

**ALASKA STATE LEGISLATURE
HOUSE TRANSPORTATION STANDING COMMITTEE**

March 10, 2015

1:07 p.m.

MEMBERS PRESENT

Representative Neal Foster, Co-Chair
Representative Shelley Hughes, Co-Chair
Representative Charisse Millett
Representative Louise Stutes
Representative Matt Claman
Representative Dan Ortiz

MEMBERS ABSENT

Representative Benjamin Nageak

COMMITTEE CALENDAR

HOUSE BILL NO. 53

"An Act relating to the application of pesticides and broadcast chemicals in certain public places near fish habitat or water used for human consumption and on state- owned land, land leased by or to the state, state highways, and state-owned rights-of-way."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 53

SHORT TITLE: USE OF PESTICIDES AND BROADCAST CHEMICALS

SPONSOR(S): REPRESENTATIVE(S) KREISS-TOMKINS, ORTIZ, GARA

01/21/15	(H)	PREFILE RELEASED 1/16/15
01/21/15	(H)	READ THE FIRST TIME - REFERRALS
01/21/15	(H)	TRA, RES
03/10/15	(H)	TRA AT 1:00 PM CAPITOL 17

WITNESS REGISTER

REPRESENTATIVE JONATHAN KREISS-TOMKINS
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Testified and answered questions as one of the joint prime sponsors of HB 53.

REID MAGDANZ, Staff
Representative Kreiss Tomkins
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Answered questions on behalf of one of the joint prime sponsors of HB 53, Representative Kreiss-Tomkins.

MIKE COFFEY, Chief
Statewide Maintenance & Operations
Department of Transportation & Public Facilities (DOT&PF)
Juneau, Alaska

POSITION STATEMENT: Answered questions during the discussion of HB 53.

STEPHEN GIESBRECHT, Borough Manager
Petersburg Borough
Petersburg, Alaska

POSITION STATEMENT: Testified expressing concerns about pesticide use during the discussion of HB 53.

JEFF JABUSCH, Borough Manager
City and Borough of Wrangell
Wrangell, Alaska

POSITION STATEMENT: Testified in support of HB 53.

BENJAMIN MIYASATO, Vice-Deputy Mayor
City and Borough of Sitka
Council Member & Treasurer
Sitka Tribe of Alaska
Sitka, Alaska

POSITION STATEMENT: Testified in support of HB 53.

JIM SYKES
Palmer, Alaska

POSITION STATEMENT: Testified in support of HB 53.

PAMELA MILLER, Executive Director
Alaska Community Action on Toxics
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 53.

GRACE SINGH, Special Assistant to the President
Central Council Tlingit-Haida Indian Tribes of Alaska
Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 53.

LESLIE ISAACS, Chair
Prince of Wales Community Advisory Council (POWCAC)
Klawock, Alaska

POSITION STATEMENT: Testified with concern about pesticide use during the discussion of HB 53.

AMY MARSHALL, Director
Craig Public Library
Craig, Alaska

POSITION STATEMENT: Testified in support of HB 53.

JOSHUA SMITH, High School Student
Hollis School
Prince of Wales Island
Hollis, Alaska

POSITION STATEMENT: Testified in support of HB 53.

CLAYTON MUSIC, Student
Prince of Wales Island
Craig, Alaska

POSITION STATEMENT: Testified in support of HB 53.

BENJERMIN MOOTS, Student
Hollis School
Prince of Wales Island
Craig, Alaska

POSITION STATEMENT: Testified with concerns about pesticide use during the discussion of HB 53.

MYLES STARKWEATHER, Student
Hollis School
Prince of Wales Island
Hollis, Alaska

POSITION STATEMENT: Testified with concerns about pesticide use during the discussion of HB 53.

KEN PERRY, Owner; General Manager
Pied Piper Pest Control
Anchorage, Alaska

POSITION STATEMENT: Testified and outlined his concerns about HB 53.

CHARLES "ED" WOOD
Petersburg, Alaska

POSITION STATEMENT: Testified in support of HB 53.

SUZANNE WOOD

Petersburg, Alaska

POSITION STATEMENT: Testified in support of HB 53.

DOUGLAS FLEMING

Petersburg, Alaska

POSITION STATEMENT: Testified in support of HB 53.

HEATHER LEBA

Talkeetna, Alaska

POSITION STATEMENT: Testified in support of HB 53.

BECKY LONG

Talkeetna, Alaska

POSITION STATEMENT: Testified in support of HB 53.

STEPHANIE JURRIES

Craig, Alaska

POSITION STATEMENT: Testified in support of HB 53.

MARGO REVEIL, Co-Owner

Jakolof Bay Oyster Company

Homer, Alaska

POSITION STATEMENT: Testified in support of HB 53.

ACTION NARRATIVE

[1:07:33 PM](#)

CO-CHAIR SHELLEY HUGHES called the House Transportation Standing Committee meeting to order at 1:07 p.m. Representatives Claman, Millett, Stutes, Ortiz, Foster, and Hughes were present at the call to order.

HB 53-USE OF PESTICIDES AND BROADCAST CHEMICALS

[1:07:49 PM](#)

CO-CHAIR HUGHES announced that the first order of business would be HOUSE BILL NO. 53, "An Act relating to the application of pesticides and broadcast chemicals in certain public places near fish habitat or water used for human consumption and on state-owned land, land leased by or to the state, state highways, and state-owned rights-of-way."

[1:08:34 PM](#)

CO-CHAIR HUGHES asked to recognize a group of students that will be participating via teleconference from Hollis School on Prince of Wales Island, including high school students Clayton Music and Joshua Smith, and at the intermediate school level students Benjermin Moots and Myles Starkweather and at the primary school level, students CJ Vasquez, Cloe Vasquez, Kolton Joseph Tipton, Jose Vasquez, Isaac Starkweather and Tyler Musser.

[1:09:38 PM](#)

REPRESENTATIVE JONATHAN KREISS-TOMKINS, Alaska State Legislature, stated that HB 53 speaks to the application of pesticides, specifically the application of pesticides around bodies of water and the public process and public noticing associated with the application of pesticides. This bill speaks to a broad concern from north to south in the panhandle region, he relayed, noting the Southeast Conference of Mayors has passed a resolution and all communities have taken a strong stand in expressing interest and concern on the current regulations associated with the application of pesticides as well as the public process associated with pesticides.

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REPRESENTATIVE KREISS-TOMKINS said this bill speaks to those aspects of regulation; however, he basically would like the public to have their say. He offered his belief there are several years' worth of public sentiment that has not really had an outlet and it is important for people to have an opportunity to speak. He viewed this bill as a medium to allow people an opportunity to testify. He thanked the Co-Chairs for allowing this to happen.

