

Appendix

2010 Annual Report

Alaska Community Action on Toxics

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Enclosed in this Appendix are a selection of media articles and television programs for 2010 that relate directly to Alaska Community Action on Toxics. Highlights in yellow or bold are added.

Seward coal dust lawsuit moves forward

Posted by businessinsider

Posted: January 11, 2011 - 3:46 pm

From Elizabeth Bluemink –

A federal judge this week allowed an environmental lawsuit involving coal-dust emissions in Seward to proceed in court.

In a 27-page [ruling](#) signed on Monday, Anchorage federal district Judge Tim Burgess denied motions by the Alaska Railroad and Aurora Energy Services to dismiss the case.

Two environmental groups are suing the companies over coal dust and debris that ends up in Resurrection Bay due to operations at the coal export terminal at the downtown Seward port. The railroad owns the terminal and Aurora, a firm affiliated with the Usibelli Coal Mine, operates it.

The groups, Alaska Community Action on Toxics and the state chapter of the Sierra Club, say the coal that ends up into the bay violates the Clean Water Act and has been a public health hazard in Seward for many years.

The companies argue they can't be sued under the Clean Water Act because the state is regulating coal dust from the Seward terminal under its air pollution rules.

In his ruling, Burgess said he may eventually be convinced that the coal emissions are not covered by the Clean Water Act, but at this point, "the Court cannot agree that the mere fact that the pollutants travel some distance through the air defeats liability."

Read more: <http://community.adn.com/adn/node/155199#ixzz1AsGjHoWU>

Elizabeth Bluemink



I've been writing about business in Alaska since 2004 and a newspaper reporter for over 10 years. In the Deep South, I specialized in reporting about environmental conflicts and pollution cleanups. For two years, I covered commercial fishing, mining and logging in Southeast Alaska. In my current job as a Daily News business reporter, I write about oil, mining, tourism, Native corporations and other businesses.

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Read more: <http://community.adn.com/adn/node/155199#ixzz1AsI9HRC2>

INDIAN COUNTRY TODAY

Alaska Natives support chemical management reform

By Staff reports

Story Published: Feb 9, 2010

Story Updated: Feb 9, 2010

WASHINGTON – On Feb. 4, the Senate Environment and Public Works Subcommittee on Superfund, Toxics and Environmental Health examined public exposures to toxic chemicals. Alaska Native leaders called on Congress to include circumpolar atmospheric pollution in the hearing.

“Indigenous Arctic communities are suffering the most from chemicals emitted in the lower 48 states,” said Vi Waghiyi, St. Lawrence Island Yupik and Alaska Community Action on Toxics Environmental Health and Justice program director. “Because many industrial and commercial chemicals are long lasting and persistent in the atmosphere, they drift north on wind and water currents from where they are applied in Southern latitudes; they are in our traditional foods and affecting our health and the health of our children. We are calling on Congress and the Obama administration to affect policy to regulate chemicals to end the ‘contamination without consent’ on our people from distant sources.”

The Yupik people of St. Lawrence Island, and rural communities across the state of Alaska, are concerned about health problems that are associated with persistent organic pollutants present in their air, water and food. This past fall a delegation of local leaders and elders from the island communities of Savoonga and Gambell traveled more than 3,000 miles to Washington, D.C. to raise awareness of the dire health effects in their communities.

“While we are not physically near the action in Washington, D.C., Congress has a responsibility to address the needs of tribal governments throughout the United States, especially remote Alaska,” said Jane Kava, mayor and St. Lawrence Island community health researcher from Savoonga, Alaska.

St. Lawrence Island residents have experienced alarming rates of disease including cancers, diabetes, reproductive health problems, thyroid disease, nervous and immune system disorders, and learning disabilities. A community-based participatory research study funded by the [National Institute of Environmental Health Sciences](#) has demonstrated that the people of St. Lawrence Island have elevated PCBs in their blood, six to nine times the U.S. average. These toxins are particularly prevalent among those who have used the Northeast Cape area for traditional hunting, fishing and food gathering.

About ACAT

ACAT is a nonprofit statewide organization established in 1997 that empowers individuals and tribes throughout Alaska who are seeking assistance with toxic contamination issues that affect the health of people and the environment. Half of its constituents are the indigenous people of the state from rural communities that continue their traditional subsistence lifestyle and culture.



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Letters to the editor

THE TUNDRA DRUMS welcomes letters to the editor. General interest letters should be no more than 300 words. Thank you letters should be no more than 150 words.

Letters should be submitted by 5 p.m. on Thursdays for consideration in the next week's edition of the newspaper. However, meeting that deadline is no guarantee that the letter will be published.

All letters must include the writer's name, address and daytime telephone number. Only the writer's name and city or village of residency will be published. This newspaper also reserves the right to edit letters for content, length, clarity, grammar and taste.

Unsigned letters will not be published. Third-party and open letters also will not be published. Letters that may put the writer or this newspaper in legal jeopardy will not be published.

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Toxic flame retardants impact Yup'ik women's health

On March 22, Senate Bill 295, titled "An Act relating to flame retardants and to the manufacture, sale, and distribution of products containing flame retardants; relating to bioaccumulative toxic chemicals; and providing for an effective date," passed out of the Senate Health and Social Services Committee thanks to support from health care professionals, firefighters, and residents of Alaska. If passed, this legislation would phase out a type of flame retardant known as polybrominated diphenyl ethers (PBDEs), which are particularly high in Yup'ik women from the Bethel region.

Polybrominated diphenyl ethers, or PBDEs, are a class of flame retardant chemicals added in the manufacturing process of plastics, fabric or foam padding to reduce the flammability of computers, upholstered furniture, appliances and other products. They can be released from these manufactured items.

PBDEs build up in the bodies of animals and humans as they move through the food chain. Concentrations of PBDEs have increased over the years in marine mammals due to atmospheric transport of chemicals into the north (transported long distances from areas of production and use via air and ocean currents) and bioaccumulation. Research indicates that we may be exposed to PBDEs through our diet, household air, household dust, and certain jobs.

Due to their widespread use, persistence and bio-accumulative properties, PBDEs have been found in some humans at high levels. A recent study by scientists from the U.S. Centers for Disease Control and Prevention found PBDEs in nearly all 2,040 participants in a sample representative of the 2003-2004 U.S. population. Another study showed that 5 percent of American women have levels of PBDEs

that are close to the levels linked to reproductive problems in animals. PBDEs have been found in mothers' breast milk and in the blood of mothers and their babies. People of the Arctic, including Alaska, may experience an even higher risk of exposure due to their traditional subsistence diet rich in fat from marine mammals.

COMMENT

PAM MILLER and COLLEEN KEANE

For The Tundra Drums

According to a 2009 report by the Arctic Monitoring and Assessment Programme, the highest known concentrations of PBDEs in human populations in the Arctic were found in Yup'ik women from the Yukon-Kuskokwim Delta.

Research has found associations between PBDEs and many adverse health effects, including both human and animal studies, such as:

Learning and Memory Impairments: Exposure to decaBDE in mice and rats during brain development can give rise to irreversible changes in adult brain function. In a recent human exposure assessment, researchers found that children with higher levels of PBDEs scored lower on tests.

Adverse Reproductive Health Outcomes: Rats exposed to PBDEs experienced a delayed onset of puberty and reproductive development. PBDEs can be both mildly estrogenic and anti-androgenic compounds. They have been correlated to cryptorchidism, or undescended testes in newborn boys, and permanent impairment of sperm development in laboratory animal studies, as well as decrease in testicle size and the sperm concentration in humans.

