am addressing throughout my comments the application of pesticides by a state agency to state lands and rights of way, excluding aquatic and aerial applications and the spraying of private property. I refer herein to a state agency considering or proposing the use of pesticides on state lands and rights of way as an "applicator agency."

#### Function and Importance of the Current Permitting Process

The current pesticide use permitting process requires that an applicator agency proposing to apply pesticides on state lands or rights of way (including railroad and road rights of way) must first obtain a permit from ADEC, whereby ADEC authorizes the applicator agency to

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<sup>1</sup> By terrestrial pesticide use, I mean that the pesticide application program or project is not an aquatic application and is not an aerial application.

proceed with the spray program or project. A spray operation cannot proceed without such authorization. The current permitting process requires that an applicator agency prepare and submit an application, including accompanying data and additional data if requested by ADEC. The application must include such information as identification/description of water bodies, identification of public and private drinking water sources, pesticide formulation, when the spraying would occur, location, soil drainage characteristics, and other items as stipulated in 18 AAC 90.515.

In addition, the permitting process provides for meaningful public and agency participation in the decision making process. The structure of the process also facilitates consultation with other agencies as well as the gathering of information from outside sources (e.g., sister governmental agencies outside of Alaska).

ADEC may approve or deny a pesticide permit application, or approve an application with conditions that the applicant must adhere to. It may also revoke or modify a permit that it previously issued.

This permitting process is crucial in providing for the public health and protecting the environment, especially with respect to the waters of the state and public and private drinking water systems. It also allows the public a say in how its lands are used and helps prevent persons from being unknowingly or involuntarily exposed to these harmful chemicals.

The existing permitting process is a crucial because:

1. It requires an applicator agency to take a hard look at and document what they are doing and what they propose to do with respect to "pest" control and what role, if any, pesticides would play in the management of that pest. The applicator agency is held accountable because both the public and ADEC review and consider the data and information supplied in the application.
2. It informs the public in advance of a proposed pesticide program or project so that it is able to participate meaningfully in the decision of whether or not to use pesticides and, if approved, what conditions should be placed on the pesticide use.
3. It provides ADEC, the state agency possessing the practical and technical knowledge of proper and appropriate handling and use of pesticides, with the information and data necessary for it (after consideration of public comment) to make an informed decision on whether the proposed pesticide project would result in an unreasonable adverse effect.

4. It provides ADEC with a body of information, including the treatment results, of specific pesticide projects, which is essential in order to maintain the data necessary for it to properly monitor and control the use of pesticides.<sup>2</sup>

This permitting process, under the proposed new regulations, would be eliminated, taking virtually all of these public benefits with it.

#### The 2006 Alaska Railroad application to spray pesticides

On June 13, 2006, the Alaska Railroad ("ARRC") applied to ADEC for a permit to spray pesticides along its mainline track between Seward and Fairbanks and on its rail yards.<sup>3</sup> This permit application provides a telling example of the public process and ADEC's analysis, which resulted in significant public benefit; all of which would be lost under the proposed new regulations.

The 2007 Decision Document<sup>4</sup> represents ADEC's grounds for denying the railroad's June 2006 pesticide permit application. This Document demonstrates how the permitting process works when fully engaged: the meaningful public participation process, ADEC's consultation with other agencies (state and federal), ADEC's outside consultation with sister agencies in Canada, the United Kingdom, and Norway, and, most important, ADEC's concern about protecting the waters of the state from contamination by pesticide chemicals.

The mechanism that facilitates this kind of in-depth analysis and public engagement would be eliminated under these new regulations (for spray projects by state agencies to state lands and rights of way, with the exception of aerial and aquatic applications).

The 2007 Decision Document concludes, among other things, that "The ARRC has not adequately identified all the water resources in and near the proposed spray area;" "Concerns raised during the public comment period and during inter-agency coordination with the Alaska Department of Natural Resources (DNR), Alaska Department of Fish and Game (ADF&G), and the National Park Service regarding the possibility of pollution of water resources are compelling;" "Based on the fact that the labels prohibit the application of these herbicides to water, the proposed application may result in unreasonable adverse effect to human health, animals, or the environment;" and "The proposed 10-foot spray

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<sup>2</sup> The current information requirements serve an important and necessary purpose in managing pesticide use on state lands and rights of way. The proposed new regulation .640 is an utterly inadequate and virtually meaningless substitute, as explained herein and particularly in my comments below for .640 under section entitled: Detail comments on each stipulation of the proposed regulations

<sup>3</sup> Department of Environmental Conservation, Division of Environmental Health, Alaska Railroad Corporation Permit Application for Pesticide Use for Vegetation Management on Railways and Rail Yards, Decision Document, February 2007 ("2007 Decision Document").

<sup>4</sup> I am attaching the 2007 Decision Document as part of my comments to be included in the record.

buffer zone around water resources proposed by the ARRC is inadequate to protect against water pollution by the herbicides" (see 2007 Decision Document, page 1).

The 2007 Decision Document, at page 4, goes on to state: "Due to the discrepancy in the data sets submitted to DEC and the large number of water bodies located throughout the rail line, any spray method, no matter how precautionous, would likely result in the proposed herbicides reaching the waters of the state." And on pages 4-5: "In the permit application, the ARRC proposed to utilize a 10 foot no-spray buffer around water features. Research indicates this buffer zone is inadequate to protect against water pollution by the herbicides."

