

To: BLM Vegetation Treatments EIS Team

From: *Pesticide Poisoning Victims United*, a Division of *The Pitchfork Rebellion*

Mail: Pitchfork Rebellion c/o Day Owen, Box 160, Greenleaf, OR 97430

Topic: Public Comment on Draft Environmental Impact Statement on BLM Vegetation Treatments Using Herbicides in Oregon

Date: November 8, 2009

WHO THIS PUBLIC COMMENT REPRESENTS

The Pitchfork Rebellion is a forest dwellers support group based along the heavily-logged Highway 36 corridor in the coastal mountains between Junction City and Mapleton. *Pesticide Poisoning Victims United* consists entirely of members of Pitchfork Rebellion who have actually been made sick by herbicides and/or other 'pesticides'. This Public Comment on the DEIS for Vegetation Treatments Using Herbicides on BLM Lands in Oregon represents the position of both *Pesticide Poisoning Victims United* and *The Pitchfork Rebellion*. This comment is authored by Day Owen, founder of both the above mentioned groups, and thus also represents his views. Thus, the document in hand represents the public comment of three parties: Pesticide Poisoning Victims United, The Pitchfork Rebellion, and Day Owen, and therefore preserves the right of any or all of those parties to be involved in any future lawsuit against the BLM that may occur in regard to this DEIS.

Important Note: While this letter represents the public comment of the above stated three parties (stated in above paragraph), Pitchfork Rebellion also took out an ad in a weekly newspaper in which we included a coupon that people could fill-out and return to the DEIS Team for public comment. Because those coupons that are returned to the DEIS Team are from individual members of the general public – not members of The Pitchfork Rebellion – they should be counted as individual responses.

OUR FINDINGS OF FAULT WITH THE DEIS AND PROPOSED ACTION

We find fault with the DEIS as a whole, and with the selection of Proposed Alternative Four as the proposed action. Among our reasons for finding fault with the DEIS – and for throwing our support behind Alternative One (no herbicides on BLM lands) – are the following items:

1) We support ALTERNATIVE ONE – no herbicides – because all of the other alternatives would increase the use of herbicides, including the deadly 2,4-D and the carcinogenic Diuron.

2) **We specifically and especially object to the continued use of 2,4-D at all on BLM lands, and with the increase in the use of that herbicide that would accompany the selection of any of the five listed alternatives in the DEIS with the exception of Alternative One (no herbicides).** The DEIS itself admits that the use of 2,4-D would

increase with the selection of alternatives two through five, so we need not argue that point except to state our opposition to that proposed increase in the use of 2,4-D.

As pointed out in the DEIS: “2,4-D has possible endocrine disruption abilities....”

In the DEIS we also read: “Based on recent studies reviewed by SERA, 2,4-D is toxic to the immune system and developing immune system, especially when used in combination with other herbicides (tank mixes). The mechanism of action of 2,4-D toxicity is cell membrane disruption and cellular metabolic processes. 2,4-D toxicity affects human lymphocytes and nerve tissue.”

On page 91 of the DEIS it is acknowledged that the National Resources Defense Council has petitioned the EPA to revoke all registrations of 2,4-D due to its neurotoxicity, endocrine disruption effects, mutagenic effect, dermal (skin) absorption rate increases in people who drink alcohol or use sunscreen, and its presence in breast milk. The DEIS then states that, if 2,4-D is made illegal, the BLM will comply with that ruling. **Our response: The BLM needs to be more proactive in protecting the public health. It can do that by eliminating 2,4-D use on BLM lands NOW!**

3) We acknowledge that the DEIS draws on the previously published PEIS that details methods by which the BLM intends to mitigate the stated potential adverse effects to the public and environment of 2,4-D and other herbicides listed in the DEIS. **However, being forest dwellers who actually watch how the BLM contractors and private timber contractors involved with herbicide applications have actually made a sham of such mitigating strategies in the past, we have absolutely no confidence in the proposed implementation of new mitigating methodologies. The ugly truth is that the BLM mitigating strategies are drawn up in offices by scientists and trumpeted by propagandists – ‘public relations specialists’ and ‘communications officers’ – and then are repeatedly ignored and violated by the private contractors whose chief concern is economics and not the protection of the environment or the public health.** We are tired of being victimized by this scam and refuse to accept your proposed mitigation methodologies; instead, we demand abstinence of the use of carcinogenic neurotoxins such as 2,4-D on BLM lands.

4) We specifically object to the following three especially dangerous herbicides that the BLM proposes to begin using in Oregon for the first time: bromacil, diuron, and tebuthiuron. We specifically name those three in response to the following statement by the BLM on page 320 of the DEIS: “Bromacil, diuron, and tebuthiuron have the highest risks to some of the public. Diuron is a suspected carcinogen.”