Cancer: The Agency for Toxic Substances and Disease Registry lists deca-BDE as a possible human carcinogen based on the development of liver tumors

Thyroid problems: PBDEs can disrupt homeostatic thyroid levels in mice. Decreased concentrations of the thyroid hormone can

lead to decreased IQ in offspring.

■ PBDEs pose a threat to public health.

Firefighters are at particular risk because they are exposed to toxic fumes while on the job. Children are also at risk because their brains and bodies are still developing. A brand new study conducted by researchers at Columbia University showed that prenatal exposure to PBDEs at levels commonly found in households is associated with adverse neurodevelopmental effects in young children. The researchers found that "children with higher concentrations of PBDEs in their umbilical cord blood at birth scored lower on tests of mental and physical development between the ages of 1 and 6. Developmental effects were particularly evident at 4 years of age, when verbal and full IQ scores were reduced 5.5 to 8.0 points for those with the highest prenatal exposures."

We do not have to compromise fire safety by phasing out brominated flame retardants, because safe and affordable alternatives are available to replace the need for these toxic chemicals in our household products. In fact, many of these alternatives are already being used in the marketplace. Many companies are taking the lead in using safer alternatives, including Apple, Dell, Sony, Sharp, Samsung, Phillips, Sealy, Serta, Select Comfort and others. Senate Bill 295 presents a viable tool for protecting the health of Alaska workers, public health, and the environment. This bill will not create hardship for local businesses, as there are many viable and economic alternatives.

Please consider writing a letter to your legislators to show your support for this bill and urge them to pass it. For more information, please contact Alaska Community Action at 907-222-7714 or colleen@akaction.org.

Pam Miller and Colleen Keane of Anchorage represent Alaska Community Action on Toxics.

Mushing family's Alaska commitment unshaken by quake

The Big Shake occurred in late afternoon, and if you lived through the Good Friday Earthquake of March 27, 1964, you remember where you were, what you were doing, and how it felt to have the earth move underfoot.

Three generations of the Seavey family of Seward are well known for their lengthy and successful efforts racing dogs in the Iditarod Trail Sled Dog Race and for providing tourists with sled-dog rides in the summer.

But 46 years ago, Dan Seavey was a newcomer teacher freshly arrived from Minnesota with his wife, Shirley. They set out for the North to start a new life with the school year in August of 1963.

The Seaveys planned to attend a concert that Friday evening. Shirley was cooking dinner and Dan was visiting with Tom Johnson, another Iditarod founder who helped Joe Redington Sr. get the famous 1,100-mile race under way in 1973.

Dan and Johnson stopped talking in mid-sentence when they heard a loud rumbling sound.

"That's what came first," Dan Seavey said. "We looked puzzled towards one another and wondered, 'What in the world is that? I had never been in an earthquake, but we both shouted in unison, 'Earthquake!'"



COMMENT

LEW FREEDMAN

For Alaska Newspapers

The paralyzed men watched in amazement as cars bounced up and down, trees swayed and posts holding up electric wires whipped back and forth. Seavey felt he was watching a scene unfold in slow motion.

Neither man realized they were in the midst of the largest earthquake in North American history. The Good Friday Earthquake that rattled Alaska's bones for 5 1/2 minutes, starting at 5:36 p.m., was measured at 9.2 magnitude on the Richter scale.

Only through the good fortune of it being the end of a workday and a holiday that kept many people home prevented the devastating quake that did so much property damage from killing more than 131 people. Some of those fatalities were recorded in California due to a tsunami.

Staying upright was a challenge for Seavey and Johnson given the violence of the ground beneath them.

"The ground is just rolling," Seavey said.

"Think of a big snake under the ground kind of moving along."

The roar of the earth splitting as the quake approached from Prince William Sound was the tipoff of impending disaster, but then things began exploding in Seward, darkening the sky with thick, black smoke and bright flames. Standard Oil tanks were blowing up.

In a small town that extended only about seven blocks from Resurrection Bay, the fire and explosions seemed dangerously close. Wide-eyed, Seavey stared as five-story-tall construction cranes at the docks shimmied as if they were doing a private dance.

"They ran on rails and this one I could see was dancing around," Seavey said. "It was doing that elephant dance. Then the Standard Oil tanks went and my attention was distracted. By the time I looked back, that crane was gone. It had fallen, tipped into the bay."

After being mesmerized by the catastrophe

■ See Page 6, UNSHAKEN

LETTER TO THE EDITOR

Three honored by TWC for empowering

I wanted to take a moment and spread the word about a wonderful community event hosted by Tundra Women's Coalition for its ninth year, here in Bethel.

Nine years ago, the Yukegtaaraat Celebration began as a way for residents of the Yukon-Kuskokwim Delta to honor individuals living in the Y-K Delta who empower their community through living selfless and peaceful lives. Over time this celebration has grown into a large-scale dinner/silent auction that sees up to 150 attendees. Yukegtaaraat is Yup'ik for what roughly translates as "good person" or "persons."

Tundra Women's Coalition would like to congratulate the 2010 Yukegtaaraat winners: Irene Kaganak of Scammon Bay, Rose Domnick of Bethel and Andrew Beaver of Kwigillingok. They will be honored on

the evening of Saturday, April 10, 5:30pm at the Yupitit Piciryarat Cultural Center.

Along with honoring these three individuals for their leadership and contributions to the Y-K Delta, attendees will be able to participate in a silent auction, which has become a major annual fundraiser for TWC. We invite local businesses and individuals to share fancy desserts, dryfish, crafts, kuspuks, services, or an idea of your own to the auction.

For questions on how to donate, feel free to call Chelsea Gulling at 907-543-3444. On behalf of Tundra Women's Coalition and the 2010 Yukegtaaraat Committee, Quyanaa!

— HALEIGH BOLTON, TUNDRA WOMEN'S COALITION
Bethel



Hearing Sparks Call for Environmental Justice in Alaska

By Eddy Ball

In a press release timed to coincide with a hearing on chemical safety Feb. 4 (see related [story](#)), spokespersons for an NIEHS [grantee](#) called for action on circumpolar atmospheric pollution in Alaska.

Native leaders working with [Alaska Community Action on Toxics \(ACAT\)](#) pointed to the effects of persistent toxic chemicals that drift northward on wind and water currents from where they are used in the lower 48 states. They urged chemical management reform of the Toxic Substances Control Act (TSCA) by the Senate Environment and Public Works Subcommittee on Superfund, Toxics, and Environmental Health.



“Indigenous Arctic communities are suffering the most from chemicals emitted in the lower 48 states,” said Vi Waghiyi, a St. Lawrence Island Yupik and ACAT Environmental Health and Justice Program director. “Because many industrial and commercial chemicals are long lasting and persistent in the atmosphere, they are in our traditional foods and affecting our health and the health of our children. We are calling on Congress and the Obama Administration to affect policy to regulate chemicals to end the ‘contamination without consent’ on our people from distant sources.”

According to ACAT spokespersons, the Yupik people of St. Lawrence Island, and rural communities across the state of Alaska, are concerned about health problems associated with persistent organic pollutants present in their air, water, and food. This past fall, a delegation of local leaders and elders from the island communities of Savoonga and Gambell traveled to Washington, D.C. to raise awareness of the dire health effects in their communities.

St. Lawrence Island residents have experienced alarming rates of disease including cancers, diabetes, reproductive health problems, thyroid disease, nervous and immune system disorders, and learning disabilities. These toxins are particularly prevalent among those who have used the Northeast Cape area for traditional hunting, fishing, and food gathering, according to the spokespersons.