ADEC denied the application under the authority of 18 AAC 90.525(b)(5), stating: " 'the department will, in its discretion, deny a permit if the department finds that there is an unreasonable adverse effect' that would result from the pesticide application."

ADEC's analysis, evaluation, and decision on the railroad's 2006 pesticide permit application showed that ADEC viewed risk of a pesticide formulation to human health and the environment according to its toxicity, persistence in the environment, and migration characteristics. ADEC also listened and responded to concerns expressed by the public in arriving at its decision to deny the application. ADEC also took seriously the importance of protecting the waters of the state.

**For these reasons, ADEC found it necessary, in order to protect water resources, to override both the EPA label (which did not stipulate or recommend establishing no-spray buffers around water bodies) and the applicator agency's best judgment (i.e., ADEC found inadequate the railroad's proposed 10 foot buffers around water bodies).**

It is quite stunning in light of this past history, that ADEC is now, with its proposed regulations, trying to scrap this important and necessary process for controlling pesticide use and protecting human health and the environment. ADEC would be getting out of the way of pesticide use, instead of controlling it.

Under its proposed regulations, ADEC would be relying on the applicator agency to comply with pesticide laws and regulations and with the EPA label in order to protect human health and the environment, and to avoid unreasonable adverse effect resulting from the use of pesticides. An applicator agency is ill-equipped to carry out this crucial public and environmental health function. **Such reliance on the applicator agency and on the EPA label, as demonstrated in the above example,<sup>5</sup> has proved unreliable, and insufficient to protect human health and the environment.**

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<sup>5</sup>And also below under: The proposed regulatory changes fail to consider the risk to human health and environmental of different pesticide formulations



In short, the proposed new regulations would leave the ADEC with no mechanism by which to make the determination as to whether a program or project involving the use of pesticides would have an unreasonable adverse effect.

Why ADEC is proposing these changes and why the reasons are spurious

ADEC, according to public statements, is proposing these regulatory changes for two reasons. First to be consistent with other land-owners such as farmers and native corporations, neither of which are required to obtain a permit for pesticide use.

In pursuing “consistency” ADEC fails to consider that state lands are public lands. The public owns them and the public uses them. In many cases, especially along state rights of way, the public must use state lands and rights of way to get where they need to go, which means that folks would potentially be involuntarily exposed to toxic and harmful chemicals. This is very much unlike private property. The public doesn’t need to cross a farmer’s fields to get to where they need to go.

Furthermore, state lands and rights of way are owned by the public, and the public has a legitimate interest in its lands and has a fundamental right to meaningfully participate in the decisions about how its lands are used.

The public also has a fundamental right to meaningfully participate in agency decisions that affect it. By this I mean, for example, if a person owns property that abuts state land or right of way that may be sprayed with pesticides, that person has a right to be heard and participate in the decision. It is not legitimate for ADEC (or any government body) to take away a person’s right to protect the health and safety of himself or herself or their family or property.

These proposed regulations, with no mechanism to establish buffers or no-spray zones, would allow spraying right up to a person’s property line. Considering the high probability of drift during application, migration, and post-application winds blowing contaminated dust/plant debris, it is a near certainty that the adjoining private properties would be affected. This means vegetable gardens, the children’s sandbox and swing set, etc. would be contaminated, and, of course the family who lives there would be exposed. All with no provision for that person, or the general public, to be heard in advance of the spraying.

People and their children would be involuntarily and sometimes unknowingly, exposed to these toxic chemicals, and they would have no say whatsoever. I am outraged, and I think that folks, if they were aware of what ADEC is up to, would be equally outraged.

If ADEC wants to pursue a goal of consistency, it can (and there is a strong argument to do so) require native corporations and farmers, and any large user of pesticides to go through the existing permitting process. That would surely improve ADEC’s capacity to protect

human health and the environment. But, unfortunately, ADEC is heading, with the proposed regulations, in the exact opposite direction, which would be to facilitate rather than control pesticide use, and in the process to prevent folks from exercising their fundamental rights as citizens.

The **second** reason for getting rid of permit requirements is to free up ADEC staff time, which is presumably considered internally to be excessive.<sup>6</sup> ADEC's Karin Hendrickson indicated that time saved by eliminating the permit process could be spent on things like education in safe use of pesticides, outreach, inspections, and possibly water monitoring.<sup>7</sup>

These are all things that ADEC should be doing, and to large extent is doing,<sup>8</sup> ADEC could probably do more, but it should never be at the expense of the existing permitting system.

In addition, there is much interaction between a prospective permittee and ADEC. Things like education, monitoring, and outreach are integral to the existing permitting process. So, throwing out the permitting system would also be throwing out a certain amount of education, outreach, and inspections.

Even so, education, inspections, and outreach and the permitting system are not mutually exclusive... all can co-exist; ADEC can, and should, do all. ADEC should keep the current permitting system, and it should expand its education program in safe pesticide use and it should be monitoring and enforcing, and it should be collecting data on the use and effects of pesticide use. That is ADEC's job.

The use and handling of pesticides is a significant public and environmental health issue, and ADEC's efforts should not be cut short in any way. ADEC is remiss in not doing all it can to protect human health and the environment, including seeking funding if necessary.

