

Comments on Draft Environmental Impact Statement for Vegetation Treatment Using Herbicides

Submitted by Jan Wroncy, on my own behalf and on behalf of Gaia Visions, Canaries Who Sing,, Coast Range Guardians, Residents of Oregon Against Deadly Sprays and Smoke, and Citizens Environmental Protection Alliance.

Dear Sirs:

1. Comment Deadline:

There is some confusion about the extended deadline of January 4, 2010 that the BLM Oregon Office promised, therefore I have submitted a Draft/Outline on December 1, 2009, and I am, herein, submitting final comments on January 4, 2010.

2. Incorporated by Reference:

I hereby incorporate by reference, the excellent comments submitted by Doug Heiken for Oregon Wild; and Jay Lininger for Center for Biological Diversity; by Kim Leval for the Northwest Coalition for Alternatives to Pesticides (NCAP); by Dona Hippert for Oregon Toxics Coalition; by Jason Yarashes, Kelly Cramer, and Jenny Loda for The Northwest Environmental Defense Center (NEDC) and by Dave Becker for Oregon Natural Desert Association (ONDA); by Samantha Chirillo, Co-Director, Cascadia's Ecosystem Advocates ("Eco Advocates"); by Maya Healer Gee, Master Herbalist; by Day Owen for Pesticide Poisoning Victims United/Pitchfork Rebellion; by Mary Camp, President of Deer Creek Valley Natural Resources Conservation Association; by Francis Eatherington for Umpqua Watersheds, Inc, by Lesley Adams for Rogue Riverkeeper, by Josh Laughlin for Cascadia Wildlands Project, and by Jay Lininger for Center for Biological Diversity; by Mary Moffat and David Webb of Walton; by Richard K. Nawa for Siskiyou Project; by Dr. John L. Gardiner and Dr. Christine Perala Gardiner of WaterCycle, Inc.; by Mark and Robin Winfree-Andrews; by Blue Mountain Biodiversity Project/League of Wilderness Defenders.

I also incorporate by reference my previous scoping comments, my previous comments to the BLM for the 17 Western States Vegetation Management Environmental Impact Statements, and my comments submitted for the older EIS for 13 Western States.

3. Support Alternative 1 (No-Herbicide Option) / Opposition to Alternative 4, the BLM Preferred Alternative to use more herbicides/Opposition to Alternatives 2,3 and 5:

I, and the groups I am submitting comments for, are opposed to the use of herbicides on BLM lands in Oregon for all the reasons stated in the above referenced comments and below in today's comments submitted herein. We are therefore opposed to the BLM Preferred Alternative, No. 4, and also Alternatives 2, 3 and 5. **We would support Alternative 1 (No Herbicides).** We would support a new Environmental Impact Statement that addresses the correction of bad land management activities of the past and the present to prevent future harm, and to restore the ecosystems which have been damaged.

4. False premise used to justify toxic chemicals: Invasion Biology:

"When one is up to no good, it is useful to have an excuse." quotation from Francois Jacob

on page 89 of Invasion Biology (see below):

See: INVASION BIOLOGY: Critique of a Pseudoscience by David I. Theodoropoulos, 2003, a copy of which was submitted as **Attachment A** to these comments.

It is my belief that the BLM is up to no good (proposed massive use of herbicides), and that the "invasion" is the excuse.

BACKGROUND:

For many years I was involved in diverse fields of scientific research. My first research was in Air Pollution inquiries with Dr. T. J. Chow at Scripps Institute of Oceanography and Dr. Claire Patterson showing that the lead in the environment came from the lead additive in gasoline, which ultimately resulted in the ban on leaded gasoline.

I moved to Oregon to set up the lab at the University of Oregon for Dr. Gordon Goles in preparation for analysis of the lunar samples.



Following that, I worked with a team of scientists conducting research on Nitrogen Cycling in the Canopy of Old-Growth Douglas Fir at the H. J. Andrews Experimental Forest in Blue River Oregon. I assisted with analysis of samples in the lab (picture above) and also participated in some field work (picture below).



In my many scientific pursuits I gained an appreciation for the delicate balance between humankind and the environment. Because humankind has the capability of destroying the environment, we also have the enormous responsibility of making sure we DO NOT destroy the environment!

For the nearly 30 years I have engaged in organic/no spray farming, and forestry. My experience in forestry research combined with my experience with organic non-chemical farming and forestry convinces me that **man-made pesticides are not necessary for either farming or forestry.**

I have farmed organically in the Willamette Valley in Coburg, Junction City, and Elmira, and in the Coast Range in several locations.