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CO-CHAIR HUGHES asked the sponsor to provide more information about the bill.

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REPRESENTATIVE KREISS-TOMKINS highlighted the two main provisions in the bill. First, if this bill passed it would require public notice in conspicuous areas to inform the public when pesticides will be applied in public rights-of-way. It would also allow the public an opportunity to comment on the application of pesticides in public rights-of-way. Secondly, a portion of the bill speaks to protections around water sources,

specifically, requiring the Department of Environmental Conservation (DEC) to make a finding of no harm if pesticides will be applied within 150 feet of a salmon stream and 600 feet of a drinking water source. This primarily relates to glyphosate, the most commonly used pesticide, which has been found to be safe on land but is not as safe in an aquatic context. He stated that this bill is intended to create some reasonable protections around water sources.

[1:13:08 PM](#)

CO-CHAIR FOSTER acknowledged that this has been an issue that has continued to build. He asked whether there are any specific incidents that have occurred.

[1:13:32 PM](#)

REPRESENTATIVE KREISS-TOMKINS answered that there was a regulatory change a few years ago that took away some public process provisions. The Department of Transportation & Public Facilities (DOT&PF) specifically announced its plans to apply pesticides along public rights-of-way on Prince of Wales Island in Southeast Alaska, which is an island that he and Representative Ortiz represent. He said substantial concern arose after DOT&PF's announcement. Since the regulation changes related to public process were in effect, a crescendo of public concern occurred and DOT&PF postponed its plan to apply pesticides. To his knowledge pesticides have not been applied in a broad manner since the regulations were changed; however, many people live off the land by hunting, fishing, and picking berries. At the very least residents want to know where pesticides have been applied so they can make informed decisions on subsistence harvests. In addition, having reasonable protections seems appropriate, he said.

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CO-CHAIR HUGHES said she reviewed the current statutes adopted in 2013 and it appears as though notices must be posted regarding where pesticides will be applied. She asked for further clarification on whether the current regulations require advance notice of pesticide application, as well as posting signs or notices in media outlets during the application period.

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REPRESENTATIVE KREISS-TOMKINS answered yes; that is correct. He related a scenario in which DOT&PF announced its plans to apply pesticides on Prince of Wales Island and posted a notice in the Ketchikan Daily News, which was published a month prior to the DOT&PF's plan. This caught peoples' attention and the public strongly reacted so the application never occurred. However, the absence of a public comment period and a means to formally and officially express their concern has been upsetting to people. This bill attempts to hone in on the public participation aspect.

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CO-CHAIR HUGHES asked whether other states allow for that public comment. She observed one opposition letter charged that Alaska's process was more onerous.

REPRESENTATIVE KREISS-TOMKINS explained that the state historically has had a steady climate of regulations surrounding pesticides; however, changes in the last few years prompted concern. He expressed an interest in moving towards what existed a few years ago. He was unsure of other states' policies.

CO-CHAIR HUGHES said that would be helpful information to have.

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REPRESENTATIVE CLAMAN asked for a discussion of the three fiscal notes, noting one has costs associated with it.

REPRESENTATIVE KREISS-TOMKINS deferred to staff to respond.

[1:18:26 PM](#)

REID MAGDANZ, Staff, Representative Kreiss Tomkins, Alaska State Legislature, on behalf of one of the joint prime sponsors of HB 53, explained that the fiscal note from DEC [Department Environmental Conservation], Solid Waste Management, relates to costs to review the permits and consider public comments. He said DEC envisions it would require additional staff to do so.

[1:19:20 PM](#)

CO-CHAIR HUGHES referred to page 2 [to paragraph (2)] that states that notices must be posted in a conspicuous place or

places on the application site. She asked whether costs to post signs and notices were considered in the fiscal note.

MR. MAGDANZ answered that he did not believe that aspect was listed in any of the fiscal notes.

[1:19:56 PM](#)

CO-CHAIR HUGHES asked whether posting notices is part of the current regulation requirements.

MR. MAGDANZ replied that in certain cases it is required; however, he does not believe the current regulations require posting notices along the highway. He suggested the department could correct him, but he believes the DOT&PF is required to post notices if spraying occurs near a school or in certain public areas; however, he does not believe there is a requirement to post notices on highways.

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REPRESENTATIVE ORTIZ referred to Section 2 of the sectional analysis of the bill. He recalled the sponsor indicated that if the bill passed, it would establish a 600-foot buffer zone near waterways. It would also require a finding that application of the pesticide will not harm the fish, fish habitat, or water source. Under the bill, [page 2, lines 19-20] the department cannot apply a pesticide within 150 feet of an anadromous or resident fish habitat or within 600 feet of a drinking water source. He related his understanding that these boundaries do not currently exist.

MR. MAGDANZ answered that he is correct, in fact, one major concern expressed by Southeast residents is that spraying on highway shoulders could easily end up in water bodies adjacent to the roadways.

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REPRESENTATIVE ORTIZ related his understanding that some of these pesticides have been deemed safe to use on land, but some safety concerns exist in terms of application near water sources.

MR. MAGDANZ answered that there are different formulations of pesticides, noting that some have been approved by the EPA

[Environment Protection Agency] for use in or near water whereas others have not.

[1:22:26 PM](#)

CO-CHAIR HUGHES asked for further clarification on whether the ones approved by the EPA for use near waterways have undergone a rigorous process at the federal level to determine safety.

MR. MAGDANZ answered that all pesticides used in Alaska have been approved by the EPA. Based on his discussions with numerous people, disagreement exists on how rigorous the EPA process is, he said.

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CO-CHAIR HUGHES related her understanding that the change was made by regulation and the issue could be remedied without a statute change. She asked whether Mr. Coffey had any thoughts on the bill and if he could inform the committee of any work being done or consideration of the public concerns.

[1:24:03 PM](#)

MIKE COFFEY, Chief, Statewide Maintenance & Operations, Department of Transportation & Public Facilities (DOT&PF), answered that the department is still in the early stages of reviewing the bill. He said the department's Integrated Vegetation Management Plan (IVMP) was updated in 2014. Since then, the department has been working with the University of Alaska Fairbanks, the University of Alaska Anchorage, the soil water conservation districts, and the Department of Natural Resources' plant material center. This has been an ongoing process and the department is considering its options. He reported that the DOT&PF has only applied three small applications of herbicides, although the department has had collaborators working to combat invasive species in the DOT&PF's rights-of-way. These groups have been working under the department's Integrated Vegetation Management Plan (IVMP) and have applied herbicides to invasive species. He characterized pesticide use as being a learning process and the department continues to partner with groups. He stated that the department appreciates this opportunity to obtain public comments.