ADEC's reasons for pursuing the change range from spurious to specious to disingenuous. It is evident that the perceived benefit to ADEC would be very small when compared to the significant harm to public health and the environment that would result if the proposed changes are adopted.

#### The proposed regulatory changes fail to consider the risk to human health and the environment of different pesticide formulations

Another reason the proposed regulations are bad public policy, and represent a high risk of resulting in unreasonable adverse effect to human health and the environment has to do

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<sup>6</sup> see email from Ernst Prax, staff to Representative Wes Keller, to a concerned member of the public, dated July 24, 2012 (attached)

<sup>7</sup> KTNA radio, Susitna Valley Voice, July 11, 2012 and KTNA news report June 21, 2012

<sup>8</sup> see, for example, ADEC website, Division of Environmental Health, Pesticide Control Program for educational flyers and other information, <http://www.dec.alaska.gov/eh/pest/factsheets.htm>



with the fact that there are many different pesticides and pesticide formulations registered in Alaska, and that these chemical formulations vary according to level of toxicity, persistence in soils, and migration characteristics. This means that the risk to human health and the environment varies among the various pesticides and pesticide formulations. The new regulations do not consider the varying levels of risk to human health and the environment represented by the various pesticide formulations.

For example, with respect to the railroad's 2006 application, ADEC currently lists a pesticide called Riverdale Solution Water Soluble IVM ("SWS") (EPA Reg No. 228-260) on its list of registered pesticides. SWS is a product that the Alaska Railroad proposed using as part of its pesticide formulation in 2006 when it applied to ADEC to spray pesticides along its mainline track between Seward and Fairbanks. The only active ingredient of SWS is 2,4-D. SWS is not classified as "restricted use" at either the state or federal level.<sup>9</sup> ADEC's website back in 2006 described 2,4-D compound as a highly toxic pesticide and that "a taste to a teaspoon taken by mouth could kill an average sized adult."<sup>10</sup> 2,4-D represents 50% of the defoliant component of Agent Orange,<sup>11</sup> the notorious defoliant used in Vietnam that sickened so many people.

There is a significant difference between the formulation that used SWS (2,4-D) and the pesticide product called Aquamaster, which is the pesticide the ARRC is currently spraying along portions of its right of way under ADEC-approved permits. Aquamaster, although a pesticide, is much less toxic than SWS. These two products would be treated no differently under ADEC's proposed regimen. The proposed regimen considers the risk of these two products to human health and the environment to be exactly the same. In both cases, ADEC would be relying only on the applicator agency to comply with the pesticide laws and regulations and with the EPA label.

The proposed regulations, by eliminating the permit system for terrestrial spraying on state lands and rights of way by state agencies, also eliminate the vehicle for considering such things as the toxicity, persistence, or migration and other characteristics of a pesticide as well as the circumstances (e.g., location, presence of water bodies, topography) of its application when determining risk to human health and the environment or deciding whether or not to use a pesticide. In fact, with these proposed regulations, there is no analysis of risk and there is no decision. Pesticide use is pre-approved, and left to the applicator agency.

#### Compliance with the EPA label is not sufficient to protect human health and the environment

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<sup>9</sup> There are special rules for "restricted use" pesticides, but since SWS is not "restricted" these do not apply to SWS.

<sup>10</sup> <http://www.dec.state.ak.us/eh/pest/Product.asp?plD=1669095> This link was working in 2006; it came up with an error message when I tried it recently.

<sup>11</sup> citizen testimony, ADEC public hearings, Talkeetna, July 19, 2006, from audio tape recording.

ADEC maintains, as Karin Hendrickson did on KTNA radio, that “If pesticides are used in accordance with the label, then there should not be problems.”<sup>12</sup> This statement is directly contradicted by ADEC’s actions on the Alaska railroad’s pesticide permit applications of 2006, 2009, and 2012.

ADEC denied the 2006 application, as described above; ADEC approved the 2009 application and required 100 foot buffers around water bodies; and ADEC approved the 2012 applications and required 25 foot buffers around water bodies. **In all cases ADEC either denied the permit application or imposed greater restrictions on the spray operation than was required by the label.**

ADEC’s denial of the 2006 application and approval of the 2009 and 2012 applications shows that ADEC recognizes that the risk to human health and the environment varies among different pesticide formulations; that some formulations are more toxic than others. The fact that ADEC, in all three instances, overrode the EPA label demonstrates that reliance on the label is not sufficient to account for the varying risk to human health and the environment represented by the various pesticide formulations. ADEC has shown in all three of these instances that compliance with the label is not sufficient to protect human health and the environment.

Given ADEC’s past actions, it is inexplicable that ADEC in proposing these regulatory changes would rely on the label to account for risk. It knows that some pesticides are more toxic or otherwise riskier than others, and a pesticide doesn’t have to be on the restricted use list to be very harmful. And yet, ADEC’s view of risk, as represented by these proposed regulatory changes, addresses only the way a pesticide is applied rather than its toxicity. If it is an aerial application or if the pesticide is to be applied directly to water a permit is required; otherwise, a permit is not required.<sup>13</sup> But the toxicity, persistence, or migratory (to water for example) characteristics of a formulation do not enter into ADEC’s proposed view of risk.