All our farms have been maintained organically and without pesticides. The riparian forest my husband and I own is managed without chemicals. We grow vegetables, orchard fruit, cane berries, strawberries, blueberries, grapes, pasture, sheep for wool, and timber.

All food and fiber crops can be grown successfully without use of pesticides. Oregon has one of the highest numbers of organic farms in the nation, and a significant number of non-chemically managed timberlands/woodlots as well.



It is my belief that present day agriculture and forestry has been hijacked by the chemical companies and turned into a "chemiculture".

With my background and experience, I eagerly researched the underlying theories of "invasion biology" at the heart of the BLM herbicide plans. After reading INVASION BIOLOGY: Critique of a Pseudoscience by David I. Theodoropoulos, 2003, **I am convinced that the underlying justification (excuse) for the BLM DEIS Vegetation Treatment Using Herbicides is based on non-science and therefore, "arbitrary and capricious".**

An Environmental Impact Statement that is Arbitrary and Capricious does not comply with NEPA and can not pass the test of a "hard look".

The perceived "need" for action is not based on sound science, and is therefore arbitrary and capricious.

All alternatives choosing massive amounts of chemical poisons (herbicides) except Alternative 1 (No Herbicides) to manage an arbitrary and capricious "need" rather than employing non-chemical alternative treatments (least harm) are arbitrary and capricious and do not comply with NEPA.

40 CFR § 1500.1 Purpose.

(b) NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken. The information must be of high quality. Accurate scientific analysis, expert agency

Where is the science? Where is the high quality? Where is the accurate scientific analysis?

See the Northwest Environmental Defense Center (NEDC)/Oregon Natural Desert Association (ONDA) comments also, incorporated by reference herein.

Note that the use of herbicides may have a ripple effect on "native" or desirable plant species too.

I would like to point out that herbicides always do more damage to native plants than to "noxious weeds" or invasive species. Therefore continual, large scale use of these toxic chemical herbicides will always select for stronger weeds, thus leaving nothing alive that can compete with the weeds, and therefore never be able to eliminate weeds. Since the chemical herbicides are very persistent, and in fact last much longer than the BLM would care to admit, they will sterilize the soil for long periods of time, thus additionally disfavoring natural, native vegetation communities. Using toxic chemical herbicides not only contaminates the environment, but also poisons whole ecosystems.

5. "Inert" and Secret "undisclosed" ingredients in pesticides and pesticide adjuvants:

If the BLM does not reveal all the so-called "inert" and other ingredients in the formulations proposed for use, and all the ingredients of adjuvants added to tank mixes or batches, the BLM will not comply with NEPA by providing pertinent information for decision makers to review, and therefore also for the public to review. The public is rightfully reluctant to approve plans full of "secrets", especially secrets about toxic chemicals that we are being asked to accept exposure to.

Please also refer to the excellent comments by Kim Leval, Executive Director of the Northwest Coalition for Alternatives to Pesticides (NCAP) herein incorporated by reference

See: Unidentified Inerts by Caroline Cox, 2006 at:
<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1764160/>

See: <http://www.pesticide.org/inertspage.html>

See also: <http://www.pesticide.org/inertspetition2006.pdf>

See: **EPA Seeks to Disclose Hazardous Pesticide Inert Ingredients**
at: <http://www.epa.gov/opprd001/inerts/>

An example of one type of toxic "inert" ingredient added on purpose to pesticide formulations is called "suicide inhibitors" and "Cytochrome P450 inhibitors" : "Suicide Inhibitors" at page 151, 157, 267 in and "Cytochrome P450 inhibitors" at page 157 in: RATIONAL APPROACHES TO STRUCTURE, ACTIVITY, AND ECOTOXICOLOGY OF AGRICHEMICALS, edited by Wilfried Draber and Toshio Fujita, 1992.

6. Toxic active ingredients, and adjuvants: Need to identify exact formulas and analyze impacts of formulas and tank mixes as well as targets of herbicide spraying proposed, and exact site where it will be applied.

Listing active ingredients tells the decision-makers and the public nothing about the specific ingredients, and proportion of ingredients in the actual formulation proposed for use. Not identifying other adjuvants that will be tank mixed or otherwise applied at the same time will not inform the decision-makers and the public of the necessary information needed to make an informed decision. Without the specific location, decision-makers and the public can not assess the impacts to humans or to the environment. The decision-makers need the exact formula name, EPA Registration

Number, the identity of the active ingredient, the identity of all "other" ingredients, the proportion of each component, a copy of the exact label for this particular formula, the identity of any adjuvants to be added to the mix or applied at the same time, the identity of the target plants, and the exact location where it will be applied. All these omissions in the EIS fail to comply with NEPA.