[1:25:37 PM](#)

CO-CHAIR HUGHES related her understanding that under the current regulations the IVMP's management plan must be posted and available to the public and the department must publish a notice. She asked whether the public has informally contacted the department to weigh in with any concerns.

MR. COFFEY answered yes; noting that public comments have come primarily from Southeast Alaska, in particular, from several communities on the Prince of Wales Island. He said he has not received any direct comments from the rest of the state, including areas in which the three small applications of herbicides were applied.

[1:26:32 PM](#)

CO-CHAIR HUGHES asked whether informal comments are taken under consideration by the department.

MR. COFFEY answered that the department responds to every comment. The DOT&PF provides the department's position at the time in an effort to provide as much information to the public as possible.

[1:26:55 PM](#)

CO-CHAIR HUGHES asked for further clarification on the difference between an herbicide and a pesticide.

MR. COFFEY explained that an herbicide is a pesticide. For example, pesticides would be used for controlling bedbugs, but herbicides are used on vegetation.

[1:27:22 PM](#)

CO-CHAIR HUGHES asked for further clarification on the types of invasive species in Alaska.

MR. COFFEY responded that it depends on the area of the state. For example, he stated that Japanese knotweed [*Fallopia japonica*] has been a problem in Southeast Alaska in Juneau and Petersburg. In fact, the Southeast Soil & Water Conservation organization has worked on eradicating this species in Juneau. The Prince of Wales Island has problems with reed canarygrass [*Phalaris arundinacea* L.] and Anchorage has experienced numerous invasions of Canadian thistle [*Cirsium arvense*]. The lower portions of the Dalton Highway have been inundated with white sweetclover [*Melilotus officinalis*]. He expressed concern that

if the white sweetclover reaches the Yukon River that the infestation could spread up and down the river.

[1:28:24 PM](#)

CO-CHAIR HUGHES asked whether these types of vegetation were introduced species.

MR. COFFEY answered that invasive species have been in Alaska for a long time, but warming temperatures can typically increase the spread of more invasive species, especially in Northern Alaska.

[1:29:31 PM](#)

CO-CHAIR HUGHES passed the gavel to Co-Chair Foster.

CO-CHAIR FOSTER asked whether there was a difference between pesticides used for commercial purposes and products that can be purchased at garden sections of Home Depot for home use that might be a reduced strength.

MR. COFFEY answered that they are all considered pesticides, noting the department has 11 herbicides listed in its Integrated Vegetation Management Plan (IVMP). He offered his belief that many of the chemicals, if not all, are available at stores such as Home Depot or Lowe's Home Improvement and are the types of chemicals that could be applied in home gardens.

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REPRESENTATIVE ORTIZ asked whether the DOT&PF's use of herbicides along roadways is primarily to hold down invasive species or if it is employed as a cost savings measure instead of using blade cutters to mow along roadways.

MR. COFFEY replied it is all of the above. The DOT&PF finds that herbicides are an effective tool for combating invasive species, particularly around guardrails and signs since mechanical means just don't work. He reiterated that the department uses herbicides as a tool in areas to control vegetation in which mechanical means don't work, but the DOT&PF continues to work on cost effectiveness methods.

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REPRESENTATIVE ORTIZ asked for further clarification on the types of cost effectiveness measures used.

MR. COFFEY answered that the department is in the infancy of herbicide use since the department has only applied three small applications of herbicides in the state. Thus it is hard to come up with a detailed cost analysis until the department is farther along. He commented that the department does not have a lot of licensed contractors yet and it has had limited experience so far.

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CO-CHAIR FOSTER opened public testimony on HB 53.

[1:32:15 PM](#)

STEPHEN GIESBRECHT, Borough Manager, Petersburg Borough, stated that Petersburg is a wet and rainy place, which makes the application of chemicals problematic. When it was announced that the public would no longer have an opportunity to engage with the state on specific chemical applications, there was significant public outcry due to the impact on the community. Many people in the community use local streams and runoff water as their only water supply for drinking and household gardens. Many others pick berries and other foods from alongside roadways and rely on healthy fish stocks for their way of life and dinner for their families. He felt certain the committee would understand that the thought of adding chemicals was not well received in the community. Further, the Petersburg Borough has additional concerns with the potential impact chemical use may have on wild Alaska seafood, which is the primary driver in the Petersburg economy. The state and community have spent considerable time advertising the high value of Alaska's natural seafood and the application of chemicals into Petersburg's rainy environment makes it very plausible that the fish could be affected and therefore damage the reputation of the overall seafood quality. He cautioned that the industry cannot afford this type of reaction in the marketplace. Finally, many local citizens have given examples of how poorly chemical spraying works in this climate since most chemical application rely on staying in contact with the weeds and plants long enough to be absorbed. In Alaska's climate, that will rarely be possible, he said. This means even more of the chemical additives will not be on the target plants, but in the foods, wildlife, and environment that the Petersburg community relies on for its quality of life. He concluded his testimony by stating he hopes

the committee understands the serious concerns regarding this issue and it will take steps to protect the quality of life in Petersburg and the rest of Southeast Alaska.

1:35:00 PM

JEFF JABUSCH, Borough Manager, City and Borough of Wrangell, asked to speak in support of HB 53. In November 2013, the assembly passed a resolution [11-13-1286] with two key points. First, the assembly requested that the use of herbicides along Alaska's roadways be amended to provide for public comment so people can have some input and discussion prior to pesticide applications. He said a large portion of the population lives along the state highways and the community has a bike path that is widely used. Further, people pick berries and dig clams on the beaches right off the roadway so the community is concerned about the impacts of the use of herbicides. Secondly, the resolution asked the Department of Environmental Conservation (DEC) and Department of Transportation & Public Facilities (DOT&PF) to discuss impacts of the use of herbicides along the region's roadways that the department plans to use. If nothing else, it may help identify chemicals that were shown not to be harmful, which would be helpful to the citizens in Wrangell. He said the community understands and supports the state doing its job in an economical fashion, but it wants to ensure that Alaska's citizens are safe.

1:37:50 PM

BENJAMIN MIYASATO, Vice-Deputy Mayor, City and Borough of Sitka; Council Member & Treasurer, Sitka Tribe of Alaska, asked to speak in support of HB 53. He stated that the City and Borough of Sitka passed a resolution, [Resolution 14-13], in September 2014 in requesting that the regulations covering the use of herbicides along Alaska's roadways be amended to provide for public comment. He stated that [knowledge of herbicide use and the ability to comment] will be good for the public, subsistence berry gatherers, and for drinking and water sources. As Petersburg and Wrangell testified, Sitka, too, is a very wet environment and lots of people like to park and pick berries near the road. He expressed concern that public comment is not currently available, which he characterized as being highly important. In terms of posting regulations for notices, he expressed concern that a lot of people will miss postings. He said he was curious where the notices will be posted. He emphasized the importance of having the tribal citizens and all of Sitka's citizens weigh in and provide public comment.