The effect, should these regulations be adopted, could be, for example, that the Alaska Railroad would switch from the current approved Aquamaster to the 2006 formulation, containing SWS and 2,4-D. The SWS label (which would be relied upon under the proposed regulation) contains no recommended or required buffer. Under the proposed regulations, the ARRC could change its pesticide formulation with no review or approval required by ADEC, no public process, no identification of water bodies, and no buffers around water bodies. The railroad could just do it. The only requirements would be to notify the public that it is going to spray<sup>14</sup> and comply with the (insufficient) label.

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<sup>12</sup> KTNA Susitna Valley Voice, July 11, 2012 (second segment at about 5 minutes).

<sup>13</sup> There is a minor exception to this, which is, a permit is required if a state agency wishes to apply pesticides to private land.

<sup>14</sup> See below under specific comments for reasons why the notification requirements of the proposed regulations are inadequate.

With these proposed regulations, it would be the pesticide user's choice, without the public's or ADEC's involvement.

#### ADEC is abdicating its fundamental duty

The proposed regulatory changes represent an abdication of the ADEC's fundamental duty to protect human health and the environment and are inconsistent with the purpose of chapter 90 which is "to protect human health, safety, and welfare, animals, and the environment by ensuring the proper use, sale, distribution, transportation, storage, and disposal of pesticides and their containers."

Under the current permitting system, ADEC has both the authority and the responsibility to control terrestrial pesticide use by state agencies on state lands and rights of way. Under the proposed regulations, there would be no permitting process, and applicator agencies would not be required to obtain approval from ADEC in order to spray pesticides (as long as it is not an aerial or aquatic application). Not only do these proposed regulations empower an applicator agency to pursue a pesticide spray operation on its own authority, but it cuts the public entirely out of the process.

ADEC is relinquishing its authority by abolishing the permit system,<sup>15</sup> and by taking an almost total hands off approach to the use of pesticides by state agencies on state lands and rights of way. The proposed regulations, for example, do not contain any requirement (or provide any mechanism to ensure) that ADEC

- review, evaluate, monitor, or control an applicator agency's pesticide spray operation;
- evaluate a proposal to use pesticides to determine if the spray operation would have an unreasonable adverse effect;
- review, evaluate, or approve an IPM;
- monitor or otherwise test for an applicator agency's compliance with an IPM or with the EPA label;
- obtain the information necessary to ensure protection of Alaska's water resources (e.g., no requirement or mechanism to identify water bodies or private drinking water systems or sources within or in close proximity to water bodies);
- determine the need for or impose no-spray buffers around water bodies; and
- provide for public participation in pesticide use decisions.

ADEC requires that it be notified 15 days in advance of commencement of a spray operation. The proposed regulations are silent on the nature, content, and form of the notification (e.g., would a quick phone call... "this is the Alaska Railroad, we are going to spray pesticides in 15 days, good bye"... suffice?). Even if there was guidance on the nature, content, and

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<sup>15</sup> For non-aerial, not aquatic applications by state agencies on state lands

form of the notice, 15 days provides insufficient time for ADEC to research and understand the spray operation enough to justify a “stop” order if warranted.

**ADEC may retain the responsibility to control pesticide use, but it is proposing to so gut the regulations that it would be impossible or impractical for ADEC to meaningfully exercise its authority to fulfill that responsibility.** Pesticide use is a significant public health issue, and ADEC, with these proposed regulations, has decided, instead of protecting public health and the environment, to step aside, and get out of the way.

#### ADEC obscures from the public the true nature of the proposed regulatory changes

ADEC has provided on its website several documents that contain information about the proposed regulatory change. These documents are the primary source of information available to the public regarding the proposed changes. The substantive documents are the Proposed Regulation Change Fact Sheet, the Public Notice, and the Regulation Amendments.

The language of these documents is carefully crafted. None of the documents straightforwardly or clearly inform the public of the true nature of the change, the essence of which is that the current permitting process for the application of pesticides by state agencies on state lands and rights of way (with the exception of aerial and aquatic applications) would be abolished. And along with the elimination of the permit requirement, things like public participation and process and the identification of water bodies and drinking water sources and protection thereof would also be eliminated.

The documents dance around the subject of permit... throwing out the term “permit-by-rule” on the Fact Sheet, with no way for the public (even by calling ADEC as I did) to find out what that means. “Permit-by-rule” may be a red herring, but we don’t really know.

The Regulation Amendments document does not provide a before and after red-lined version that would clearly show the wording of the regulation as it exists now, the changes, and the proposed version. A person would have to locate the current version of Chapter 90 to get the full picture, and it is not so easy to find a version of Chapter 90 that you know is current.

And, the Public Notice discusses permits, but the first word in the sentence that mentions permits is “Clarifying ....” The word “clarifying” means to “make intelligible, to free from ambiguity.” It doesn’t mean “get rid of” or “eliminate.”

ADEC is deceiving the public by withholding or obscuring essential information about these proposed regulatory changes. **ADEC has not reasonably informed the public as to the nature and scope of these proposed changes. The public process is therefore not legitimate.**

### Public Comment Deadline Extension

ADEC is putting these proposed changes out for public comment for 72 days, but it is doing so in the heart of summer recreational and business activity, which occupies most folks this time of year. The fact that folks are pre-occupied during the summer months means that 72 days isn't enough. These proposed changes are drastic, and the public is being removed from the process. ADEC must be aware that if folks were clearly informed of the content and implications of the proposed changes they would loudly object.

