

## Appendix F

### Public Comments on EA and Forest Service Responses

In summary, all interested parties are supportive of eradicating the gypsy moth infestation. Based on two petition letters received by the Forest Service, the Five Rivers residents that will be most affected by the Project are divided as to how best to deal with the infestation. These letters are in response to the solicitation for public comment on the Project EA that began on March 12, 2003 and ended on April 11, 2003.

*Comments from the Grateful Five Rivers Residents*—This petition letter, representing 13 people (with eight inside the eradication spray area), indicates that petitioners are more concerned about effective eradication of the gypsy moth and preventing its spreading to other areas. They are less concerned about being personally affected by the spray and some will take protective measures such as those described in the EA on pages 27 through 28.

*Comments from Peter and Lorraine Karassik*—The letter includes a list of statements and comments. Several of the comments include concerns that are addressed in the Project EA: effects of the Project on domestic water quality (pages 18 and 19), organic produce (page 19), and human health (pages 26, 27, and 28). They expressed a preference for use of a pesticide that has Oregon Tilth's organic certification and would like monitoring of the pesticide to be conducted before and after each application. Attached to their letter is another petition letter, dated 4/10/03, and signed by 23 of the Five Rivers residents who live in or near the eradication spray area. Many of the petitioners also signed the March 19 petition letter. The petitioners make two requests: 1), use a B.t.k. pesticide formulation that has Oregon Tilth's organic certification; and 2), monitor their water and property before and after pesticide applications for traces of the pesticide (active and inert ingredients) and the impacts on affected people, plants, and animals.

*Response*—The Oregon Department of Agriculture (ODA) made a good-faith effort in trying to find an alternative B.t.k. formulation that is both acceptable for organic production and effective in treating forest infestations. Based on ODA's research and my (District Ranger) discussions with ODA and Forest Service scientists, B.t.k. formulations that are approved for organic production are currently limited to wettable-powder formulations that need to be mixed with water. Water as a carrier for B.t.k. is acceptable when it is applied directly to foliage from a short distance; however, this project requires aerial application, using small droplets to ensure adequate coverage. Most likely, these small, droplets would evaporate or partially evaporate before they reach the foliage. Thus, there is a likelihood that much of the application may not adhere to the foliage, substantially reducing its ability to eradicate the gypsy moth infestation. Since none of these agriculture B.t.k. formulations have been tested during a pilot test or operational project, I have no confidence that an application approved for agricultural (organic) use would be efficacious in a forest environment. The Forest

Service and ODA will be discussing how to encourage the manufacturers of B.t.k to make an effective organic-forestry formulation available for use in the future.

Although monitoring of the project will be done (EA, pages 39 and 40), ODA currently has no plans for conducting monitoring in the manner stated in the letter. ODA has expressed its willingness to work with Peter and Lorraine to explore the potential for ODA assisting with covering their raspberry plants during the B.t.k. applications.

*Comments from Carol Van Strum*—One comment expresses concern that the size of the eradication area is based on a funding issue instead of science. It indicates that in order for ODA to qualify for federal funding, the eradication spray area needs to be at least 640 acres. Another EA-directed comment states that the EA improperly relies on EPA registration and the Oregon Department of Health as proof of safety for the Foray 48B pesticide. Previous comments on this project were incorporated which she felt was not addressed in the final EA. Several other comments were attached to the letter that were directed to DEQ regarding ODA's NPDES permit application. The Forest Service will defer to DEQ's responses to those comments and include their responses in the project file.

*Response*—The EA has identified the scientific factors used in determining the size of the eradication spray area on pages 19 and 20. These are: gypsy moth trapping patterns and results (current and historical); results of searches for egg mass and other life stages, including their number and location; gypsy moth biology; topography; host plants; weather conditions; and wind patterns, and years since introduction. Current and historical trapping patterns in the area indicate little or no recent trapping in the area, especially to the west. Larvae emerging from over-wintering egg masses would have spread from the identified site of introduction each spring since their introduction in 2000. Newly hatched larvae will often crawl up tall objects from which they can “balloon” on a silken thread in the wind to a new host. Larvae emerging from an egg mass near a building roofline would have had an excellent launching pad. Larvae can “balloon” multiple times. Wind direction and speed can impact the direction and distance larvae travel. Wind direction may change with the time of day and larger weather events. It also may be affected locally by the topography and can be channeled along river and creek beds and roads. By taking these factors into account, the eradication area is designed to eradicate the gypsy moth infestation in one year.