1:40:18 PM

JIM SYKES asked to speak in support of HB 53 as a citizen, but not as a Matanuska-Susitna Borough assembly member. He said that HB 53 takes a reasonable approach, which includes notification to the public, opportunity for local input, and a good permit review process. Further, he suggested that the setbacks from water can help protect water, fish, and wildlife, noting that he personally engages in personal dipnet fishing. His experience with pesticides began in the mid-1980s at a time when people initially became concerned about chemicals being used by the then federally-owned railroad. At one point he served as an alternate of the Alaska Railroad Citizen's Advisory Committee on Vegetation. He reported that during the 1990s, the railroad tried alternatives, including using infrared and steam, as well as hand clearing by prisoners and more intensive maintenance of the track ballast. He emphasized the importance of keeping an open mind to employing new technologies. He referred to HB 53, page 3, line 12, and suggested a language change, after "information," to add "other effective alternatives." He offered his belief that the public should be able to consider and comment on new developments. He highlighted that the permit review process was important when the DEC denied the Alaska Railroad Corporation (ARRC) from spraying the tracks from Seward to Fairbanks. At the time, the ARRC had not identified many water crossings or wetlands areas. Without careful review and action by the DEC, these critical areas could have been sprayed. He expressed concern about spraying since Alaska has a lot of high water tables and many herbicides have not been tested in Arctic or sub-Arctic conditions, which means chemical effects last longer and travel farther.

1:43:03 PM

MR. SYKES elaborated on some testing done in Southcentral Alaska near Fairbanks, noting the characteristics were significantly different than the Lower 48 testing, which should be considered. He expressed concern that the majority of the ingredients on herbicides are listed as inert, but he has found that some inert ingredients are as poisonous as the weed-killing chemicals. Since companies do not need to list the ingredients, it isn't possible to know for sure what is contained in the inert ingredients, so reasonable caution is necessary. In the past 25 years, Railbelt communities and Native Tribal organizations have dealt with some of the herbicide issues. In 2006, the

Matanuska-Susitna Borough Assembly unanimously passed a resolution promoting a healthy railroad and asked the ARRC not to spray alongside the tracks in the borough. In conclusion, he acknowledged there will be differing opinions about where and when to apply herbicides. However, most people can agree that we need safe water and safe communities and HB 53 provides a straightforward process for notifying the public, hearing from the community, and evaluating a permit application that keeps public safety as a priority. He offered his belief that it is a good idea to pass the bill. He thanked the committee for an opportunity to comment and for its work on this issue.

1:45:53 PM

PAMELA MILLER, Executive Director, Alaska Community Action on Toxics (ACAT), stated she is also a biologist. She said that the ACAT organization is a statewide environmental health organization comprised of scientists, public health professionals, and community advocates who conduct research and provide educational programs, technical assistance and training. She asked to strongly support HB 53 because it will establish common sense measures to protect salmon streams, subsistence resources, and drinking water sources by requiring buffer zones. It would also restore public participation in important decision making about pesticide uses. The regulations adopted by the Department of Environmental Conservation (DEC) in 2013 effectively removed regulatory and oversight authority for pesticide use on public lands and rights-of-way. The regulation changes also removed the public's right to participate in the decision-making process. The public lost its decision-making authority and oversight authority concerning particular pesticide products, application methods, sensitive locations, and threats to environmental and public health, she said.

MS. MILLER stated that the aforementioned regulations weakened the democratic participation in decisions that affect water quality, fish habitat, and public health. She emphasized that Alaskans have the right to know and participate in decisions about pesticide spraying on its public lands since these pesticide applications will affect lands, water, and fish that are public trust assets and these decisions can affect their health. She pointed out that Alaska has a long history of citizen participation, dating back to the days of Governor Hammond with constructive citizen participation in decisions about pesticide use. Alaskans have long been concerned about protecting water quality and human health and have been actively engaged in decisions about herbicide and pesticide uses in

public places. Further, she said that these issues have enjoyed bipartisan support as evidenced by a 2005 bill sponsored by then Representative Meyer, which successfully passed and improved notification of pesticide use in public places.

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MS. MILLER agreed the state needs to address problems of invasive and noxious weeds; however, herbicides in most cases are not needed to accomplish the solutions to these problems. In fact, pesticides are toxic chemicals designed to kill, repel, or otherwise harm living organisms, but are one of the few toxic substances intentionally applied to the environment. Given the inherent toxicity and tendency to disperse from the area of application, the state should ensure regulatory oversight and full public participation in decisions about herbicide use and it should do everything it can to minimize harmed drinking water sources, salmon streams, and public health. This bill includes buffer zones that will limit runoff of pesticides and thus provide protection to drinking water sources and salmon streams.

MS. MILLER stated that a lot of scientific literature shows that pesticides can damage salmonids and reduce their chance of survival or kill them directly. Many pesticides cause reproductive harm and reduced survival of young salmon as they transition to seawater. These chemicals can impair their migration, or cause behavioral changes that limit their survival, she said. Some pesticides and herbicides also affect salmon indirectly by changing the abundance of food, cover, or other conditions in the aquatic environment. And as noted by previous speakers, these chemicals are more persistent in northern environments. In addition, there are also risks to public health from the application of herbicides on public lands and rights-of-way and peer reviewed scientific literature supports this assessment. Exposure to the chemicals currently proposed by the DOT&PF can result in detrimental health outcomes, such as neurological damage, hormone disruption, developmental, reproductive disorders, and cancers - sometimes from a single exposure.

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MS. MILLER concluded by saying that public participation improves agency decisions and provides locally-based information that serves to identify and protect Alaska's drinking water sources and sensitive habitat, as well as promoting safer and more economical alternatives. She urged members to support HB

53 because it ensures the right of all Alaskans to participate in decisions that affect their health, subsistence, livelihoods, and it establishes protective buffer zones. She thanked members for the opportunity to testify.