ADEC has received a number of requests, some from state legislators, to extend the comment period until things settle down from the hustle and bustle of summer. ADEC has chosen to deny those requests.

I see a certain irony in this. These rule changes are out for public comment at a time when folks are out trying to catch salmon in their favorite stream, completely unaware of the possibility that by this time next year their stream may be contaminated by pesticides (potentially including 2,4-D) sprayed to the water's edge and seeping or blowing into the water itself.

ADEC's lack and mischaracterization of information coupled with ADEC's refusal to extend the comment period to a time when folks can focus on something other than enjoying summer or running a business at the busiest time of year, means that the public is being deprived of its right to meaningfully be heard on the proposed changes.

### Detail comments on each stipulation of the proposed regulations

These are my detail comments on each stipulation of the proposed new regulations. The regulation language<sup>16</sup> is in italics; my comments are in normal text, bold, and indented.

Below I describe deficiencies in the proposed new regulations. These deficiencies support the above conclusion that these proposed regulations represent an dereliction of ADEC's duty to protect human health and the environment and to engage the public in meaningful participation. These deficiencies also show that ADEC has drafted these proposed regulations carelessly, apparently without a great deal of thought to the consequences to public health and the environment.

*18 AAC 90.500 is being amended to read:*

**11 AAC 90.500. Permit for certain public pesticide programs or projects:** *Except as provided in 18 AAC 90.510, a government entity may not, without first obtaining a permit issued by the*

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<sup>16</sup> Regulation language is taken directly from the .pdf document available on the ADEC website at <http://dec.alaska.gov/eh/docs/pest/Pesticide%20Amendments%20Public%20Notice%20Version%20May%2021%202012.pdf>



*department, direct, carry out, allow, or participate in the spraying or application of a pesticide in any program or project, intended to apply pesticides to private property.*

*18 AAC 90.500 (a)(1) is repealed.*

*18 AAC 90.500(a)(2) is repealed.*

The focus of this comment letter is to object to the repeal of the permit system currently required to authorize the application of pesticides by state agencies to state lands and rights of way.

However, in addition, I find the change in language with respect to private property also to be problematic. The proposed language "...intended to apply..." contrasts with the existing language "if that spraying or application affects property owned separately by two or more persons." The proposed language is carefully crafted to eliminate the need for a permit unless there is a specific intention of a state agency to spray on private property. ADEC itself recognizes that spray applications involve the potential and likelihood of drift and it recognizes that pesticides migrate in soils.

Since the proposed regulations fail to provide a mechanism to impose no-spray buffers to private property (or to anything else), a state agency spraying to the edge of its land or right of way, would expect (due to migration and drift and post-spray dust or debris blown by the wind) that adjoining private property would in most cases be affected. The existing regulation uses the word "affects" and thus accounts for this occurrence. Substituting the "intended" language sidesteps the requirement to obtain a permit, and thus eliminates the public's and the property owner's ability to participate in the permitting decision.

ADEC's apparent lack of regard for how private property, and the health of property owners, would be affected by the proposed regulations leads one to the conclusion that ADEC is placing too much emphasis on "streamlining" the use of pesticides and not enough on doing its job of protecting public health and the environment.

The existing 90.500(a)(2) should not be repealed and should remain in effect.

*18 AAC 90 is amended by adding a new section to read:*

*18 AAC 90.640. **Pesticide applications on state land.** (a) Pesticide applications on land owned or leased by an agency of the state, or a right-of-way managed by it, are authorized if:*

*(1) the application follows a written Integrated Pest Management plan appropriate for the pest of concern pursuant to 18 AAC 90.645, and adopted by the agency applying the pesticide;*

The guidance provide on .645 is vague, general, and inadequate and substantially simply outlines existing department policy<sup>17</sup>. See comments under proposed .645 below.

*(2) the Integrated Pest Management plan is published on the department's website;*

Conceptually, it is good to have an Integrated Pest Management (IPM) plan, to have it published on ADEC's website, and have it available so that it can be viewed by the public. But these regulations fall far short of how an IPM plan should be developed and administered. For example,

It is disturbing that the proposed regulations do not require ADEC to review and evaluate the IPM plan, and make a decision to approve it, disapprove it, or approve with conditions.

It is also disturbing that the public is provided no opportunity to comment on the plan and have those comments incorporated into the decision-making process.

And it is disturbing that the requirements for the content of the plan are inadequate to ensure that meaningful, useful, and consistent plans are developed and implemented.

See also my comments under .645 below.

*(3) notification has been provided at least 30 days before the application, or 30 days before the first application of a multi-application project, by mail, return receipt requested, to public drinking water system owners and operators as defined in 18 AAC 80 if the application will occur within 200 feet of the water source;*

I am troubled by the fact that this (3) is limited to public water systems and that no-spray buffers are not required. Also troubling is that this (3) is limited only to notification to the owners/operators that spraying will occur. There is nothing else in (3): no opportunity for the owner/operator to object in any way... no opportunity the owner/operator to participate in the decision to use a pesticide, no opportunity to request, much less require, a no-spray buffer, and no opportunity for the public (those who drink the water, for instance) to participate in any way.

In addition, this (3) fails to consider private water wells or water systems. There is no other provision, here or elsewhere within these proposed new regulations, that considers private water wells or drinking water systems... no provisions to identify private wells, no opportunity for the private well users to participate in the decision to use pesticides, no no-spray buffers.