NEPA VIOLATIONS:

ENVIRONMENTAL INFORMATION NOT AVAILABLE

40 CFR § 1500.1 Purpose.

(b) NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken. The information must be of high quality. Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA.

See **NEDC/ONDA** comments also, incorporated by reference herein.

See: PORPHYRIC PESTICIDES: Chemistry, Toxicology, and Pharmaceutical Applications , Edited by Stephen O. Duke and Constantin A. Rebeiz, an American Chemical Society Symposium Series 559, 1994.

See also "Suicide Inhibitors" in: RATIONAL APPROACHES TO STRUCTURE, ACTIVITY, AND ECOTOXICOLOGY OF AGRICHEMICALS, edited by Wilfried Draber and Toshio Fujita, 1992.

See: MECHANISMS OF CHEMICAL-INDUCED PORPHYRINOPATHIES, Edited by Ellen K. Silbergeld and Bruce A Fowler, 1987.

See: THE COLOURS OF LIFE: An Introduction to the Chemistry of Porphyrins and Related Compounds by Lionel R. Milgrom, 1997.

See: RISKY BUSINESS: Genetic Testing and Exclusionary Practices in the Hazardous Workplace by Elaine Draper, 1991.

7. Failure to comply with NEPA: Uninformed decision-makers, cumulative impacts, etc.

BLM does not disclose all the cumulative impacts of their past spray activities and activities of adjacent lands under other ownship. Therefore, the DEIS does not comply with NEPA.

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8. Failure to comply with FIFRA: Mislabeled, false claims of safety, Label violations

(a)(5) False or misleading statements. Pursuant to section 2(q)(1)(A) of the Act, a pesticide or a device declared subject to the Act pursuant to § 152.500, is misbranded if its labeling is false or misleading in any particular including both pesticidal and non-pesticidal claims. Examples of statements or representations in the labeling which constitute misbranding include:

(ix) Claims as to the safety of the pesticide or its ingredients, including statements such as “safe,” “nonpoisonous,” “noninjurious,” “harmless,” or “nontoxic to humans and pets” with or without such qualifying phrase as “when used as directed”;

The DEIS implies that the pesticides will do minimal damage, and are "safe" and that the public should just accept these risks. The DEIS even states that Eastern Oregon is more willing to accept the pesticides. All the potential exposures are non-consensual and unlawful testing of pesticides on humans in violation of the labels, and of FIFRA including the law cited below.

9. Violations of: 7 USCA Section 136j Unlawful acts [FIFRA section 12]: unlawful testing on humans.

7 USCA Section 136j Unlawful acts [FIFRA section 12]

(a)(2) It shall be unlawful for any person ---

(G) to use any registered pesticide in any manner inconsistent with its labeling

(P) to use any pesticide in tests on human beings unless such human beings (i) are fully informed of the nature and purposes of the test and of any physical and mental health consequences which are reasonably foreseeable therefrom, and (ii) freely volunteer to participate in the test

10. Failure to comply with the CWA: NPDES Permits:

See NEDC comments herein incorporated by reference.

11. Discrimination against disabled people/Disparate Harm to disabled people/Denial of Access:

Violations of the Rehabilitation Act of 1973 will occur when the BLM disparately harms disabled people by forcing people to endure non-consensual exposures to herbicides mixtures and formulas containing active herbicidal ingredients, adjuvants, dyes, surfactants, odor-masking agents, crop oils, penetrating oils, contaminants, breakdown products and many other chemicals (secret, undisclosed ingredients often misleadingly called "inerts" when people are on BLM lands or near enough to them to receive drift or vapors, runoff into surface waters, or ground water contamination, or via other means of transport which cause disparate harm to disabled people. If people suffer from disabilities that render them unable to detoxify the chemicals that BLM proposed to use, they will be disparately harmed by

BLM's massive spray program.

See: [PORPHYRIC PESTICIDES: Chemistry, Toxicology, and Pharmaceutical Applications](#) , Edited by Stephen O. Duke and Constantin A. Rebeiz, an American Chemical Society Symposium Series 559, 1994.

Many of the active ingredients, "other" ingredients, and adjuvants are porphyrinogenic. See below: **Porphyrinogenic Substances**. A referenced list of 3,700 chemicals, metals, and medications that can cause porphyria and/or induce an attack. Available from Chemical Injury Information Network.