1:52:09 PM

GRACE SINGH, Special Assistant to the President, Central Council Tlingit-Haida Indian Tribes of Alaska, said she was speaking on behalf of Rick Peterson, President, from Kasaan on Prince of Wales Island today. In addition, she also spends summers in Hollis for subsistence harvesting so the issues surrounding herbicide spraying are important to her. She said that Prince of Wales Island is the fourth largest island consisting of 10 communities, with four federally-recognized tribes. Although 6,000 people live on the island, they currently do not have any say on what the DOT&PF does with the land and water. While living in rural Alaska can be very challenging, the citizens of Prince of Wales Island are very fortunate to have such a resource abundant island with fish, deer and berries to depend upon, she said. Subsistence fishing, hunting, and gathering helps rural residents offset the high price of gas, food, and transportation. She said that annual herbicide spraying will affect all residents on the island who depend on the important natural resources that Tlingit and Haida people have relied on since time immemorial.

1:53:37 PM

MS. SINGH suggested that Alaska should a better process than other states since Alaska depends on its rural resources for subsistence much more than any other state. Further, she cautioned that tourism and fishing industries will be adversely affected by spraying and it would be irresponsible for the state to do so since most residents rely on these industries. While she understands the budget crisis, it is unfortunate that local knowledge isn't being utilized to bring viable solutions to best combat invasive species. One major concern about clear cutting by mechanical means is that it may spread the invasive species, which may be true; however, herbicides also have limited effects and require annual applications that distribute these harmful chemicals into the ecosystem. She noted that invasive species are not regulated, but come in on heavy equipment, hay bales, and other transported goods. At this point, the population of invasive species is so out of control that herbicide application will not deter them, but it will contaminate water and vegetation, she said.

MS. SINGH expressed further concern about contamination of well water with limited filtration systems in place. In addition, many people collect surface water from creeks to fill their cisterns. She emphasized that herbicidal spraying will inevitably contaminate water quality due to the underground caves. She recalled a study done on Prince of Wales Island, such that dyes distributed on one side of the island were later found everywhere on the island.

[1:56:48 PM](#)

MS. SINGH reported that the proposed herbicide spraying near Thorne Bay will affect eight bodies of water, including rivers, creeks, lakes, and flood zones. This issue will undeniably affect residents of Prince of Wales Island, plus eliminating the public comment also poses a direct threat against the values of a functioning democracy. She cautioned that restricting people from commenting on the use of herbicides was a clear indication of government overreach and a deterioration of local control. In fact, the truth is that herbicidal spraying doesn't work well and requires annual application, she said. When more stakeholders are allowed to participate in the planning process, they can contribute to an effective solution to problems. In conclusion, she thanked the committee for hearing her, since the DOT&PF's public comment process was removed, in terms of making comments on the proposed use of herbicides.

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CO-CHAIR FOSTER recalled her comments on traditional knowledge and asked Ms. Singh to provide her thoughts on how that could be coupled together.

[1:58:55 PM](#)

LESLIE ISAACS, Chair, Prince of Wales Community Advisory Council (POWCAC), stated that the POWCAC membership consists of nine member communities and four tribal members who try to look at issues that address Prince of Wales Island as a whole. This organization represents a number of communities with city administrators, mayors, and council members from around the island who work to promote the island as a whole with an understanding of the interdependence they have.

MR. ISAACA said that Prince of Wales Island consists of over 2,000 miles of road, and is the third largest inhabited island

in the U.S., with approximately 6,000 residents. He said that on any given night about 30 deer can be seen in the road right-of-way when driving from Thorne Bay to Klawock. He echoed the concern other testifiers have voiced that pesticide use will have on subsistence use since the animals traverse the roadways. He has a 26-year-old son who hunts and fishes to support his family and his son is concerned that his family will eat the deer that eat the pesticide-laden foliage, which could contribute to cancer.

[2:01:12 PM](#)

MR. ISAACS said that he also serves as the city administrator for the City of Klawock. He said he received numerous calls when the regulations were changed with respect to keeping vehicle headlights on, because no one asked them if this was a good idea. It illustrates that it is the most telling aspect since residents hunt, fish, and gather berries and people of all ages may eat contaminated food that have absorbed the pesticides.

MR. ISAACS said a seven-mile lake called Klawock Lake has the best sockeye run in Alaska, but seven miles of state highway run adjacent to the lake and he was concerned that the tributaries will absorb these pesticides. He would like to be able to tell his grandchildren that he was subsistence gathering 30 years ago in the lake that they would use for the same purpose. He emphasized that is what culture means - the handing down of subsistence gathering to the next generation. However, he expressed concern that the resources won't be there. He wants to ensure that he can teach his great-grandchildren how to fish, recalling the pride he felt when he remembers his father teaching him how to be the skiff man in the subsistence fishing operation. Now he feels emotional because his son is now ready to take on that job. He stressed the importance of ensuring that the resources are available to the people. He would like assurances that these resources will be available seven generations from now.

[2:04:37 PM](#)

AMY MARSHALL, Director, Craig Public Library, asked to testify in support of HB [53] and return public comment to the projects that have impacts on communities and the environment. She stated that the application of pesticides on Prince of Wales Island is an area of concern for island residents and the absence of public comment has led to a great deal of frustration

in the community. She stated that an online petition collected 3,800 signatures, with an additional 300 signatures collected on physical petitions. She stated that she has copies of 37 letters that were sent to Department of Transportation & Public Facilities, but she did not believe that any of the people have received a reply. She has watched this grassroots effort evolve and has observed people who have not been political in the past taking an interest in this issue. She said that considering public comment in any undertaking is a matter of good public policy.

2:06:43 PM

MS. MARSHALL commented that she previously served as the Integrated Past Manager for Wrangell Saint Elias National Park and Preserve. She suggested that some people are concerned because there does not seem to be any offered alternatives, but it the decision would be to spray herbicides or not to spray them. She was aware that some people have offered to mechanically remove species, but they do not feel they are being taken seriously. The roads on Prince of Wales Island cross over several bodies of water, for example, near Thorne Bay, plus the Thorne River has runoff water. She expressed concern that pesticide use will adversely affect tourism and subsistence due to the perception of contamination. She emphasized that public comment is vital to this process. She indicated that Representative Kreiss-Tomkins mentioned a notice was published regarding proposed spraying; however, it was published in the Juneau Empire and not in the Ketchikan Daily News, but the Juneau Empire is not available on Prince of Wales Island. She urged members to support HB 53.

2:09:14 PM

JOSHUA SMITH, Student, Hollis School, Prince of Wales Island, read from prepared testimony, as follows [original punctuation provided]:

Good afternoon Madam Chair and honorable members of the House Department of Transportation Committee. My name is Joshua Smith and I am a High School Student at Hollis School on Prince of Wales Island. I am here representing myself.

Thank you for allowing me the opportunity to present my testimony about [HB] 53.