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<sup>17</sup> ADEC website, Pesticide Control Program, Factsheets, IPM (Integrated Pest Management) More Effective Pest Control

Furthermore, there is no provision in this (3) or anywhere else in the proposed new regulations that requires the identification of water bodies in proximity or within a spray area. There is no provision, in this (3) or anywhere else in the proposed new regulations that requires that no-spray buffers be imposed to prevent the pesticides from reaching the waters of the state.

The citation 18 AAC 80 is incomplete, and would require the reader to search the entire chapter to figure out (guess at?) the specific provision cited.

This (3) also fails to provide guidance as to what information must accompany a notification (e.g., identification and description of the pesticide and pesticide formulation being sprayed, how much, when... etc. ) and there is no guidance as to whether notification is required if there is a change in the operation, such as change in the pesticide formulation (e.g., a switch from Aquamaster to the Oust Extra/RazorPro/SWS formulation of the ARRC's 2006 proposal).

*(4) the pesticide will be applied by an applicator certified by the department;*

I agree that pesticides should be applied by a competent and properly trained applicator, but there is no provision for ADEC to be informed of even the name of the applicator, much less evidence of his proper certification and other credentials, as currently required under 90.515(13). Currently, an applicator agency must provide ADEC (and the public) "evidence that a person who directs, carries out, or participates in a pesticide program or project described in 18 AAC 90.500 or 18 AAC 90.505 has working knowledge of the pesticides to be applied, the necessary safety precautions, and potential impact on the environment; the evidence required by this paragraph must include proof of appropriate certification under 18 AAC 90.300 - 18 AAC 90.315." This requirement would not apply, under the proposed new regulations, to the terrestrial spraying of pesticides by state agencies to state lands.

*(5) public notice of the application is provided in accordance with 18 AAC 90.640 (b);*

See my comments under .640(b).

*(6) the department is notified fifteen days in advance of an application on a parcel of land one acre or more in size, or greater than one mile in length;*

It is troubling that ADEC's only involvement in the terrestrial use of pesticides by state agencies on state land is a 15 day notice, with no guidance on what that means. I elaborate on this in section ADEC is abdicating its fundamental duty



Turning first to the wording of (6), which is confusing and internally inconsistent (i.e., with respect to “one acre or more in size” versus “greater than one mile in length.” What exactly is the purpose of the “greater than one mile in length” clause? An acre is 43,560 square feet. A mile is 5280 lineal feet. A width of 8.25 feet over one mile would equal one acre. If the railroad, for example, wanted to spray one mile of mainline track, 16 feet wide, would it need to notify ADEC? The spray area would be 1.93 acres, which means (since it is greater than one acre) notification would be required, but it is not over a mile in length, which means notification would not be required. It is confusing because application coverage is an “area” measurement, not a “lineal” measure. When one buys a can of paint, coverage is stated in square feet, not in lineal feet. This is just one of many indications that ADEC has put little serious thought in drafting these proposed regulations.

This (6) does not provide any guidance as to what a notification must contain. It doesn’t even require that the notification be in writing. Is a phone call sufficient? What information must be provided to ADEC? Is such information as the time, location, purpose for the application, pesticide formulation, overview of the project, the name of the applicator, application method, quantity of pesticide, rate of application, etc. required?

*(7) a record of pesticide use and notification is maintained by the land manager for five years and must be produced to the department upon request;*

This (7) does not provide guidance as to specifically what information and data must be recorded and retained. Without guidance and standards for information and data collection and retention, the records will most assuredly be widely inconsistent among the agencies and be generally insufficient for any meaningful pesticide control or monitoring purposes.

*(8) if 50 pounds or more of pesticides are used annually, the land manager must post a report each year on the land manager's website that describes how much of each product was used and where; and*

This (8) is another example of the fact that ADEC, in proposing these new regulations, fails to recognize that pesticides vary in their toxicity, persistence, and migration characteristics. The fact is, some pesticides represent a greater risk to human health and the environment than others. These proposed new regulations fail to recognize, much less manage, this risk, as explained above under “The proposed regulatory changes fail to consider the risk to human health and environmental of different pesticide formulations.” Fifty pounds of one formulation, in terms of risk to human health and the environment, can be equal to a teaspoon of another.

This (8) says only that the report contain "how much of each product was used and where." This (8) severely reduces current information retention requirements, and is not sufficient to serve a useful purpose in monitoring and controlling the use of pesticides.

It is unclear whether 18 AAC 90.535 would apply if the proposed regulations were adopted. This ambiguity should be addressed. 90.535 provides useful information:

- (1) the dates of the treatment;
- (2) the total amount of each pesticide used;
- (3) an assessment of the success or failure of the treatment;
- (4) any observed effect on human health, safety, or welfare, animals, or the environment;
- (5) monitoring results, if under this chapter, the department required the permittee to conduct monitoring; and
- (6) records required to be kept under 18 AAC 90.400 – 18 AAC 90.420

This information, specified in 90.535 should be gathered, reported to ADEC, and retained for all spray operations, both public and private. This recommendation would mean that large private landowners such as farms would be required to gather and report this information to ADEC.

*(9) the department is granted access to the property without prior approval during pesticide applications.*

This (9) implies that ADEC contemplates the possibility of its looking at a particular spray operation, although the proposed regulations are silent on the necessity, frequency, purpose, nature, or scope of such a visit, or whether it would be in response to an emergency, public complaint, etc.