12. Violations of Human Rights by use of pesticides whereby the public is forced to endure non-consensual exposures:

See: Documents by Dr. Tom Kerns regarding herbicides, insecticides, and human rights, etc. at:

<http://www.environmentandhumanrights.org/reports.htm>

Recently I testified to the Environmental Protection Agency's Scientific Advisory Panel on Vapor Drift regarding volatilization of herbicides applied to forestland near my organic farm. The interesting thing about this occurrence is that it was applied by a contractor for a timber company adjacent to BLM lands and a BLM road and the roadside owned and controlled by BLM. This has happened many times recently and the BLM has chosen to look the other way, claiming that they were coming out with an EIS to do the very same thing. This spray event happened on August 21, 2009. Just two days ago I went up the BLM road to view the Coho salmon spawning in Congdon Creek below the sprayed unit, and the unit is still off-gassing vapors of imazapyr herbicide. This is one of the herbicides BLM proposes to use in the DEIS. This is one of the forest roads likely to receive herbicide treatment under the new DEIS. The checker-boarded BLM units that surround our farm in a town well over 100 years old, and surrounds many named streams in the Washington Toxics, et al v EPA lawsuit to protect the listed Coho salmon runs here from harm from pesticides are all up fair game for spraying with herbicides under the new DEIS. In terms of drift, ground water contamination, surface water contamination and runoff, as well as direct and immediate drift during applications and volatilization drift long after application, and runoff into our legal, registered 1947 domestic and irrigation water rights the BLM spraying will directly harm us and other neighboring residences.

Note that there are 10's if not 100's of thousands of people adjacent to BLM lands who will be affected by this DEIS.

See comments by **Cascadia's Ecosystems Advocates**, herein incorporated by reference.

Also see attached Wroncy testimony to EPA on Volatilization Drift, as **Attachment B**.

13. Violations of Native Americans rights: traditional medicines, wild crafting, native habitat, traditional and new food sources.

Many of the plants BLM plans to target, whether labeled invasive, non-native or native are traditionally used as medicines, food sources, or ceremonial plants by the Native American tribes of Oregon.

See **Native American Medicinal Plants: An Ethnobotanical Dictionary** by Daniel E. Moerman, 2009.

See: Comments by Maya Healer Gee

14. Arbitrary and capricious labeling of plants as weeds, undesirable vegetation, noxious plants, and invasive species/Denial of beneficial and medicinal uses:

See: Comments by Maya Healer Gee

See: **Invasion Biology** by David I. Theodoropoulos attached as Attachment A

15. Violations of the Endangered Species Act/Unnecessary threats to Endangered Species: Salmon, owls, etc.

See Comments by Richard Nawa for **Siskiyou Project** herein incorporated by reference. See also the Masters Thesis for the University of Washington by Catherine Anne Curran, **Olfactory-mediated behavior in juvenile salmonids exposed to aquatic herbicides**, 2007 a copy of which is herein attached as **Attachment C**.

16. Failure to correct past land management practices that substantially cause the vegetation problems:

Many 1,000's of acres of BLM lands are overgrazed yearly and the true cost of producing cattle for market for private profit using public lands is borne by the public, including the cost of trying to restore the damaged lands left behind. This past activities of mis-management of public lands must stop.

See: **SACRED COWS AT THE PUBLIC TROUGH** by Denzel and Nancy Ferguson, 1983.

See also NEDC/ONDA comments, herein incorporated by reference.

The BLM proposal utterly fails to put prevention first. The BLM proposal for massive spraying of herbicides on 100's of thousands of acres in Oregon will result in massive devastation to the public lands, and massive poisoning of the public.

Conclusions:

As many of the members of the groups I am submitting comments on behalf of are disabled by conditions that render us unable to detoxify chemicals such as herbicides and other toxic ingredients in herbicide spray mixtures, we can only support Alternative 1, the NO HERBICIDE option. All of us wish to avoid exposure to the chemicals in herbicides in herbicide formulas and mixtures. We do not grant permission to the BLM to impose on us such exposures.

Also most of us live near BLM lands, downstream from, or downwind from or are otherwise influenced by the land management activities on BLM lands. Most of the members of the groups represented here use the BLM lands to for enjoyment, recreation, nature studies, to view and enjoy plants, insects, birds, fish and other wildlife, and otherwise for our spiritual renewal. Which management treatments and activities the BLM proposes and conducts on the public lands greatly affects us.

Therefore, we ask the Bureau of Land Management to adopt Alternative 1 - NO HERBICIDES for this Environmental Impact Statement for Oregon.

Respectfully submitted by

Jan Wroncy, on my own behalf and on behalf of
Gaia Visions
Canaries Who Sing,
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and Citizens Environmental Protection Alliance
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