I support [HB] 53 because people should have input. People who live on Prince of Wales Island know more about the environment on the island than decision makers working in an office in Juneau. I think all of you, and I can agree that we do not want uninformed people to make decisions that adversely impact the people and the environment. We cannot just think about ourselves; there are also the animals. Those decisions could make it more challenging for the people that live on our island and for others that do not but, like tourists and restaurants, rely on our fish.

My mom makes money helping to unload, pack and ship seafood to other places all around the world. That is how we are able to make a living. Working there is her favorite job. If the spraying ruins the fishing industry, innocent workers like my mom will lose their jobs. My mom's goal is to be able to keep a roof over my head, food on the table and clothes on my back. During summers, when we get a chance, my mom and I find a way to pick berries along the road to give to elders for them to make jam for people. If they spray, the berries will be gone. My mom also grows organic fruit and vegetables in our garden for elders and local children. We do not want to give them contaminated produce.

Our island is a karst system. Anything (any chemical) that enters our water system in any place will contaminate our entire island.

I believe it would be best to ask locals like the Forest Service, Fish and Game and people who have lived here for a long time to find the best way to have a more controlled spray so that it would do little to no damage to our Prince of Wales Island environment.

Thank you for your kind attention to my remarks. Do you have any questions?

[2:13:11 PM](#)

CLAYTON MUSIC, Student, Hollis School, Prince of Wales Island, read from prepared testimony, as follows [original punctuation provided]:

Good afternoon Madam Chair and honorable members of the House Department of Transportation Committee. My name is Clayton Music and I am a High School Student at Hollis School on Prince of Wales Island. I am here representing myself. Thank you for allowing me the opportunity to present my testimony about [HB] 53.

I support this bill because the government should operate with citizens' opinions instead of without. Without people's opinions, it makes it not fair. With input you can make better decisions, without it, you could destroy someone's way of life. In my case, my dad owns the only cab company on the island. He brings tourists to and from the ferry. If there are chemicals sprayed, tourists that typically come to see the flora and fauna of our island will go elsewhere. If the tourists stop coming, there will be no way for my dad to pay the bills. If his cab company had to close, my dad's workers would be out of a job. With more people out of work, the stores would have to reduce hours or reduce workers. Also, it would make it harder for people on the island who rely upon the cab company for transportation. Without input, people who decide whether to spray or not would not know this. Even if spraying is cheaper in the short run, with all the jobs lost, it could be more expensive in the long run. Thank you for your kind attention to my remarks. Do you have any questions?

[2:15:25 PM](#)

BENJERMIN MOOTS, Student, Hollis School, Prince of Wales Island, read from prepared testimony, as follows [original punctuation provided]:

Good afternoon Madam Chair and Honorable Members of the House of Representatives Transportation Committee. My name is Benjermin Moots and I am an Intermediate School Student at Hollis School on Prince of Wales Island. I am here representing myself. Thank you for allowing me the opportunity to present my testimony about [HB] 53. People should have a voice so they can know more about an issue, and what it can do to the environment. State departments should talk to the community so they can get more information before they decide to spray or not to spray.

They need to know about my brother Titus. He came to speak to Hollis School about commercial fishing and why it is important to the State of Alaska's economy. Fishing is how he makes his money. People will not want to work on his boat because the fish may be contaminated. Fisherman will lose their jobs, they will not have money and then the stores will not make money, more people will lose their jobs and more businesses would close. Fishing is a huge part of our state and we need to make sure that people who make decisions like spraying that could harm our fish have information from everyone who could be involved. Thank you for your kind attention to my remarks. Do you have any questions?

2:17:16 PM

MYLES STARKWEATHER, Student, Hollis School, Prince of Wales Island, read from prepared testimony, as follows [original punctuation provided]:

Good afternoon Madam Chair and honorable members of the House Department of Transportation Committee. My name is Myles Starkweather and I am an Intermediate School Student at Hollis School on Prince of Wales Island. I am here representing myself. Thank you for allowing me the opportunity to present my testimony about [HB] 53.

Why is it important for people to be able to speak out, to be heard? You do not know if the person that has not been heard has something that would help the State Department of Transportation to make a better decision. They need to know about families like mine who rely on subsistence to live. We harvest just about everything in the wild that people can eat. This includes food from the ocean and streams to include salmon, halibut, shrimp and crab. We also eat wild plants found along the water's edge like sea asparagus. We pick berries to include salmon berries and, my favorite, thimble berries all summer long. My family is worried that spraying the herbicides could kill all of our food supply.

Thank you for your kind attention to my remarks. Do you have any questions?

2:19:03 PM

KEN PERRY, Owner; General Manager, Pied Piper Pest Control, related his understanding that the Department of Environmental Conservation (DEC) was not allowed to explain what happened in 2013, but he will do his best to provide background information. He said he attended many of the meetings due to his interest in pesticides even though the prior bill did not affect him.

MR. PERRY said the hearings produced the same testimony over and over again, but the results were be the same, which was approval. He noticed that this committee chose to limit public testimony to three minutes and there is a reason for that, he said. Testimony has value only if the points made are different and if it has merit on a particular aspect that has not yet been expressed.

MR. PERRY said he was deeply impressed by the young people testifying, but much of the information being shared by those in support of the bill is off target. In 2013, even though the DEC's pesticide division was bogged down, staff put together a realistic package, requested public comment, and considered it, prior to submitting the final document for approval. At that time, the requirements for guidance for the use of pesticides were increased and clear and concise IPM programs were added. He pointed out that current law requires that alternative methods must be considered as part of the regulations. Thus many of the comments [provided today] are off target. One common thread testifiers have made seems to be the lack of public comment, which he argued was not taken away since people can always make comments to the department. He offered his belief that the DEC makes decisions on permits, applications, and pesticides based on science because the legislature and the Environmental Protection Agency (EPA) require it.

2:22:41 PM

MR. PERRY predicted that if HB 53 moves forward the state will hear the same testimony over and over again. He further predicted if the bill passes, it will cost an additional \$250,000 per year to implement and the DOT&PF's budget will need to be increased due to the fiscal impact. In 2013, the only change made was with respect to public comment, he said.

MR. PERRY suggested that the issues being raised today have been addressed at the federal level, in terms of pesticides near water, fish, and endangered species. Again, he said, these

restrictions have already been enacted by the federal government and the EPA must give consideration to product labeling. He concluded that all of the concerns that have been raised have already been addressed. He suggested that if the legislature was going to spend more money, it should be spent on addressing the major bed bug epidemic instead of on this bill.

[2:25:33 PM](#)

CO-CHAIR FOSTER referred to page 1, line 7-8, which read, " ... [A] person may not apply a pesticide or broadcast chemical in a common area of a building that contains more than four single family dwellings or apartment building, to portions of a government office or facility to which access is not normally restricted to employees, or to plazas, parks, or public sports facilities He specifically directed attention to the language "four single family dwellings" and asked for his comments since this provision would not apply to five or six-plex buildings or anything larger.

