

## WHITE PAGE REVISED AND VOTED JAN 21 2011

### BACKGROUND;

Towns across the Cape have been faced with the request to support a resolution asking NSTAR to stop the practice of spraying herbicides along their Right of Ways. Many Boards and Committees were given volumes of information and positions on this matter. Faced with having to take a position on this request, officials looked the county to help. NSTAR along with County Officials agreed on a one year moratorium to the management plan to allow the Cape Cod Commission to locate private and public wells within the application area, and update all area maps.

The County formed a committee of stakeholders to review claims and documentation pertaining to this matter.

### MISSION STATEMENT:

Vegetation Management on Cape Cod is undertaken by individual residents, local businesses, farmers, golf courses, utilities, corporations, non-profits and others. The impacts of some of these vegetation management practices on our drinking water and environment are not sufficiently understood. The mission of this Committee is to develop recommendations for short-term and long-range strategies to reduce or eliminate certain vegetation management practices (including mechanical and chemical applications) that are not known to be safe for Cape Cod drinking water or the environment.

### COMMITTEE MEMBERS;

Massachusetts Department of Agricultural Resources (MDAR), Massachusetts Department of Environmental Protection (DEP), NSTAR, Cape and Islands Farmers Bureau, Cape Cod Golf Association, Landscapers Association, Cape Cod Cooperative Extension, National Resource Conservation District (USDA-NTCD), GreenCape, Cape Cod for a Truly Green NSTAR, Cape Cod Mosquito Control, State Representatives, and Barnstable County Commissioners.

### MEETINGS SCHEDULE;

Meetings were held every two weeks from October 2010 through January of 2011. The committee had presentations from various stakeholders and parties of interest. Although the public were invited to attend, public comment was limited to the end of each meeting.

### Sample of presentation made;

- Review of intergraded vegetation management plan presented by NSTAR.
- How pesticides are reviewed and registered by Federal Government and State Department, the review process for rights-of-ways and the classification of sensitive area material list. Presented by DAR.

- Unknown effects of prolonged chemical exposure to human health. Presented by Dr. Kumara Sidhartha, Practitioner at Emerald Medical Associates.
- Concerns of toxicity from chemical exposure. Presented by Green Cape.
- Organic alternatives to vegetation management. Presented by Laura Kelley, Littlefield Landscapes.
- Properties of underground water transport. Presented by Tom Cambareri, Hydrologist, Cape Cod Commission.
- Regulatory process with Utilities Companies, and benefits of herbicides as a tool in vegetation management. Presented by Tim Simmons, Restoration Ecologist, Natural Heritage and Endangered Species Program, MDFW
- Fate of herbicides in carver sand soil conditions. Presented by Hotze Wijnja, Chemist, MDAR.

Page 2

#### THE FOLLOWING ITEMS WERE PRESENTED AND/OR DISCUSSED

- \* Additional comprehensive review.
- \* Monitoring of ground water resources in appropriate management areas.
- \* Minimize adverse impact on rare species habitat.
- \* Vegetation management from necessary to ban to acceptable to use.
- \* Local oversight and control.
- \* Outreach and education to users of pesticides to their application.
- \* Participation of the public in vegetation management.
- \* Reassess vegetation management as to reduce chemical use.
- \* Impacts of vegetation management on the drinking water supply.
- \* Human health and environment impacts.
- \* Economic impacts of vegetation management.
- \* Analysis of ingredients, i.e.; active, inactive, inert, surfactant, etc.
- \* Safe distribution of electricity in regards to environmental protection.
- \* Future analysis of vegetation management.
- \* Analysis of vegetation management plans in regards to human health and water.
- \* Vegetation management plans and sustainable environment principles.
- \* Set back requirements on water supply. (Public, private)
- \* Set back requirements on surface water bodies.
- \* Contaminant migration in Cape Cod soils.
- \* Alternative vegetation techniques, i.e.; physical, mechanical, cultural means.
- \* Proposed vegetation management plans to minimize impact to health.
- \* Treatment to residential areas to minimize impact to residents.