A 2005 NIEHS-funded community-based participatory research [study](#) published by ACAT demonstrated that the people of St. Lawrence Island have elevated polychlorinated biphenyls (PCBs) in their blood, at six to nine times the U.S. average. As part of its grant



ACAT spokesperson Vi Waghiyi, above, was one of a group of ACAT members who met with NIEHS/NTP Director Linda Birnbaum, Ph.D., in 2009. (Photo courtesy of ACAT and Vi Waghiyi)

activities, ACAT also prepared two reports for delegates to the [Stockholm Convention on Persistent Organic Pollutants \(POPs\)](#) in 2009: [Lindane: Pharmaceutical and Agricultural Alternatives](#) and [Persistent Organic Pollutants in the Arctic](#).

“While we are not physically near the action in Washington, D.C., Congress has a responsibility to address the needs of tribal governments throughout the United States, especially remote Alaska,” Jane Kava said in the press release. Kava is a St. Lawrence Island community health Researcher and mayor of Savoonga, Alaska.



The cover photo for the report for delegates to the [Stockholm Convention on Persistent Organic Pollutants \(POPs\)](#) underscores ACAT concerns about the hidden effects on Arctic populations of pollutants from the lower 48 states. (Photo courtesy of ACAT)

CHEMICALWATCH

Briefing businesses on REACH and chemical risks

[Chemical Watch: briefing businesses on REACH and chemical risks](#)

Guest column: Congressman Bobby Rush - Environmental toxins: no more guessing CW Briefing, June 2010

Chemical manufacturers in the US must shoulder more responsibility for the substances they produce, argues Democrat Congressman Bobby Rush, chair of the House of Representatives Subcommittee on Commerce, Trade and Consumer Protection and co-sponsor of draft TSCA reform proposals in the House.

In my youth, one of the most popular films of the day was *Guess Who's Coming to Dinner*. This 1967 iconic film featured a loving, inter-racial couple who simply saw one another as human beings and dared their parents and the broader society to do the same. If producers were making that same film today, its name could more accurately be released as, *Guess What You're Eating for Dinner!* And you know what, guessing is what you'd be doing because until our nation's toxic substances laws are strengthened consumers continue to live under a cynical game of chance as they're exposed to potentially debilitating toxins in our environment. Many of our citizens are getting sick because of it and, right now, they have little to no recourse.

You may think I'm kidding but, sadly, I'm not.

Given the virtually non-existent regulatory oversight of toxic chemicals in our country since the Toxic Substances Control Act (TSCA) became law 34 years ago, consumers far too often unknowingly ingest or are exposed to commonly used toxic substances that are present in everything from the food we eat to the clothes we wear to the colourful but, potentially toxic toys that toddlers routinely put in their mouths.

Stiff penalties

On 28 May, my subcommittee completed the public comment period for our discussion draft of proposed legislation. We sought out and heard from a diverse array of environmental, business and assorted activist groups – from the political left and the right – and the feedback we received was enlightening. To date, my friend and chair of the Energy and Commerce Committee, Henry Waxman, and I have worked in a bipartisan manner with our Republican colleagues along with our respective staffs and assorted stakeholders to address all of the fundamental issues. Our goal has been to introduce legislation that we believe will allow us to look consumers in the eye and assure them that effective regulatory controls are in place and that manufacturers understand that failure to comply with tougher safety standards is not only unacceptable but will be met with swift, stiff penalties for non-compliance.

Over the last two decades, a number of regulatory and enforcement barriers to effective implementation of TSCA have been identified, and there's consensus on the need for TSCA to be amended. In 2009, the Government Accountability Office named TSCA a "high-risk" priority and one of the areas most in need of broad reform.

As this comprehensive legislation winds its way to conclusion, I welcome this opportunity to outline the 'must haves' in the final legislation.

First, revamped legislation simply must put the responsibility, and *liability*, for ensuring the safety of chemical substances squarely at the feet of the manufacturers who produce and sell those substances. While there are all kinds of legal reasons why this should be the case, simply put, I believe if you're the manufacturer of a product you should know all the elements in that product and you must be responsible for clearly and accurately reporting that information to consumers *before* they make their purchase. That disclosure should be above board and not hidden away in some hard to read, obscure part of a label or buried in the corner of a website.

While the federal government's ability to effectively monitor, test or otherwise oversee assorted industries will be strengthened through our legislation, right now our nation is bearing the brunt of decades of lax to non-existent federal oversight and the harm to consumers is immeasurable.

Vulnerable populations

As I recently noted in our third subcommittee hearing on TSCA in this session of Congress, we've learned of serious public health issues suffered by diverse groups including indigenous peoples from the native American Savoonga and Gambell nations whose subsistence hunting lifestyle puts them at higher risk for ingesting PBTs from wildlife. It's also well documented that African Americans die from asthma twice as often as whites while their cancer mortality rates are higher than any other group. And, nearly 30 million Hispanics, or 72% of their entire US population, live in places that don't meet US air pollution standards. I mention these groups because these populations are the most vulnerable to ingesting or being exposed to environmental toxins, but they are also the least able to obtain redress from their government.

Other reforms include giving the Environmental Protection Agency more streamlined oversight authority to allow it to quickly respond to evidence of environmental toxins. New chemical compounds should also pass rigorous safety standards *before* they are introduced to the marketplace. As it stands now, the profit needs of the manufacturer have more power than the health and safety needs of the consumer. The final bill I'll support will change that.

Consumers should not have to guess about the level of potentially hazardous toxins that they or their families are exposed to in their daily lives. Our exposure to environmental toxins should never be a game of chance.



Photo by Denise Olin
Sarah Dunagan

THE NOME NUGGET

THURSDAY, JUNE 10, 2010 REGIONAL

ACAT: Environmental pollutants cause cancer

Why do people get cancer? What causes it? Is it genetics? Is it the environment? Despite the decades-old war on cancer, women today are much more likely to develop breast cancer than any previous generation.

Last week the Alaska Community Action on Toxics brought Sarah Dunagan, staff scientist for the Silent Spring Institute to Nome to present a lecture on the environmental links and opportunities for prevention of cancer. Dunagan presented research on breast cancer. However other types of cancers also have links to environmental toxins.

Statistics from the 1940s indicate that a woman's lifetime risk for breast cancer was one in 22. Today the risk is one in 7. Perhaps this means that factors other than genetics— perhaps environmental pollutants are an issue. According to Silent Spring, we simply don't know as much as we should about the impact of environmental pollutants.

Laboratory tests show that there are three main ways that chemical pollutants can cause breast cancer: They can

cause tumors, they can cause hormone disruption and they can affect development from embryo through puberty, pregnancy and throughout adulthood.

Dunagan says that chemicals in plastic, flame-retardants, construction materials, and pesticides should give folks concern about cancer causing agents in the environment. In western Alaska people should be concerned about military contaminants, polychlorinated biphenyls (PCBs) in the food supply, aromatic hydrocarbons from vehicle exhaust and air pollution, disinfectants, chlorinated solvents, plastic food containers, the lining of food cans, and furniture made of plastics. There are at least 216 environmental carcinogens that can cause breast cancer. Ionizing radiation such as X-Rays and medical scanners can also cause cancers.

Dunagan says we should encourage our legislators to pass the Safe Chemical Act of 2010 to make sure manufacturers test their products for chemical safety.

Pamela Miller of ACAT points out that there are things that folks can do to cut down on environmental contamination in their homes:

- Remove shoes indoors; use a doormat.
- Clean with vinegar, baking soda, soap and water.
- Cook in glass, steel or ceramic.
- Keep dust levels low; vacuum with a HEPA filter.

Funds to bring Dunagan to Alaska were generated through the Alaska Women's Run.



Anchorage digs dandelions in Town Square Park

Associated Press - June 24, 2010 10:54 AM ET

ANCHORAGE, Alaska (AP) - The city of Anchorage has dropped weed-spraying plans in Town Square Park because of concerns about the herbicide.