Mr. PERRY replied that he was involved in 2005 changes; however he was not sure of the purpose of this subsection since the definition was simply moved [within subsection (c) - a technical change]. However, he works in accordance with the aforementioned language. He said the municipal code was even stronger in the Municipality of Anchorage in terms of pesticide application in public places.

[2:27:24 PM](#)

CHARLES "ED" WOOD, read from prepared testimony, as follows [original punctuation provided]:

1. My name is Charles Wood and I'm representing myself through these comments. I have been a resident of Alaska since before statehood beginning in December 1954, and Petersburg since 1961. I have been a self-employed commercial fisherman in Alaska for over 35 years.

2. I am writing in support of [HB] 53 in order to restore many of the public protections that were removed by the 2013 regulatory changes.

3. HB 53's intended purpose is to return to the public an opportunity to comment on their concerns to the potential impacts of roadside spraying of

pesticides/herbicides in areas of importance to them, such as the stream which my family has held State of Alaska water rights on since 9 July 1970 while our beneficial usage began in 1961, and which will be impacted by any roadside spraying.

4. The primary issue of concern over our permitted water supply is that it flows through a culvert beneath Mitkof Highway (State Highway 7) and will be contaminated beyond any doubt by roadside chemical applications on both sides of the highway and by the ditches that drain into our stream.

5. HB 53 also provides the opportunity for ADOT&PF to provide information to the public concerning the application of chemical agents, or alternatives, to control plant growth along State owned roadways in a public forum.

6. It is in the public's interest to be fully informed, and included in any decision by State agencies that could have potential long-term and accumulative ramifications on public health and public safety, two areas of which the Alaska Legislature is constitutionally (Article VII, Sections 4 and 5) bound to safeguard.

7. I urge you to support HB 53.

MR. WOOD added that neither DEC or DOT&PF has responded to the Borough of Petersburg's request for a public hearing. He offered his belief that there was not any provision for public comment at this point so it would be up to the individuals whose streams will be affected to "meet the truck at the top of the road." He said he appreciated the opportunity to comment.

[2:30:45 PM](#)

SUZANNE WOOD, read from prepared testimony, as follows [original punctuation provided]:

1. My name is Suzanne Wood and I'm representing myself. A resident of Petersburg, Alaska since October 1993, I have been a self-employed commercial fisherman in Southeast Alaska for over 22 years.

2. I am writing in support of House Bill 53.

3. While HB 53 may not, by itself, prevent the usage of chemical agents on humans, fish, wildlife, and other living organisms, it should bring to light the potential harmful and long-term ramifications of their usage by requiring public participation in an open meeting before any chemical spraying is authorized by State of Alaska agency officials.

4. Residue from roadside spraying may, through airborne drift, end up far afield from its intended point of ground contact and is likely to contaminate all roadside streams through runoff due to the moist maritime climate, particularly in Southeast Alaska. This has the potential to unintentionally introduce harmful toxins, and have detrimental long-term impact on humans, fish and wildlife, beneficial subsistence vegetation like blueberry bushes, and other organisms.

5. Living out of town in a more rural location with no access to the Petersburg Borough's residential water resource, the stream that I use extensively for personal use has been granted water rights since 1970, and back permitted to 1961. This stream flows under the Mitkof Highway, which could be subjected to chemical applications on the uphill, and downhill sides of the right-of-way, effectively doubling the amount of chemical agent that my family is subjected to by using my family's state authorized water usage. This creek runs out into the Wrangell Narrows amidst anadromous salmon, Dungeness and Tanner crab, and other resident marine mammals including killer whale, sea lion, and harbor seal.

6. My family's organic garden is watered using hillside runoff authorized by the State through our long held water rights. Roadside chemical spraying destroys any semblance of organic gardening by introducing chemical agents and toxins directly into our food chain by usage of what is otherwise a pristine, uncontaminated water source. In many cases, herbicides are toxic to beneficial soil organisms, such as bacteria that help break down the soil, and help bring in the nutrients plants need. Herbicides have been shown to kill helpful soil organisms, which result in too many harmful bacteria and fungi growing.

7. I urge you to support HB 53, which will restore many of the public protections that were removed by the 2013 regulatory changes. HB 53 will enable the ADOT/PF the opportunity to present to the public in an open forum, its proposed chemical application—the wheres, whys, and hows of the need for the Alaska Department of Transportation to introduce toxins into our lives and property on Mitkof Island.

[2:34:38 PM](#)

DOUGLAS FLEMING stated he has been an Alaska resident for 28 years and after graduate studies in fisheries he worked for 23 years as a fisheries biologist for the Alaska Department of Fish & Game (ADF&G) in research and management in Interior and Southeast Alaska. At the present time he said he was involved in commercial fishing.

MR. FLEMING asked to testify in support of HB 53 because it offers a step in the right direction. He questioned whether spraying could be done without herbicides moving into the aquatic habitats that provide the machinery for Alaska's salmon production. He emphasized salmon was very important to the local and statewide economy. In fact, these substances can also affect animals, but he asked to limit his comments only to fish.

MR. FLEMING reported that peer-reviewed research has documented transport of herbicides into streams from roadside projects, which is what is being discussed today. He expressed concern that spraying could leave Alaska with big "unknowns" in terms of the harm chemicals might cause when introduced into wetlands crisscrossed by many small streams used by a variety of species and life stages. He worried that this could bruise Alaska's earned reputation and taint Alaska's marketing of its pure waters and wild salmon.

MR. FLEMING offered to share a particularly troubling result from his son's controlled experiment on the exposure of Roundup on the survival of Coho salmon eggs for his AP [advanced placement] biology class. When he and his son tried to explain the heavy mortality of herbicide-treated eggs, they could not find reported research available to determine the toxicity for early egg and sac fry life stages for Coho and other salmon exposed to commonly-used Roundup with glyphosate-type herbicides. Given this lack of important information, he asked what assurances or proof of no harm can DOT&PF & DEC possibly give without first conducting significant biological and

hydrological studies. He further asked members to closely examine DOT&PF and DEC's roles and functions other than permitting, announcing, and dispensing herbicides. He questioned how a comprehensive and responsible program to protect clean water, pristine habitats and sustained high levels of fish production could be offered in light of the current fiscal problems in Alaska. He offered his belief that HB 53 may lead to a better informed public and better outcome. He urged members to support scientific studies in Alaska to better understand the risks to Alaska's valuable resources that might be traded off for a perceived efficiency that herbicide spraying might bring. He thanked members for their time and the opportunity to testify.