*(b) If specific notice requirements under 18 AAC 90.625 or 18 AAC 90.630 do not apply, the agency applying the pesticide on a parcel of land one acre or more in size, or greater than one mile in length, must publish two consecutive notices of the pesticide application in a newspaper of general circulation in the affected area. The notice must be completed at least 30 days prior to application, and must include:*

See (6) above for my comment objecting to the "or greater than one mile in length" threshold language. My concern applies as well to the language in this (b).

In addition, a "newspaper of general circulation in the affected area" is not sufficient notice" is not adequate notice. A lot of people do not read the newspaper these days, and those who do rarely read the notices section. This notification method would reach few people.

There should be a provision for posting notices in a central place such as the ADEC website. The public cannot be expected to periodically search through or negotiate the website of every state agency. There should be a central email list maintained so that concerned folks can be asked to notified in advance of all spraying. There should be an RSS feed or equivalent that folks could sign up for. There should be

physical notification on-site on the perimeter of, and various points within, a spray area. This is especially important along the railroad and state rights of way. There should be radio announcements (e.g., KTNA in Talkeetna) wherever possible. There should be notices posted at railroad depots if the railroad is spraying. All of the above should be required by regulation.

Line item (2) "pesticides to be used" is not specific or detailed enough. The railroad, for example, could list Solution Water Soluble (SWS) described above. It would not have to notify the public that the only active ingredient is 2,4-D (also described above). The notification needs to include this type of detailed information.

This (b) fails to provide guidance as to whether notification is required if there is a change in the operation, such as a change in the pesticide formulation (such as a switch from Aquamaster to the Oust Extra/RazorPro/SWS formulation of the ARRC's 2006 proposal). Such an action has significant public and environmental health implications, and the public should know about it.

Clearly, this (b) does not provide for reasonable public notification in advance of the application of pesticides or broadcast chemicals.

- (1) location of the proposed activity;
- (2) pesticides to be used;
- (3) the target species for the pesticide application;
- (4) the method of applying the pesticides; and
- (5) how the public can receive more information.

This list of required information should also include the date spraying is to commence and when it is to end.

*(c) Multiple pesticide applications can occur during one calendar year. Prior to the first application of the year during a multi-application project, notice must be provided pursuant to (a)(2) and (b). The notice must also provide an approximate number of applications for the proposed project.*

This (c) refers to (a)(2) and (b). My objections and concerns for (a)(2), (a)(3) and (b) apply to this (c) as well. And, is (a)(2) a typo; should it be (a)(3)?

*(d) The following pesticide applications are not subject to the requirements of this section:*

- (1) application of antimicrobial pesticides;*
- (2) application of pesticides on a total of less than 1 acre of land during a calendar year;*
- (3) application of pesticides on less than a total of 1 linear mile during a calendar year;*
- (4) personal use insect repellent products; and*
- (5) application of pesticides inside buildings or structures.*

This (d) contains my same concern and objection about the inconsistent and confusing use of the one acre vs one linear mile language that I have expressed above.

*18 AAC 90 is amended by adding a new section to read:*

**18 AAC 90.645. Integrated Pest Management Plan.** *An Integrated Pest Management Plan (IPM) establishes a procedure for the use of pesticides in a manner that poses the least possible hazard to people, property, and environment whereby pesticides are used only after non-chemical methods have failed or are impractical. The IPM must include a description of:*

- (1) the preventive methods used, such as non-chemical practices and sanitation, to keep pest problems from occurring;*
- (2) the activities to monitor for the presence of pests;*
- (3) the thresholds for allowable pest presence;*
- (4) when appropriate, the use of mechanical and physical controls to reduce pest presence;*
- (5) the pesticide products used when determined necessary by the plan; and*
- (6) the identity of the person in charge described in 18 AAC 90.650.*

This .645 contains some useful requirements for inclusion in an IPM plan, and it may stimulate some constructive thought on the part of a prospective applicator agency, but that is all. Unfortunately, the requirements for the content of an IPM plan are so general and limited that such a plan would be virtually meaningless when addressing the risk to human health and the environment. In short, the six required topics of an IPM plan do not comport with the introduction to .645 stating that an IPM “establishes a procedure for the use of pesticides in a manner that poses the **least possible hazard** to people, property, and environment, whereby pesticides are used only after non-chemical methods have failed or are impractical.”

For example, it is not possible to achieve the “least possible hazard...” standard when there is

- no requirement for the identification of water bodies,
- no requirement for the identification of private water wells,
- no public participation to identify areas such as railroad flagstops or biologically sensitive areas so that no-spray buffers can be established,
- no requirements that water bodies, public water systems, private water systems, private property, residences, be buffered by no-spray zones
- no assurance that pesticides do not reach the waters of the state
- no recognition of the varying risk profile (i.e., toxicity, persistence, or migration characteristics) among various pesticide formulations, other than what is on the EPA label. ADEC has shown in the past that the label is insufficient to protect the waters of the state
- and other things required in the existing permitting process

I elaborate on these and many other concerns and objections to the proposed new regulations in the main text of my comments.

This .645 also does not provide for public participation in the development of the IPM plan. Development of these plans should be a full and meaningful public process.