Parks and Recreation Department spokeswoman Mary Susan Goocey told KTUU dandelions have been a problem all spring. But the spraying scheduled for Wednesday was canceled after Alaska Community Action on Toxics said the chemicals could be a threat to children playing in the grass.

Now the city says it will try digging up the dandelions by hand.

Information from: KTUU-TV, <http://www.ktuu.com>

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<http://www.ktuu.com/global/story.asp?s=12702616>

City cancels weed killing plan after complaints

Video Gallery



[City cancels weed killing plan after complaints](#)

2:58



The city has been struggling with Town Square Park's dandelion problem all spring. (KTUU-DT)



"These are highly toxic chemicals 2-4D and Dicamba are among the herbicides they're planning to use," said Pamela Miller. (KTUU-DT)



"This is one of our priority sites, we really wanted to bring the grass up to optimum level," said Mary Susan Goocey. (KTUU-DT)

The following is a transcript of a television news story on Channel 2, the Anchorage affiliate for NBC. Jason Lamb is the T.V. reporter, and Pamela Miller was interviewed by him.

by Jason Lamb
Wednesday, June 23, 2010

ANCHORAGE, Alaska -- Weed spray worries have prompted the city to cancel its plans to spray herbicide on the town square lawn to get rid of dandelions.

The city said it's the most effective way to do the job, but a local advocacy group says it wants it done a safer way.

Alaska Community Action on Toxics said it first found out about the plan to spray herbicide on the park Tuesday night, but the city said its notice went out much sooner than that.

The city has been struggling with Town Square Park's dandelion problem all spring.

"We thought maybe it was the dry season, not enough moisture, but there have been a lot of complaints around the city about dandelions," said Mary Susan Goocey, Parks and Recreation Department.

The city said it wanted to try something it says it hasn't done in years spraying the park with Weed-B-Gone. The spraying was scheduled for Wednesday.

"This is one of our priority sites, we really wanted to bring the grass up to optimum level," said Goocey.

The plan had others in an uproar.

"These are highly toxic chemicals 2-4D and Dicamba are among the herbicides they're planning to use," said Pamela Miller, Alaska Community Action on Toxins.

Miller agrees Town Square Park is a highly visible site that gets a lot of visitors, but she said that is a reason not to use herbicides.

"In Town Square Park, many people go, they have their children. They're playing in the grass. They have people eating their lunches," said Miller.

Miller suggests another weed control method.

"This is really unnecessary, there's not enough land in Town Square Park that they couldn't handpick these weeds," said Miller.

According to the city, they followed the law, a 48-hour advanced notice before the spraying planned for Wednesday and after the herbicide dries there are no health hazards, but after listening to the complaints the city has changed its plan.

"We've decided to pull back and try to take other measures that we'll work on," said Goocey.

The city said they may try hand digging the dandelions up. They say it will take longer, but they say they want to do what the community thinks is right.

No other complaints had been received before yesterday.

For now, the city has mowed down the dandelions, while new arrangements are being made.

Contact Jason Lamb at jlamb@ktuu.com.

Defense Environment Alert - 06/22/2010

EPA, Activists Concerned Over Plan To Increase Army Training In Alaska

The Army's plan to resume year-round live-fire training at an Alaskan range is hitting up against significant concerns from both EPA and activists, the latter of which is charging that the proposal will effectively violate a settlement agreement reached in a landmark case that contended Army training practices were breaching federal waste and water laws.

The 2004 settlement had restricted the Army to using an impact range at Fort Richardson's Eagle River Flats (ERF) seasonally, but the Army now wants to return to full training contending the restrictions jeopardize troops' ability to be combat ready. The Army outlined its plans in a draft environmental impact statement (EIS), which the military released in March.

EPA Region X in recently submitted comments lists "serious concerns" with the potential impacts stemming from two different proposals analyzed under the draft document, particularly citing issues over water impacts, Superfund cleanup requirements and environmental justice impacts. At the same time, activists are raising issues over the plan's compliance with the 2004 settlement agreement that effectively limited live-fire training to certain seasons, and are specifically raising issues over water quality and endangered species.

"We are particularly concerned with the potential impacts to water quality, wetlands, Cook Inlet beluga, salmon stocks, shorebirds, other waterfowl, wildlife, recreation, visual resources, environmental justice (EJ), sensitive human populations, and commercial, recreation and subsistence fishing activities associated with the action alternatives," EPA Region X says in June 10 comments. *Relevant documents are available on InsideEPA.com.*

Live-fire training at ERF - a marshy area that has been used as a primary munitions impact area of Fort Richardson - has long been a contentious issue. In 2002, the Alaska Community Action on Toxics (ACAT) filed suit, alleging violations of the Clean Water Act and state and federal waste laws at the base, which is on the National Priorities List, the list of the nation's most hazardous waste sites. The suit alarmed high-level DOD officials, who worried that a damaging precedent could be set if the plaintiffs won and forced the military to stop training on an operational range, thereby impeding military readiness. Prior to the settlement, the military often cited the case as

proof it needed Congress to relax environmental legal requirements in order to preserve military training.

Under the 2004 settlement, the Army halted live-fire training at ERF during summer and fall waterfowl migratory periods, which aimed to prevent the Army from stirring up white phosphorous in the sediment. White phosphorous had previously been used in smoke-generating munitions and was responsible for the deaths of numerous wild birds who ingested it. Firing is also only allowed if a certain level of ice thickness covers the water bodies in ERF.

In addition, under the settlement, the Army must conduct numerous other activities, including monitoring for migration of munitions constituents off-range, monitoring endangered beluga whales, analyzing environmental impacts of alternative training options upon remediation of the white phosphorous and before lifting any restrictions; documenting chemical constituents of munitions used, and applying for a Clean Water Act permit for the operational range.

But in the draft EIS notice, the Army says that it has undertaken cleanup of the white phosphorous under Superfund law, which will be completed this year, and that given ERF's importance as an environmental resource, it would adopt a set of new restrictions to protect valued resources under the expanded training plan (*Defense Environment Alert*, March 16). These would include following prohibitions against using munitions containing phosphorous in wetlands such as ERF, using environmentally-friendly training rounds when possible, and barring certain live-fire exercises during spring and fall waterfowl migration periods, among other measures.

In addition to a no-action alternative, the Army's draft EIS examines both its preferred alternative - to resume year-round training at the existing munitions impact area at ERF - and a third alternative - to do such training at a newly created impact area.

The Army says the current restrictions on training have created a shortage of indirect live-fire training opportunities for units stationed at the base, jeopardizing their ability to achieve adequate combat readiness throughout the year.

EPA says in its comments that the preferred alternative would cause moderate impacts, but says it is preferable to alternative three, which would create a new range in a relatively pristine area. "In general we recommend that a rigorous monitoring program be implemented to clearly identify the actual impacts associated with the implementation of approved activities, along with a comprehensive adaptive management strategy to provide clear direction and flexibility to adjust the program based on the results of monitoring and mitigation implementation," EPA says.

More specifically, EPA cites concerns over water impacts, saying it has previously told the Army to determine whether indirect discharges of material due to impacts from munitions could be subject to dredge-and-fill permitting requirements under the Clean Water Act (CWA) section 404. The draft EIS does not discuss this matter; the final EIS should address it, the agency says, and should include a draft CWA section 404(b)(1) analysis.

EPA also raises water quality issues with both options, saying alternative 3 could potentially impact a secondary drinking water source for Anchorage, and alternative 2 could potentially redistribute white phosphorous and add munitions contaminants and sediments to Eagle River and its tributaries. It recommends that the final EIS make clear that both alternatives will comply with antidegradation requirements of the CWA and demonstrate they will not exceed drinking water quality standards.