[2:38:22 PM](#)

HEATHER LEBA stated that she is a fisheries biologist. She urged members to support HB 53 and make the overdue changes to the public process that will allow citizens an opportunity to comment and voice their concern about herbicide spraying near and in their communities. The current permitting process doesn't identify critical waterways, salmon streams, or residential areas that might be affected by spraying. An abundance of scientific literature documents the many negative effects of pesticides on fish, amphibians, and fresh water invertebrates, she said. She thanked the previous speaker for providing information on the biology study. She said the herbicides used by the Alaska Railroad Corporation (ARRC) contain glyphosate and surfactants that increase the toxicity and impacts fish and other organisms. She informed members that toxicity to humans was much more severe when the glyphosate is mixed with a surfactant, which can be as mild as skin irritation or as severe as liver and kidney impairment, respiratory distress, and heart arrhythmia.

MS. LEBA observed that many residents pick flowers and subsistence food near the railroad tracks and should be aware these areas may not be safe for harvest, but residents have limited opportunity to view the notices. In addition, residents often fish in the Talkeetna and Susitna rivers and nearby sloughs for salmon and trout. She has personally observed ARRC signs near bridge trestles crossing sloughs and the Talkeetna River and has observed evidence of herbicides on vegetation directly adjacent to these water bodies.

MS. LEBA obtained confirmation that the ARRC sprayed from the downtown second street crossing to the community of Chase

upstream of the Talkeetna River and that herbicides were sprayed 8 feet on either side of the track, stopping 50-feet before the trestle bridge and resuming 50-feet past the end of the bridge, not the 100 feet stipulated by the DEC. She offered her belief that runoff finds its way into local waterways, which can impact subsistence, recreational, and commercial fishing in and downstream of Talkeetna. Her community hosts thousands of visitors who come to fish, hike, and see Denali, so she was concerned that continued spraying will affect tourism and the local economy. She urged members to support HB 53.

[2:42:24 PM](#)

BECKY LONG asked to testify in support of HB 53. She said she has made her living from the commercial fishing and tourism industry. She expressed her concern about herbicide contamination. She argued that repetitive comments by citizens were okay since it emphasizes whether a majority of people were either supporting or opposing a bill or policy. She offered her belief that decisions about pesticide use were political decisions made by the administration. Prior administrations have turned down pesticide permits due to overwhelming opposition by the public. Although she was unsure of 2014 use, she reported that in 2013 the ARRC sprayed 50,000 gallons of herbicide and surfactants. She emphasized that uncontaminated resources are necessary for the state's economy since commercial fishing, sport fishing, hunting, tourism, and recreational users provide more money to the state than oil does.

MS. LONG offered her belief that in 2013 the administration took a large step backward in terms of pesticide management since it gutted the public process, which allowed the worst herbicides to be used in the state. She offered support for HB 53 because it returned the right to participate in the decision-making process in terms of proposed pesticide application. She emphasized that Alaska subsists on the natural resources that clean water, healthy salmon, and wildlife provide; however, it isn't possible to control toxic exposure to these resources. She specifically supported a policy to ban application of broadcast chemicals or pesticides within 150 feet of streams or 600 feet of public and private water sources. She concluded her testimony by supporting HB 53 to restore the public process since Alaskans have a right to weigh in and be informed about proposed toxic herbicide and pesticide use.

[2:45:55 PM](#)

STEPHANIE JURRIES urged members to support HB 53 in order to reinstate the public comment period for proposed spraying of herbicides along state roadways. She highlighted her belief that an epidemic of cancer in the US has been caused by widespread systemic use of government-approved chemicals. The state needs a fundamental change in the way Alaskans can interact with their environment.

MR. JURRIES stated that passing HB 53 will not take away DOT&PF's ability to use herbicides, but it will reinstate the requirement for public comment.

MS. JURRIES suggested there may be other solutions to the vegetation management issues that DOT&PF is attempting to fix by using herbicides. By opening public comment periods, it would allow for more conversation about the issue and possibly provide solutions other than using herbicide applications along roadways. She offered her belief that Alaskans need to change the ways in which they interact with their environment. She worried that without public comment, the DOT&PF will simply ignore the legitimate concerns Alaskans have about herbicide use on lands where wild animals forage and people subsistence harvest. She has repeatedly asked DOT&PF to answer valid questions about their plans to spray along the roadways on Prince of Wales Island; however, the DOT&PF has never adequately answered them. She attested to residents having a right to know about long-term plans for herbicide use on Prince of Wales Island roadways and what a successful application would look like. She said that Alaska is the most beautiful place on the planet and Alaskans deserve to participate in when, how, and where to potentially dump toxic chemicals on the land. The department may be a need to find ways to handle substantial public comment, but having so many people upset about this spraying herbicides illustrated it really is a problem that needs to be addressed. She urged members to pass HB 53 and thanked members for their time.

[2:48:40 PM](#)

MARGO REVEIL, Co-Owner, Jakolof Bay Oyster Company, stated that she and her husband have an oyster farm in Kachemak Bay. Although she also serves as president of the Alaska Shellfish Growers Association, she is speaking on behalf of herself today since the board has not reviewed or developed a position on HB 53, although individual members have expressed concerns to her about pesticide use in Alaska. Decisions about whether to spray herbicides should include public comments from potentially

impacted industries, including shellfish growers. The effects of pesticides on shellfish has been extensively studied and has been linked to increased diseases in shellfish in other populated areas of the world. In addition, pesticides are known to have a negative impact on phytoplankton, the food source for shellfish. She expressed concern about the active and inert ingredients, specifically since surfactants can be lethal to amphibians, fish, and mollusks. Broad general permits may not take into consideration sensitive or localized systems. A single pesticide application in the wrong spot with the wrong weather conditions could have a significant impact on individual shellfish growers in downstream areas. She suggested that an open permitting process could give shellfish growers the opportunity to bring their concerns to any spraying authority and it would also provide information on potential harmful impacts that may not have been considered in local areas. Alaska's bays have a reputation for clean, pristine water and her industry is 100 percent reliant on clean water. Shellfish growers market clean water extensively when selling their products, but it is not just a marketing tool because shellfish are very sensitive creatures and subtle changes in the chemistry of runoff, especially during a rain event, can significantly harm them. She urged members to support HB 53 and thanked members for their time and attention.

[2:50:59 PM](#)

CO-CHAIR FOSTER, after first determining no one wished to testify, closed public testimony on HB 53.

[HB 53 was held over].

[2:51:40 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Transportation Standing Committee meeting was adjourned at 2:52 p.m.