The Federal agency responsible for protecting agriculture in the United States is the USDA Animal Plant Health Inspection Service (APHIS). Under a Memorandum of Understanding signed several years ago, the USDA Forest Service and APHIS agreed that—in the case of the European gypsy moth—the Forest Service would be responsible for eradicating new, isolated infestations (outside the generally infested areas) when the infestations are on or adjacent to federally managed lands, or if the infestation's size required treating 640 or more acres. If a new, isolated infestation area was less than 640 acres and not adjacent to federally managed lands, then APHIS would be paying for the project. If the federal agencies can't, for some reason, contribute to the project, Oregon does have the option of treating it with just their

authority. In the Fisher situation, the infestation was found adjacent to federally managed lands (Forest Service). Therefore, even before the size of the eradication treatment area was determined, the Forest Service had the responsibility for this infestation (refer to the Decision Notice, pages 1 and 2, for additional jurisdiction information).

The EA has adequately covered the human health issue on pages 26, 27, and 28. Several studies have been conducted that have not involved the EPA, indicating that there are no substantial effects on human health. In fact, the Teschke 2000 study did not indicate increased volatile agents in their field samples during a gypsy moth eradication program in Canada:

“The analysis of the air samples collected during the aerial spray field trial at the Abbotsford airport did not indicate the presence of any volatile organic compounds at concentrations high enough to produce either GC or HPLC peaks above the background signal” (page 11).

We find the Oregon Health Services (OHS) to be a credible source of information for human health-related issues associated with this Oregon gypsy moth eradication program. OHS has the responsibility for public health related issues in Oregon. OHS has first hand knowledge of the ingredients of the Btk product, Foray 48B, proposed for use. They have years of experience providing human health-related guidance for the use of Btk formulations in gypsy moth eradication programs in Oregon and have the benefit of experience of health professionals elsewhere in similar programs. They have reviewed the literature, peer-reviewed and otherwise, including among others, the Teschke 2000 study and the EPA re-registration documents. Oregon Health Services took this information into account as it prepared its recommendations for 2003. Those recommendations are available on its website at <http://www.dhs.state.or.us/publichealth/pesticide/btkfacts.cfm>

We feel that previous comments have been adequately addressed through letters, several project-related documents that were sent to Carol as a response to a FOIA request, public meeting discussions, and the final EA.

*Comments from Jan Wroncy*—Comments include: use of the pesticide violates the Federal Pesticide Law, the Coastal Zone Management Act, the Federal Aviation Administration Laws, disability discrimination laws, the Constitution of the United States and of Oregon, the Federal Insecticide Fungicide and Rodenticide Act as well as common laws of trespass, nuisance and tort; affected residents are not fully informed about the purpose of the test or its consequences; formal consultation with the National Marine Fisheries Service (NOAA Fisheries) must be done; Foray 48B is the same product as that for agricultural use; incorporates by reference the NPDES permit comments of Carol Van Strum.

*Response*—Applications of the B.t.k. pesticide will be done according to the product label instructions and affected residents will be notified prior to its application to take

any precautionary measures they deem necessary. Application and use of the Btk pesticide as proposed in this gypsy moth eradication program complies with all applicable state and federal laws and constitutions (see also EA, page 27, 28, 39, and 40).

Several studies and implementation of earlier eradication projects indicate that the pesticide poses low risk to human health; therefore, this project is not a test (EA, pages 6, 7, 26, 27, and 28). The EA has fully described the reasons for the eradication project, including the consequences of the project.

Based on the finding of no effect on the threatened coho salmon in the fisheries report and biological evaluation for this project, consultation with the National Marine Fisheries Service was not required (EA, page 41).

ODA will be using the "wide-area public pest control programs" label for Foray 48B. This label does not include the restriction found on the agricultural-use pesticide product label for Foray 48B: "For terrestrial agricultural uses, do not apply directly to water, or to where surface water is present or to intertidal areas below the mean high water mark". This type of restriction would not have been eliminated if research data submitted to EPA in support of the product registration had indicated that use of Foray 48B according to label directions would cause harm to waterways or aquatic environments (Janet Fults, Pesticide Registration and Certification Supervisor, ODA Pesticide Division, pers. comm.).

The Forest Service will defer to DEQ's responses to Carol's NPDES permit comments and include their responses in the project file. See also the response above to Carol's comments on the EA.