EPA also raises concerns about ensuring that cleanup goals under an existing record of decision (ROD) are upheld should year-round live-fire training resume. "We believe rigorous monitoring is also needed in order to demonstrate continued compliance with the [Superfund] ROD goals and Remedial Action Objectives (RAOs)," EPA says. EPA wants more specifics in the final EIS on a monitoring schedule and frequency, on coordination with the Fish and Wildlife Service in determining waterfowl migration periods, and wants stepped-up monitoring for all target areas, not just those with white phosphorous.

An Army spokesman in Alaska did not respond to questions on the comments

Further, EPA raises EJ issues, asking for more analysis on impacts to low-income or minority persons, and noting that alternative 3 would likely have greater impacts on EJ populations than alternative 2.

Meanwhile, activists say resuming year-round live-fire training would "violate the spirit and intent of the settlement agreement," and cite a slew of issues with the draft EIS, alleging deficiencies in various analyses, threats to the beluga whale, an endangered species, and cite outstanding issues over compliance with the settlement terms.

Activists last year informally challenged the Army's implementation of the settlement accord, and have since been in negotiations over it, an ACAT source says in an e-mail response to questions. Some issues the group says are outstanding include the Army's failure to obtain a CWA permit and a water quality and beluga whale monitoring program that the group believes is "grossly inadequate," the source says. The group is "keeping the option open to re-litigate depending on the outcome of the final EIS," the source says.

Specifically the activists' comments note the impact they believe the plan would have on beluga whales. "Given that the ERF is likely to be designated critical habitat for the Cook Inlet beluga whale, the preferred alternative is the most environmentally damaging to this endangered species and should not be pursued for that reason alone," they say.

Further, on the contamination side, they say that "[i]n many cases the evaluation of environmental contamination present at ERF has been incomplete or improper." They add: "Many of the studies used to characterize the present state of ERF have made conclusions based on faulty data."

"White phosphorous and [unexploded ordnance] are still present at ERF, and live-fire munitions activities without a protective ice layer are likely to disturb these buried contaminants," they say. The activists' comment letter was sent by ACAT, Alaska Center for the Environment and Cook Inletkeeper.

AIR POLLUTION: EPA imposes first federal limits on mercury from gold mines

(12/17/2010) Gabriel Nelson, E&E reporter

As part of a broader crackdown on mercury pollution, U.S. EPA has issued final regulations that will require gold-mining facilities to release about 77 percent less of the toxic metal into the air within three years.

The new **rule**, which was signed yesterday by EPA Administrator Lisa Jackson, is one of the first in a series of rules being put in place by the Obama administration to address mercury, which is linked to developmental problems and reduced intelligence in children.

EPA issued new pollution standards in August for cement plants, which are the nation's third-largest source of mercury emissions. Other rules are running years behind schedule, but the agency is under a legal deadline to come out by the end of President Obama's first term with rules for the two biggest mercury sources: coal-fired power plants and industrial boilers (*Greenwire*, Dec. 8).

Gold mines are the seventh-largest source of mercury emissions, which can find their way from the air into water bodies. Once there, mercury can be transformed into methylmercury, which accumulates in the tissue of fish and other wildlife.

About 82 percent of mercury emissions from gold mines last year came from just three facilities -- all of them in Nevada. According to EPA's Toxics Release Inventory, facilities in Nevada were responsible for 99 percent of mercury emissions from gold mining operations between 2005 and 2008.

The state has already set technology standards to limit mercury emissions, cutting the entire sector's mercury emissions from 11.5 tons in 1999 to about 2.5 tons in 2007. Because those rules have succeeded in reducing mercury emissions, mining companies told EPA it was unnecessary to implement federal rules that would cost about \$36 million up front and about \$8 million per year after that.

"If Nevada has a competent mercury control program for the gold mining industry, then there is nothing to be gained from imposing a federal program," the Nevada Mining Association said in its comments on the rule. "If EPA acknowledges that the mines in Nevada are already well

controlled, then the listing of gold mining and the promulgation of an additional layer of regulation, at substantial cost to industry but with little environmental benefit, is both legally indefensible and practically unsupportable."

The agency rejected those arguments, saying it was worried about the prospect of new gold mines in other states. Under the federal rules, gold-mining facilities will release an estimated 1,180 pounds of mercury into the air, about 97 percent less than they would emit without any pollution controls at all.

Environmentalists praised the decision to set mercury limits that apply nationwide but criticized EPA for deciding not to require controls for cyanide, arsenic and other dangerous chemicals. They are pleased the rules will require companies to install mercury controls on new facilities outside Nevada, including **the planned Donlin Creek Mine, which is being developed by Barrick Gold Corp. and NovaGold Resources Inc. in southwestern Alaska.**

Pam Miller, executive director of Alaska Community Action on Toxics, said EPA's mercury rules could safeguard against contamination of the Kuskokwim River watershed, where some Native Alaskans get 60 percent of their diet from local fish. Some fish in the area already have elevated methylmercury levels, and past mining operations could be to blame, she said.

"People in these villages rely on these subsistence fisheries in a fundamental way," Miller said today. "For them to be contaminated with methylmercury would be a serious threat to public health."

Nationwide, mercury contamination is one of the primary reasons that there were fish consumption warnings for more than 16 million acres of lakes and 1.3 million miles of rivers in 2008, according to EPA figures. There were 19 percent more advisories for lakes and 42 percent more for rivers than there had been in 2006.

Comment deadline nears for EPA proposal limiting mercury air emissions at gold mines

MARY PEMBERTON Associated Press Writer

June 25, 2010 | 4:59 p.m.

ANCHORAGE, Alaska (AP) — Federal rules limiting mercury emissions at gold mines are long overdue but aren't nearly tough enough, environmental groups said Friday.

The Environmental Protection Agency is proposing for the first time to regulate mercury air emissions from gold mining under the Clean Air Act. The deadline for comments is Monday.

According to the environmental group Earthworks, the new rules would allow the proposed Donlin Creek Mine in southwest Alaska to release a huge amount of mercury into the air each year. Earthworks' Bonnie Gestring said under the proposed rules Donlin could become the largest source of mercury air pollution in the United States.

"We know these mines can be very large sources of mercury," Gestring said, "but the proposed mercury emission limits by the EPA need to be more stringent."

Calls to Donlin Creek LLC officials in Anchorage and EPA spokesman Brendan Gilfillan were not immediately returned Friday.

The regulations being considered would allow 149 pounds of mercury per every million tons of ore processed for mines using autoclaves and roasters.

That means under the rules, Donlin could be authorized to emit up to 3,200 pounds of mercury into the air, or 40 times the amount of mercury released by all industries in Alaska each year, said Gestring, speaking from Earthworks' Missoula, Mont., office.

"That is a staggering amount," Gestring said.

The amount was calculated by looking at the mine's technical reports that estimate the mercury content of the ore at 1 part per million and an estimate that it would process roughly 59,000 pounds of ore a day at Donlin.

The proposed rules also are weak when it comes to compliance, requiring testing just once a year, said Brook Brisson, clean water and mining program director at the Northern Alaska Environment Center in Fairbanks.

"Mercury is a really powerful neurotoxin. We need to know their mercury controls are functioning every single day of the year," she said.

Elevated levels of mercury from abandoned mercury mines are already a problem in the Kuskokwim watershed near Donlin, said Pam Miller, executive director of the Alaska Community Action on Toxics.

"This rule simply does not go far enough to protect public health," she said.

NovaGold Resources and Barrick Gold Corp. are proposing to develop the mine. Exploration has been conducted since 1995. According to the Donlin Creek website, it could be years before the company knows whether the project will be permitted.

The company estimates Donlin has reserves of nearly 30 million ounces of gold, making it perhaps the third-largest gold producer in the world if developed. Gold was first discovered in Donlin Creek in 1909.