5) We find fault that the DEIS relied on a politicized Bush-Administration legal definition of the term “drift” that eliminated the consideration of *vapor* as drift. In 2001, the industry-dominated Bush administration EPA changed the legal definition of pesticide ‘drift’ to ‘the movement of liquid droplets’. **Previously, the definition included the movement of vapor.** Vaporization occurs when the pesticides/herbicides interact with the sun. It is a known fact that pesticides/herbicides drift much farther when

vaporized than they do as liquid droplets. The current DEIS refers to drift of droplets but never once mentions the more far-reaching drift by vaporization. This is such a serious scientific omission that it rightfully should render this entire DEIS null and void.

6) We find fault that the DEIS never address – not even in its mitigation methodologies – the currently hot political, social, and scientific topic of buffer zones. For example, when the DEIS discusses the proposed use of some aerial spraying, no mention of buffer zones is mentioned. This is a serious fault that should render this DEIS null and void.

7) We find fault with the fact that your DEIS did not include an analysis of the inert ingredients in the herbicides. We acknowledge that the BLM attributes this deficiency to the current law that permits pesticide makers to hide the identity of the inert ingredients by claiming ‘trade secrets’. However, it is an established fact that sometimes the inert ingredients – especially in combination with other pesticides – can be more toxic to humans and fish than the listed ingredients. **Thus, we hereby request that the BLM have their attorneys press the Obama administration and the EPA to permit BLM access to the inert ingredients of each herbicide included in this DEIS. Furthermore, the BLM should honestly communicate to Obama and the EPA that the BLM can not adequately perform an honest DEIS on herbicides without that information and will therefore halt all use of herbicides on BLM lands until this access to required information is granted.**

8) **We find fault that that your ‘Proposed Action, Alternative Four’, would change your current authority “to spray only noxious weeds” to have new legal authority to “spray all vegetation”.** This is especially significant in that the main argument in your public relations campaign is the need to fight invasive species. You trumpet this DEIS as the BLM answer to the problem of invasive species but only a very careful reader of the DEIS will notice that your proposed action – Alternative Four – does not only give you new legal authority to fight invasives but to also “spray all vegetation”.

9) **We find fault that your ‘Proposed Action, Alternative Four,’ would give you new authority to spray all vegetation at places where children and other members of the public commonly gather, including at schools on leased BLM lands, campgrounds, hiking trails, and picnic areas.** This portion of your proposed action should be eliminated immediately due to the fact that children are known to be far more susceptible to pesticides than adults. Also, even amongst those members of the public who support your trumpeted war on invasives – in the following finding number ten we will explain why we are not members of that club – it is unlikely you will find support for new legal authority to “spray all vegetation” (not just invasives) at locations where children gather. While you will convince some members of the public that it is near impossible for you to manually/mechanically (non-herbicide weed management) address invasive and noxious species in the remote wilderness, even most of those folks will find it hard to believe that you cannot manually address weeds in public gathering places like picnic areas and camp grounds.

10) **We find fault that the DEIS never mentions the primary driving force of the current ‘War on Invasive Species’, namely, the profit motive of ‘Big Pesticide’, and does not examine the role of pesticide manufacturers in shaping the science relied upon by this DEIS.** If your DEIS is going to devote large sections to describing the need to fight invasive species, it should at least address the fact that many persons – including respected scientists and authors – believe that the issue of invasive species has been intentionally inflated and strategically obfuscated by the very multi-national corporations (‘Big Pesticide’) who stand to profit by increased use of pesticides. For example, missing from the DEIS is an unbiased examination of the ultimate causes of the asserted epidemic of invasive species or the full-range of options to deal with that problem.

Modern industrial forest practices are a root cause of the current problem with invasive species in forested lands. Ironically, we hear the complaint from the private timber industry – referred to benignly in the DEIS as “our neighbors” – that the BLM has not been doing enough to get rid of invasive species that can then spread to adjoining private timber lands. This is ironic because the problem first began in the privately managed clear-cut-rotation timber lands and then migrated to the neighboring BLM lands. The ultimate solution is an end to industrial tree farms because such farms create an environment that is ripe for invasive species by altering natural ecosystems. Once you radically alter a natural ecosystem via industrial logging practices, you will always have a changed natural landscape in which plants that are more suited for the new circumstances will emerge as dominant.

Rather than extensively argue our viewpoint on the true cause and ultimate solution to the problem of invasive species in our public opinion on the DEIS, we will simply point out that the type of thorough, unbiased, scientifically-based but out-of-the-box examination of the root causes and range of solutions to the problem of invasive species does not occur in the DEIS and in our opinion renders it null and void.

We recommend that the BLM scientists working on this DEIS read David Theodoropoulos’ book titled, *Invasion Biology: Critique of a Pseudoscience*. Toward that end we have provided a copy of that book to Ginny Gilley, the BLM director for the Eugene region, with the request that she provide that book to the DEIS team of scientists with our offer to provide more copies if they are interested.

