Dear Governor Walker and Lieutenant Governor Mallott:

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

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

- Eliminate permit requirements for the spraying of pesticides by state agencies on state public lands and rights-of-ways. This, among other things, means that there is no requirement to identify water bodies, water courses, private drinking water sources, or to establish buffers...
necessary to safeguard the state’s water resources, sensitive waterways, drinking water sources, fish and wildlife habitat, or public health;

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

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

Alaskans’ opposition to herbicide spraying has a long history. In 1978, Jay Hammond, then-governor of Alaska, issued a directive which banned the use of herbicides by state agencies because of citizen concerns about the health effects of these chemicals. For more than three decades, a broad diversity of Alaskans has consistently voiced strong opposition to the use of herbicides by the Alaska Railroad. Resolutions and letters expressing opposition to the use of herbicides by the Alaska Railroad include: Native Village of Eklutna, Montana Creek Native Association, Inc., Municipality of Anchorage, City of Seward, Kenai Peninsula Borough, Matanuska-Susitna Borough, Denali Borough, Birchwood Community Council, and Talkeetna Community Council. The federally recognized tribal government of the Native Village of Eklutna states particular concerns in their resolution and letter about threat of proposed herbicide use to the safe harvest of berries, medicinal plants, fish and wildlife that are vital to their spiritual, cultural, and physical sustenance. The ADEC effectively ignored public concern and allowed the railroad to apply herbicides beginning in 2010. The agency then enacted the regulations in 2013 that eliminate public right-to-know provisions and citizen involvement in decisions about pesticide use in public places, including transportation rights-of-way. Although we agree for the need to address problems of invasive and noxious weeds, herbicides are not necessary to accomplish solutions to this problem.

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

In addition, manufacturers are not required to disclose “inert” ingredients in herbicide formulations. In the preeminent peer-reviewed environmental health journal published by the National Institute for Environmental Health Sciences, Environmental Health Perspectives (Cox C, Surgan M. Unidentified Inert Ingredients in Pesticides: Implications for Human and Environmental Health. Environmental Health Perspectives 2006;114(12):1803-1806. doi:10.1289/ehp.9374), the authors warn: “Inert ingredients may be biologically or chemically active and are labeled inert only because of their function in the formulated product...Inert ingredients can increase the ability of pesticide formulations to affect significant toxicological endpoints, including developmental neurotoxicity, genotoxicity, and disruption of hormone function. They can also increase exposure by increasing dermal absorption, decreasing the efficacy of protective clothing, and increasing environmental mobility and persistence. Inert ingredients can increase the phytotoxicity of pesticide formulations, as well as toxicity to fish, amphibians, and microorganisms.”

The active ingredients cannot be used without an adjuvant and/or surfactant. The scientific literature supports the fact that the use of surfactants/adjuvants increases the bioavailability, toxicity, persistence, and bioaccumulation of the active ingredient. In 2006 the Attorney General of Alaska announced that Alaska “joined with 13 other states and the U.S. Virgin Islands to petition the Environmental Protection Agency (EPA) to require pesticide manufacturers to disclose on the label of their product all hazardous ingredients...The EPA currently requires that pesticide labels disclose only the product’s “active” ingredients that contain toxic materials intended to kill insects, weeds, or other target organisms. Pesticide products also contain many other “inert” ingredients, which are intended to preserve or improve the effectiveness of the pesticides’ active ingredients. These “inert” ingredients may be toxic themselves...” The news release further states that “people who use or who are impacted by the use of a pesticide should have notice of all that product’s potential health risks.” Thus, it would be wrong for the State to allow state agencies to apply herbicides for which the manufacturers do not disclose ingredients that may harm human health.

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

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

Sincerely,

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