[AK Voices: Bill Sherwonit](#)



Anchorage nature writer Bill Sherwonit is the author of 12 books; his most recent is *Changing Paths: Travels and Meditations in Alaska's Arctic Wilderness*, published by the University of Alaska Press.

DEC Needs to “Think of the Environment” and Reverse Its Toxic Decision to Allow Herbicide Spraying along the Alaska Railroad

Posted by Bill_Sherwonit2

Posted: June 12, 2010 - 1:10 pm

In early May, I received an email from Rebecca Colvin, a research analyst with the Alaska Department of Environmental Conservation's Solid Waste & Pesticides Programs. The message was short, but not especially sweet: DEC had issued a permit to the Alaska Railroad, allowing it to apply a weed-killing herbicide and “surfactant” (a chemical intended to make the toxin stick to where it's applied) to sections of track between Seward and Bird. If I wanted to learn more, I could go to DEC's website.

Already reeling from the Gulf of Mexico oil spill, I felt deflated and discouraged by this latest news that we humans would again be poisoning the Earth, albeit on a considerably smaller scale. I knew that many groups, communities, and individuals had opposed the RR's latest efforts to control troublesome “weeds” with toxins, just as Alaskans have repeatedly done since the early 1980s. And I had been pretty darn certain the state would again say “no,” for very good reasons. As the law firm Trustees for Alaska stated in a recent letter to DEC Commissioner Larry Hartig, “For the past roughly 30 years, every time the state has faced a decision of whether to allow herbicide spraying along the ARR right-of-way, the State has declined to issue a permit and recognized the broad public health and environmental concerns at stake and the fact that herbicide spraying, no matter how carefully it is done, inevitably will result in contamination of state waters and cause significant human health impacts and harm to important fish, wildlife and water resources.”

But now, under the increasingly dreadful “leadership” of Gov. Sean Parnell – who seems to take an anti-environmental stance every chance he gets – the state had suddenly determined there are no substantial dangers to the spraying of toxic chemicals, despite abundant evidence to the contrary.

As if to add insult to injury, a short sentence – printed in green letters, naturally – was included at the bottom of the message: “Think of the Environment - Do you need to print this e-mail?”

Yikes, I thought, does Rebecca Colvin or anyone else at DEC understand the pathetic irony of including that reminder while spreading news of an exponentially more damaging action?

Given the initial grassroots effort to stop the herbicide-spraying permit, I thought I might receive some sort of email “alert” from one of the environmental groups that

had opposed the RR's request. But I didn't hear anything and wondered if this was a done deal.

Then, to my relief and delight, upon returning from some travels this past week, I've received a couple of emails that confirmed the green community is fighting back. Led by the Alaska Community Action on Toxics (ACAT) and the Native Village of Eklutna, a coalition of eight "community groups" has challenged the DEC's permit and seeks to convince the agency to reverse its decision. That's where Trustees for Alaska comes in: the law firm has filed a 21-page [Request for an Adjudicatory Hearing on Decision of April 30, 2010, to Issue Pesticides Permit #10-SOL-01](#). Rather than summarizing the many reasons that the spraying of herbicides is the wrong – and harmful – way to go, I'll simply direct readers to that link. The Trustees' request also gives some background, enumerates the many ways that the DEC's decision "violates various provisions of the Alaska Constitution, state laws, and state regulations," the ways in which DEC failed to do its job, and safer alternatives to herbicides.

Finally, I will note that DEC has responded to the request for adjudicatory hearing and stay of the permit, and opened a 20-day comment period in which members of the public can "submit briefs on whether to grant or deny the request." That comment period ends June 24. Within 30 days of that date, DEC will decide whether or not to grant a hearing.

It's not clear to me, from DEC's response to Trustees, whether the agency has put a hold on any herbicide spraying until this plays out, but I'm assuming the poisons are shelved for now. Someone correct me if I'm wrong.

Those who would like to participate in the process should direct their comments to Gary Mendivil, Program Coordinator, Office of the Commissioner, DEC, P.O. Box 111800, Juneau, AK 99811-1800, or email him at Gary.Mendivil@alaska.gov. Interested persons might also wish to cc their comments to Gov. Parnell, at Governor@alaska.gov, and perhaps remind him of the state's own emailed motto: THINK OF THE ENVIRONMENT.

Read more: <http://community.adn.com/adn/node/152022#ixzz0qmguvEED>

ALASKA PUBLIC RADIO NETWORK

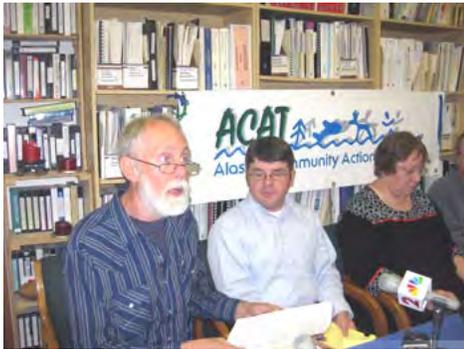
[Railroad Planning to Spray Herbicide Along Tracks](#)

Wed, June 2, 2010

Posted in [Alaska News](#), [Top Stories](#)

Lori Townsend, APRN – Anchorage

The Alaska Railroad plans to begin spraying herbicide along its tracks next week for the first time in 26 years. The permit was granted by the Alaska Department of Environmental Conservation's division of Environmental Health.



Trustees for Alaska has asked for an adjudicatory hearing with DEC and has requested commissioner Larry Hartig to stay his decision on the permit until after that time. At issue is the chemical glyphosate, it's the active ingredient in the herbicide Roundup and also in Aquamaster, which is the herbicide approved by DEC for the Railroad to spray with.

Photos:

(Top) Department of Environmental Conservation's Director of the Division of Environmental Health-Kristin Ryan

(Bottom) Concerned Citizen Jim Sykes, Trustees for Alaska Attorney Austin Williams and Alaska Community Action on Toxics Director Pam Miller.

Here is a copy of an article in a railroad trade publication about the Alaska herbicide issue. The reporter quotes our coalition member, Russ Maddox, and also uses the scientific review of Dr. Warren Porter, the scientist from University of Wisconsin who completed a literature review for ACAT.

<http://www.rtands.com/newsflash/alaska-railroad-to-begin-herbicide-spraying-after-nearly-three-decades.html>

RT&S

Railway Track and Structures

Alaska railroad to begin herbicide spraying after nearly three decades

Friday, June 18, 2010

Alaska Railroad Corp. has received a permit from state regulators to spray the herbicide AquaMaster (key ingredient Glyphosate) and Agri-Dex, a substance to help spread it, along 30 miles of track between Seward and Indian, *Seward City News* reports. The railroad has not used chemical weed control for the past 26 years due to widespread public opposition and an inability to obtain the needed permits. The Alaska Department of Environmental Conservation permit is for two years. But earlier this month six Alaska environmental groups and the Native Village of Eklutna intervened to delay DEC from activating the permit. The groups are hoping that the agency will reverse its decision altogether.

"The Alaska Railroad does not take the use of an herbicide lightly," stated ARRC spokeswoman Stephenie Wheeler in an e-mail to *Seward City News*. "After spending considerable resources and time trying to control weeds without the use of herbicides, the railroad has continued to lose ground," she said.

Last year the Federal Railroad Administration issued 130 vegetation-related violations to ARRC for failing to meet federal safety mandates with regard to vegetation in and around the tracks. These carry potential fines of \$1,000 apiece. As recently as late May, FRA inspectors returned and issued 20 additional violations for vegetation. FRA warned the railroad that its safety situation was critical and needed be corrected. They say if the problem isn't addressed, they could be forced to slow down the trains, or close the tracks in certain areas. The railroad says it fears trains could derail. Alaska's train system carries nearly 500,000 passengers a year, and approximately 40 percent of its freight is classified as hazardous materials.

