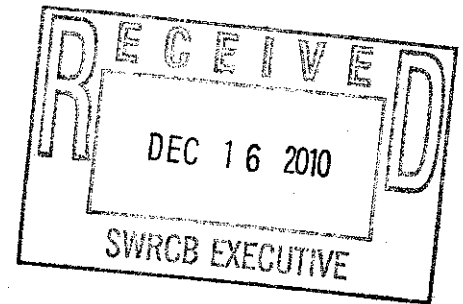


December 16, 2010

Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
1001 I St., 24th Floor  
Sacramento, CA 95814



Commentletters@waterboards.ca.gov

**RE: Draft Spray Applications Permit**

***"The State Water Board's mission is to preserve, enhance and restore the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations."***

Dear State Water Resources Board,

Please accept these comments on the Draft Spray Applications Permit on behalf of the Environmental Protection Information Center, the Klamath Forest Alliance and the Klamath Riverkeeper. Permitting large-scale toxic herbicide and pesticide spraying on private and National Forest land and watersheds needs further environmental review and analysis in order to be consistent with the Clean Water Act, Endangered Species Act, The Clean Air Act, The Klamath Basin Plan and the Northwest Forest Plan.

We have a number of grave concerns with large-scale chemical spray applications. The broad scale of the general permit is not appropriate and will lead to more toxic chemical use and to uses that are not examined or closely scrutinized for potential impacts, especially when the Board should be reducing and removing the dangers of chemicals.

Best Management Practices requirements are not strong enough to protect our water. The draft permit contains no mandate to reduce or eliminate toxic chemical use nor does it require use of the least harmful alternative. The Board, not the applicators, should set strong standards and work with the EPA to develop guidelines as to what mitigations are truly best at reducing only environmental and human impacts.

Over one-quarter of our states water is impaired and not meeting applicable water quality standards for pesticide related constituents. The Board should exclude all discharges to waters that are already impaired from pesticides and for

conditions known to worsen the effects of pesticides such as low dissolved oxygen and the presence of mercury.

The State Water Resources Board is not exempt from the Endangered Species Act. All threatened and endangered species need to be protected. No permits should be given that are located over or near waterways sheltering salmon or areas that harbor threatened and or endangered species where drift is possible, especially National Forests.

The Board should absolutely not allow applicators to spray over domestic water supplies. Many of these chemicals are known carcinogens and reproductive and developmental inhibitors. Allowing the possibility of contamination is contrary to the Boards mission.

The right-to-know requirements seriously fail at protecting our people. Pesticide applications impact public health and the environment. The public has a right to know and have adequate advanced notice when toxic chemicals are sprayed anywhere. The public should be actively informed when an applicant submits a Notice of Intent or a Pesticide Action Plan. Further, discharge monitoring reports should be available and submitted monthly so as to inform the public. Concerned and effected citizens should not have to wait for a year to see monitoring data.

Many cities, towns and counties across California have passed policies aiming to reduce pesticide use locally. Multiple municipalities in California have passed Integrated Pest Management policies. The Board should collaborate with these municipalities to ensure IPM's are followed.

The laws passed in 1983-1984, collectively known as AB 1807, created the states Toxic Air Contaminants (TAC) Program which, requires the Department of Pesticide Regulation to 1) evaluate and prioritize pesticides; 2) produce a peer-reviewed health effects report for priority pesticides; 3) officially list dangerous pesticides as TAC's and 4) control and mitigate the use of these pesticides. Although approximately 150 pesticides have been identified as candidate TAC's, DPR has produced a finalized health effects study and listed only one as a TAC.

Reviews of candidate TAC's have not been completed and some of them have been banned by the US EPA. Meanwhile several hundred million pounds of these pesticides have been released in California and millions more are released every year. Pesticides may become airborne on droplets of water, as a gas adhered to dust or some combination of the three. Once airborne the toxic chemicals can travel great distances, providing a potentially important source of exposure for millions of Californians. A large number of Californians live in close proximity to intensive use of pesticides identified by state and federal agencies as carcinogens, reproductive and developmental toxins and nervous system toxins.

The chemicals within the Draft Spray Application Permit harm human health, threaten traditional foods and culture, are dangerous to water quality and salmon. We believe that streamlining the process for contaminators would be contrary to the Clean water Act, the Endangered Species Act, the Clean Air Act, The Klamath Basin Plan and the Northwest Forest Plan and that proposed applications should not become routine.

These toxic chemicals, including common names know as Round-up and Garland 4, are not only toxic to the environment they are also suspected carcinogens can cause chromosomal aberrations, DNA breaks, and other genetic mutations and are known to cause reproductive and developmental impairments. Many of these toxic chemicals are likely to be persistent and highly mobile in the environment and in aquatic environments and are likely to "run-off and drift." Serious harm to wildlife such as fish, bees and butterflies is also a known to exist.

The Spray Application Permit would include:

- 1.) larvicides containing BTK, nuclear polyhedrosis virus and Spinosad A and D
- 2.) adulticides containing acetamiprid, bifenthrin, carbaryl, esfenalate, lamba cyhalothrin, malethion, naled, pheremone, piperonyl butoxide (PBO) and pyrethrins
- 3.) larvicide/adulticide products containing cyfluthrin and imidacloprid and
- 4.) herbicides containing aminopyralid, chlorsulfuron, clopyralid, glyphosate, imazapyr, triclopyr butoxyethyl ester and triclopyr triethylamine.

The Water Resources Board should stay true to their mission. The spray application of toxic chemicals does nothing to preserve, enhance or restore the quality of California's water resources. It does not ensure their proper allocation and efficient use for the benefit of present and future generations. Rather than permitting large-scale distribution of what is known to be poison we urge the Board to; work towards eliminating the use of toxins, promote healthy alternatives and meaningfully regulate and limit chemical use.

Sincerely,

Kimberly Baker  
Forest and Wildlife Advocate  
Klamath Forest Alliance  
PO Box 21  
Orleans, CA 95556

Scott Greacen  
Executive Director  
EPIC-Environmental Protection Information Center  
145 G. St., suite A  
Arcata, Ca 95521

Erica Terence  
Executive Director  
Klamath Riverkeeper  
PO Box 751  
Somes Bar, CA 95568