11) We find fault with the fact that the BLM gives the false appearance of providing five alternatives to choose from in this DEIS. There are five listed alternatives, number four being the BLM’s preferred option and proposed action. Alternative One is: No Herbicides. Alternative Two: Take No Action (the BLM would continue to use just the four herbicides currently permitted by a 1984/87 court injunction). Alternatives three, four, and five all increase the numbers of herbicides to be used by the BLM, but differ in regard to important details such as the amount and location of aerial spraying. It is important to note that despite the listing of five wide-ranging alternatives, the DEIS asserts that alternatives one and two are not being considered for selection, that they are only included for comparison purposes because they do not “meet the stated need”. The problem with that is that a false impression is given to the public that a wide range of

options is being considered when, in fact, only options that increase the use of herbicides – alternatives three through five – are really being considered.

However, after stating that alternatives one and two will not be considered, the DEIS then does in fact state that there is one conceivable way that Alternative One – no herbicides on BLM lands – might be chosen. We read in regard to this conceivable selection of Alternative One: “... *it is conceivable for a variety of legal, social ... reasons that it might be selected, at least in localized areas.*”

12) It is our finding that the social reasons for selecting alternative one referred to in the last sentence above have now been met, at least in Lane County, as asserted by us in the following letter that we hand-delivered to Ginny Gilley, director of the BLM regional office in Eugene, on November 1st. That letter is titled, ‘Notification of Verdict in the Mock Trial Case of Mother Nature Versus the BLM’, and explains that on October 31, over one hundred persons braved heavy rains to attend a rally in support of Alternative One that featured a mock trial of the BLM. As the following letter concludes, we formally submit that this occurrence – the BLM on trial in the streets of Eugene – should be viewed by the BLM as satisfying your stated “conceivable” reason for selecting Alternative One. The following letter is to be considered a part of this Finding Number Twelve of our public comment on the DEIS.

Notice of Verdict Against the BLM
in the Mock Trial Case of
Mother Earth Versus the BLM
held on October 31, 2009, at old US Courthouse

From: The Pitchfork Rebellion
Box 160, Greenleaf, OR 97412 email: greenlion@pitchforkrebellion.com
To: Bureau of Land Management

Dear Ginny Gilley of Eugene/Springfield Office of BLM:

We, *Pesticide Poisoning Victims United*, a Division of *The Pitchfork Rebellion*, hereby respectfully request that you forward copies of this communication to the following three offices, and that you take the other steps outlined in this letter. Those three offices are:

- 1) The Portland Office of Oregon BLM Director Ed Shepard;
- 2) The National Director of the BLM (we don’t know the name of this person);
- 3) Ken Salazar, Director of the Department of the Interior.

This letter is to inform the BLM that on October 31, 2009, more than one hundred people braved heavy rain to attend an outdoor Mock Trial of the BLM. The trial was called *The Case of Mother Earth Versus the BLM* and featured testimony of persons dressed as various forest creatures as well as humans who have been poisoned by timber industry herbicides.

THIS TRIAL WAS IN RESPONSE TO THE CURRENT BLM DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR VEGETATION TREATMENTS USING HERBICIDES ON BLM LANDS IN OREGON, which is now in the public comment period scheduled to end December 1.

The trial included testimony on behalf of BLM's 'Preferred Alternative Number Four' by a mock BLM spokesperson. Standing behind and above that spokesperson on a ladder was a puppeteer with strings attached to the BLM spokesperson. That puppeteer was labeled "Big Pesticide" to make the point that the entire "war on invasives" that has resulted in the current BLM plan to increase use of pesticides in Oregon is, as trial testimony well demonstrated, truly a money-making gimmick hatched by Big Pesticide, especially Monsanto. For example, the origin of the BLM's current war on invasive plants can be demonstrated to be the Council on Invasive Species that came into existence by Presidential Executive Order 13112. Trial evidence demonstrated that though the Executive Order was issued by President Clinton, it was essentially written by Monsanto lobbyists. Further, the point man within the administration who brokered the negotiations between Clinton and Monsanto was Secretary of Commerce Mickey Kantor, who, after leaving office, was placed on the Board of Directors of Monsanto. From the time of the issuing of Presidential Executive Order 13112 until the present, the council established by that order – The Council on Invasive Species – has served the interests of Big Pesticide, including providing the gloss of scientific credibility to a pseudoscience called "Invasion Biology." Further supporting data and findings available upon request: greenlion@pitchforkrebellion.com

It is the finding of this Mock Trial Court as affirmed by the attached signatures of the twelve chief jurors to the penalty statement on the following page, **that the BLM should require that their scientists read the book, *Invasion Biology: Critique of a Pseudoscience*, by David Theodoropoulos.**

One copy of that book will be delivered to the office of the Eugene/Springfield BLM by Pitchfork Rebellion Trick-or-Treaters in garb of forest creatures on Monday, November 1, at 3 pm, along with this letter.

We hereby request that Ginny Gilley inform the other recipients of this letter that the BLM's stated (in summary of DEIS) "conceivable" reason that Alternative One – no herbicides – "might be chosen at least in some regions" (i.e. "political" or "social" reasons) has been achieved in Lane County by virtue of the well-attended mock trial that has been described in this letter. **We ask Ms Gilley to meet with us in that regard.**