"Alaskans should be proud of our railroad's safety record, and proud that we have maintained this record without the dangerous use of herbicides," said Russ Maddox, the activism director for Resurrection Bay

Conservation Alliance, one of the six Alaska environmental groups. Maddox says the Alaska Railroad appears to be more interested in cutting costs than funding the alternative, less toxic methods that it has used successfully for more than two decades. The railroad only recently quit using prison labor to pull weeds and is no longer using safer eradication methods such as steam heating, currently in use by railroads throughout Europe and in Canada.

An administrative law judge was assigned to the case Monday, June 7, and a 20-day public comment period will follow, after which the DEC Commissioner will have 15 days to decide whether to grant the stay.

Herbicide use by state agencies was first halted by Alaska Gov. Jay Hammond in 1978. The railway's spray program was halted in an August 1982 injunction by a U.S. District Court judge after Talkeetna area residents claimed that the chemical herbicides were polluting their water and sickening them and their animals. Judge James von der Heydt found that internal regulations by the railroad allowed it to implement a spraying program without any consideration of the environmental consequences.

Since then public opposition to the railroad's efforts to get permits has continued. As recently as 2006, both the Seward City Council and Kenai Peninsula Borough passed unanimous resolutions against herbicide spraying within their limits -- citing environmental and health concerns. Last September, ADEC received 106 comments in opposition to the proposed permit, versus 17 in favor. The city did not object two years ago, however, when the railroad asked permission to conduct a two-year research project on the herbicide downtown.

Two issues of particular contention are whether the chemicals are safe and whether they would leach off the

tracks and into water bodies.

The railroad proposes to use low-volume, low-pressure round-directed attachments to apply the chemicals from beneath a slow-moving railcar. The method is designed to limit the potential for wind to carry the spray away from the target areas. Licensed contractors also will use hand pumps for spot applications. The herbicide would be sprayed only within the industrial rail yard and along the gravel track bed (about eight feet wide) where the public is not supposed to trespass for their safety, Wheeler said. Even though AquaMaster is approved by the Environmental Protection Agency for use in and around water, the railroad will not spray within 100 feet of a waterway or water body, she said.

The coalition claims that the railroad failed to consider the effects of spraying on numerous additional water bodies within zones it plans to spray, and that it could cause serious harm to these area waterways, private wells, salmon habitat and to those who hunt, fish, or pick berries near the tracks. Waterways not included in the permit application include Henry Creek at mile 41.6, Victor or "Vickery" Creek at mile 20, and another unnamed lake at mile 27.5, they say.

"I have seen firsthand that the proposed spray areas all have bodies of water well within the 100-foot buffer zone. As spring progresses, these bodies of water are becoming both larger and more difficult to see with the increasing foliage, which would make them even more difficult to avoid spraying," Maddox said. "The Snow River and Trail Lakes are subject to seasonal flooding, which brings the water even closer to the proposed spray areas, increasing the potential of unwanted spreading of herbicides."

In its 2007 decision denying the ARRC's permit application, DEC stated that any spray method, no matter how cautious, would likely result in the herbicides reaching nearby waters, according to the coalition.

Glyphosate is regulated by the U.S. Environmental Protection Agency and sold over the counter to ordinary consumers in such common garden products such as

Monsanto's Round-up and Rodeo. Glyphosate targets a plant-specific mechanism that animals do not have, and therefore the effects will be limited to plants, according to the research that the railway quotes. It also will be heavily diluted to less than a gallon of solution per 40-gallon patch. The prescribed dilutions pose little or no risk according to EPA or state regulators, according to ARRC. When used according to the manufacturers' directions, and in the prescribed concentrations, the herbicides break down rapidly after contacting soil, and do not pose any threat to fish, wildlife, or humans, the railroad says.

The coalition trying to prevent spraying says the research data the railroad uses is old, and that significant progress has been made over the last few years in studying the effects of glyphosate and its use in combination with various surfactants -- like Agri-Dex.

"The surveyed peer-reviewed literature documents a host of problems associated with the use of Roundup, including, but not limited to effects on reproduction, embryonic development, endocrine, immune and neurological function as well as cancer risks," said Warren Porter, a professor of environmental toxicology at the University of Wisconsin, Madison.

One study Porter reviewed found that Round-up alone was extremely lethal to amphibians in concentrations found in the environment. Another found that tadpoles exposed to glyphosate formulations had damaged hormone signaling and caused thyroid problems. Native freshwater mussels were found to be the most-sensitive aquatic organisms tested with glyphosate-based chemicals and its surfactants.

The coalition also cites research containing evidence that the herbicide increases human's risk of non-Hodgkin's lymphoma, NHL and hairy cell leukemia, multiple myeloma, late abortion, birth defects and endocrine disruption.

If herbicide spraying on the southern part of the rail line is successful, the railroad would like to obtain permits to spray the remainder of the 500-mile line to Fairbanks and North Pole, Wheeler said.

TALKEETNA, ALASKA

KTNA 88.9 FM
Community Radio for the Susitna Valley



<http://ktna.org/2010/06/25/dec-received-slew-of-comments-regarding-ak-railroad-herbicide-spraying/>

DEC received slew of comments regarding AK railroad herbicide spraying

by Diana Haecker ~ June 25th, 2010

Thursday marked the deadline for public comments to the Alaska Department of Environmental Conservation to weigh in on the question whether a DEC permit issued to the Alaska Railroad Corporation to spray herbicides should be denied.

In April, the DEC gave a permit to the railroad allowing them to spray herbicides on the tracks. Pam Miller, biologist with the Alaska Action on Toxins said she is concerned about the mix of chemicals and their effects on water quality and human health.

The lawfirm Trustees for Alaska on behalf of Alaska Community Action on Toxics and six other groups including Talkeetna-based Alaska Survival and Tom Kluberton, filed a request to appeal the DEC permit.

On Thursday the DEC's comment period closed on the request for an adjudicatory hearing and the request to stop the spraying pending the hearing process. Gary Mendivil with the DEC said so far 52 comments were received. The next step is that the DEC commissioner has to decide whether to stay the permit while the appeal is pending.

The question whether the commissioner will grant the appeal will be answered in more than a month's time. First, the Trustees have a seven-day period to review the comments, then the commissioner has a 30-day period to make his decision.

The railroad says they're losing the battle against weeds and are in trouble with the Federal Railroad Administration concerning vegetation growth on tracks. The railroad plans to spray herbicides between Indian and Seward. If it works, the railroad will look into the use of herbicides on railroad tracks north of Anchorage, too.

High court puts railroad's weed-killing plan on hold

By MARY PEMBERTON
The Associated Press

Published: July 16th, 2010 11:23 AM
Last Modified: July 16th, 2010 11:24 AM

Alaska's highest court has put on hold plans to spray weed-killers along track owned by the Alaska Railroad, believed to be the last railroad in the country that is herbicide-free.



The state Supreme Court wants to hear more about a plan to spray herbicides along 30 miles of track south of Anchorage. The railroad says it has tried other methods to keep weeds down, including using inmate labor, a flame thrower and a steam machine, but it needs herbicides to keep weeds from forcing apart tracks, causing railroad ties to decay more quickly and concealing problems with track fasteners.

Phyllis Johnson, the lawyer representing the railroad, said while the delay is disappointing it also is understandable given the enormous amount of documentation presented to the Supreme Court for review.

"We will see what happens," she said Thursday.

The railroad wants to be cleared to conduct three days of spraying.