This .645 also does not provide for ADEC to review, evaluate, modify, and approve or deny the IPM.

The six requirements of .645 are incomplete and woefully inadequate to accomplish the purpose of .645. They are also general and not specific. There are no performance standards. For example, the IPM, according to .645 must include a description of “(1) preventative methods used, such as nonchemical practices and sanitation, to keep pest problems from occurring;”. The IPM Plan could say under this heading: “we tried pulling weeds and it didn’t work.” Under the regulation, that would suffice. There are no performance standards, ADEC isn’t required to review or evaluate the IPM, the public is prevented from participating.

The result will be a wide and inconsistent array of IPM plans among the various agencies. Some agencies would probably make a good faith effort to achieve the purpose of .645, but many would lack the resources or expertise to do it right. And the lack of public and ADEC oversight and the lack of strict and specific guidance in the regulations will make protection of human health and the environment highly unlikely.

*18 AAC 90 is amended by adding a new section to read:*

**18 AAC 90.650. Person in charge.** *The agency performing a pesticide project or program shall identify a person in charge to oversee pest control. That person will:*

*(1) develop and implement an Integrated Pest Management Plan in accordance with 18 AAC 90.645;*

*(2) ensure compliance with the Integrated Pest Management Plan;*

*(3) review and update the Integrated Pest Management Plan every 2 years;*

*(4) act as the point of contact for information on the pesticide project or program for the department and for the public; and*

*(5) when appropriate under the Integrated Pest Management Program, approve the use of pesticides and ensure they are used in compliance with this chapter.*

This .650 is a tall order, and what ADEC is proposing would be quite a burden to impose on the applicator agencies. ADEC is shifting the responsibility/authority for the safe, proper, and legal handling of use of pesticides from itself to the various state applicator agencies. Should these proposed regulations be adopted, ADEC would be requiring an applicator agency to have a detailed knowledge of the many laws and regulations governing pesticide handling and use. It would also require that the applicator agencies gain a practical and technical knowledge of pesticide handling and use, and the effect on human health and the environment of the

various formulations. This would be a burden on the individual agencies, and certainly on the “person in charge” who becomes accountable, and a strain on the normal agency budgets. In an effort to save money, corners would be cut, and public health and the environment would suffer. In addition, the economies of scale associated with centralizing this knowledge and experience within ADEC would be lost as each applicator agency would have to reinvent the wheel. It is not realistic to expect that a ‘person in charge’ model would result in the development of effective pesticide control, such that human health and the environment is protected, in each of the applicator agencies.

### Conclusion

These regulatory changes proposed by ADEC represent a sea change in the way pesticides are controlled, or in this case, not controlled, in Alaska.

How and to what extent pesticides are used in Alaska is a significant public and environmental health issue. With these proposed regulations, ADEC is poised to take Alaska down the same unfortunate path followed by most states in the lower 48... the misuse and overuse of pesticides.

I don’t know anybody who thinks that the misuse and overuse of pesticides is a good thing. And yet, this would be the exact outcome that ADEC is now proposing to impose on the citizens and environment of Alaska.

Regulation should never be amended in a vacuum, without knowledge of the extent and effect of pesticide use that is occurring today. Does ADEC have data indicating whether or not pesticides are currently being misused or overused in Alaska, on both private and public lands and rights of way? Does ADEC know the proportion of pesticide use that occurs in Alaska is on state lands versus private lands? Does ADEC have meaningful data on the human health and environmental effects of pesticide use in Alaska? I suspect the answer to these questions is “no”, for, according to ADEC’s Karin Hendrickson, “... possibly start doing water monitoring, which is not something we currently do, to see if there are pesticides getting into the environment that we don’t know about.”<sup>18</sup>

ADEC should know the answers to these questions, as it would enable ADEC to then determine to how best to monitor and control pesticide use in order to protect human health and the environment. If it would require additional funding to gather this data, then ADEC should seek additional funding.

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<sup>18</sup> KTNA news report June 21, 2012



And yet, without such information and data, ADEC is proposing to throw out a pesticide permitting process that plays a crucial role in protecting human health and the environment. The proposed regulations would fail the public in many ways, among them:

- failure to allow the public to be heard on this very important public health issue: the use of pesticides
- failure to identify and protect water bodies and drinking water systems
- failure to contemplate and establish no-spray buffers necessary to protect human health and the environment
- failure to recognize and consider varying levels of risk to human health and the environment represented by the various pesticides
- failure to recognize that EPA label is not sufficient to account for risk to human health and the environment
- failure to recognize that the best judgment of an applicator agency is insufficient to protect human health and the environment
- failure to protect from contamination the places where people congregate
- failure to provide reasonable notice to help prevent the public from being involuntarily or unknowingly exposed to the toxic chemicals
- failure to protect private property.

These are significant "failures," which demonstrate that ADEC, under these proposed regulations, would be abdicating, in a big way, its fundamental duty to protect human health and the environment. And it is proposing to do so for reasons that are without merit, especially when compared to the enormous public harm that would surely result if these regulatory changes were adopted.

And, further, ADEC has concealed or mischaracterized the true nature and scope of the proposed regulation changes, to the extent that precludes meaningful, informed comment by the general public.

ADEC should abandon and discard these proposed regulatory changes. They are contrary to the public interest and adopting them would have unreasonable adverse effect on human health and the environment.

Sincerely,



John Strassenburgh