If the court lifts the stay so that the railroad can go forward with its plans "we would certainly do so," Johnson said.

Photo: An Alaska railroad train runs along the tracks where weeds are growing between the rails at Indian, Alaska south of Anchorage Wednesday, Sept. 9, 2009. The Alaska railroad has applied to spray glyphosate-based herbicide on the Seward rail yard and 30 miles of track south of Anchorage to kill the weeds that grow between the rails. AL GRILLO / The Associated Press

The railroad has sought since 2006 to use weed killers along its tracks. Environmental groups are opposed and fighting a permit issued by the state in April. They contend that regulators failed to consider the herbicide's harmful effects on drinking water and salmon streams. The permit would have allowed spraying to begin last week, but the groups were granted a temporary stay that would have expired at midnight Thursday.

The railroad and the state now have until Friday to respond to the other side's request for the stay to be continued. The court gave them until next Tuesday to file reasons why they oppose a review of the case.

The lawsuit was filed by the Alaska Community on Toxics, Alaska Center for the Environment, Alaska Survival, Cook Inletkeeper and the Native Village of Eklutna. They say Alaskans overwhelmingly opposed the use of herbicides along the railroad's right of way between Indian and Seward and at the Seward rail yard.

"Once spraying happens, the damage and contamination of the waters is complete," said Austin Williams, a Trustees for Alaska lawyer representing plaintiffs. "There is no additional recourse."

Williams said the court received the plaintiffs' materials earlier in the week.

At issue is an Alaska Department of Environmental Conservation permit allowing the railroad to spray glyphosate, the active ingredient in Roundup and AgriDex, which increases the effectiveness of the herbicide, along its right of way for a two-year period beginning June 9.

Environmental groups and the village of Eklutna protested. The Superior Court did not order the railroad to stop its plans to spray but extended a previous stay. The Supreme Court extended the stay Wednesday.

Plaintiffs say in court documents that DNR's decision to allow herbicides is "arbitrary considering the risk to human health and the environment that would occur from spraying."

They say in court documents that the Department of Environmental Conservation requires safety protocols be employed and protective clothing worn when using the chemicals, while at the same time concluding they are safe for the public and don't require posting of the area or notice to the public when spraying occurs.

The herbicide would be applied with a low-pressure nozzle 2 to 3 feet off the ground.

The permit contains some restrictions, including no spraying within 200 feet of groundwater or within 100 feet of a stream or pond.

READING THE NORTH: New books of interest to Alaskans

-- Compiled by Matt Sullivan, Anchorage Daily News

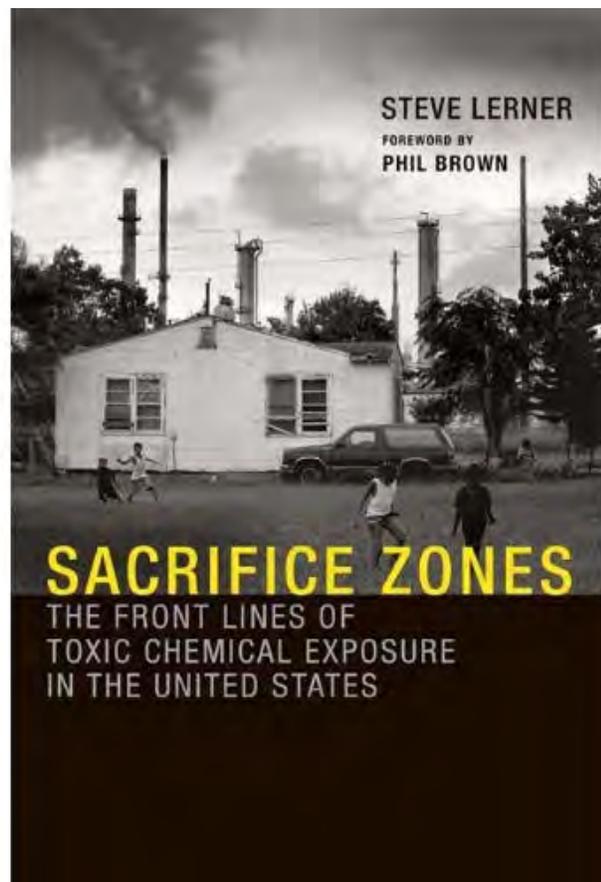
Sacrifice Zones: The Front Lines of Toxic Chemical Exposure in the United States

By Steven Lerner (The MIT Press)

The blurb: Across the United States, thousands of people, most of them in low-income or minority communities, live next to heavily polluting industrial sites. Steven Lerner tells the stories of 12 communities that rose up to fight the industries and military bases causing disproportionately of pollution in low-income "sacrifice zones."

Excerpt: "Among those who are least impressed by the progress of the cleanup at Gambell and Northeast Cape is Vi Waghiyi, ACAT coordinator of the St. Lawrence Island Environmental Health and Justice Project. A former resident of Savoonga, who lived there until the age of eight and whose father was the postmaster, Waghiyi now lives in Anchorage, where she is an organizer and spokesperson for Alaska Community Action on Toxics. She retains close ties to the island where three of her brothers live, including Fritz Waghiyi, a tribal council member in Savoonga. Her father died of colon cancer, and her mother had surgery to remove a colon cancer, a disease that was unheard of in her family prior to the U.S. military coming to the island, she says." ...

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Wildlife Refuge Will Resume Spraying for Invasive Species

Monday, 15 November 2010

The U.S. Fish and Wildlife Service plans to resume the use of herbicides to control invasive species in the Kodiak National Wildlife Refuge. Use of toxic chemicals was halted in 2008 following a lawsuit by environmental groups which successfully challenged the agency's use of chemicals without first doing an environmental study. KMXT's Jacob Resneck reports.

An ornamental planting of orange hawkweed in the 1970s on Camp Island in Karluk Lake is thought to have caused an infestation discovered in 2002. Hawkweed is one of three species that are taking over, says refuge manager Gary Wheeler.

In 2003 the Fish and Wildlife Service began spraying herbicides to control the weeds. That prompted concerns from residents in Larsen Bay. In 2008, a pair of organizations including Alaska Survival filed a lawsuit in federal court, recalls deputy manager Kent Sundseth.

Pamela Miller is the executive director of Alaska Community Action on Toxics which had joined Alaska Survival in its legal challenge.

Following the lawsuit, the Fish and Wildlife Service sent out a directive ordering all wildlife refuges to undertake an environmental study before using herbicide and spraying ceased in the Kodiak National Wildlife Refuge.

This month the local staff completed and approved a 185-page environmental study that declares the resumption of spraying would have no adverse impact on humans or wildlife.

Miller says the refuge's invasive species control plan is an improvement over past practices and the group has no intention to sue.

But she still has concerns. One of the two chemicals that will be used contains glyphosate, commonly known by its brandname Roundup.

Miller isn't alone. This summer the Alaska Department of Fish and Game's regional resource development biologist Steve Schrof wrote the refuge manager after reading the study. Schrof noted the document didn't address any potential impacts on juvenile sockeye salmon which spend their early years in freshwater Karluk Lake.

But refuge manager Gary Wheeler says the impact on fish has been taken into account.

The Fish and Wildlife Service plans to resume spraying in limited quantities. The chemicals will be sprayed by technicians carrying backpacks as early as this spring. The Fish and Wildlife Service's spray plan has received letters of support from the governor's office as well as the Kodiak Soil and Conservation District. Written opposition was limited to a pair of residents in the community of Larsen Bay. I'm Jacob Resneck

This is a script of a radio news program without the interviews —just what the reporter says.

To download the MP3 interviews that go with this script (including excerpts from an interview with Pam Miller), click here: http://www.kmxt.org/index.php?option=com_content&task=view&id=2235&Itemid=2