Please refer to the minutes of the meetings held and the power point presentations made by the participants. Also a list of web sites and related printed information here in referred to by members.

**NSTAR 2008 – 2012 VMP**

<http://www.kenersongroup.com/VMP.pdf>

**NSTAR 2010 YOP**

<http://www.kenersongroup.com/yop/2010/nstar>

**Massachusetts Active Ingredient Fact Sheets:**

Accord Concentrate

<http://www.mass.gov/agr/pesticides/rightofway/docs/Glyphosate2005.pdf>

**Arsenal**

<http://www.mass.gov/agr/pesticides/rightofway/docs/Imazapyr2005.pdf>

**Escort XP**

[http://www.mass.gov/agr/pesticides/rightofway/docs/Metsulfuron\\_Methyl2005.pdf](http://www.mass.gov/agr/pesticides/rightofway/docs/Metsulfuron_Methyl2005.pdf)

**Krenite**

[http://www.mass.gov/agr/pesticides/rightofway/docs/Fosamine\\_Ammonium2005.pdf](http://www.mass.gov/agr/pesticides/rightofway/docs/Fosamine_Ammonium2005.pdf)

**Garlon 4A**

<http://www.mass.gov/agr/pesticides/rightofway/docs/triclopyr2005.pdf>

**Natural Heritage and Endangered Species Program (NHESP)**

[www.mass.gov/dfwele/dfw/nhesp/nhesp.htm](http://www.mass.gov/dfwele/dfw/nhesp/nhesp.htm)

**Department of Agricultural Resources (DAR)**

[www.mass.gov/agr/pesticides/rightofway/index.htm](http://www.mass.gov/agr/pesticides/rightofway/index.htm)

**Below are sources referenced by GreenCape:**

Maine, New Hampshire, Massachusetts, and Rhode Island, 1999–2001

U.S. Geological Survey Circular 1226

By Keith W. Robinson, Sarah M. Flanagan, Joseph D. Ayotte, Kimberly W. Campo, Ann Chalmers, James F. Coles, and Thomas F. Cuffney

<http://pubs.usgs.gov/circ/2004/1226/>

**The Quality of Our Nation's Waters**

U.S. Geological Survey Circular 1225

*Nutrients and Pesticides*

<http://pubs.usgs.gov/circ/circ1225/index.html>

**Pesticides in the Nation's Streams and Ground Water, 1992–2001**

By Robert J. Gilliom, Jack E. Barbash, Charles G. Crawford, Pixie A. Hamilton, Jeffrey D. Martin, Naomi Nakagaki, Lisa H. Nowell, Jonathan C. Scott, Paul E. Stackelberg, Gail P. Thelin, and David M. Wolock

<http://pubs.usgs.gov/circ/2005/1291/>

**Links to related articles:**

[http://capenews.net/blogs/under\\_the\\_lens/2010/12/14/rightofway/](http://capenews.net/blogs/under_the_lens/2010/12/14/rightofway/)

Page 3

RECOMINDATIONS OF THE COMMITTEE;

Dec. 17 2010

MOTION #1

It has been concluded that NSTAR is acting within the rules, regulations and guidelines put forth by the Mass. Pesticide Review Board, EPA, Mass. Department of Agriculture. Recourses and other governing agencies in regards to their application of herbicides on the right of ways of power lines described in the integrated pest management plan as so presented.

MOTION #2

This committee asks the County Commissioners to sent a letter to the EPA respectfully asking that the materials used within the NSTAR herbicide application plan be reviewed and updated as to their migration in soil conditions which exist on Cape Cod and the effects of the other ingredients not specifically listed.

MOTION #3

This committee asks the County Commissioners to establish a sub-committee to continue the research and follow any applications and studies performed pertaining to this matter.

The Sub-committee shall report directly to the County Commissioners and follow up with reports to this committee.

#### MOTION #4

This committee recommends that the County conduct local studies and testing of materials used by NSTAR with in the right of way. These studies shall be preformed in conjunction with, Cape Cod Commission, County Health Dept., MDAR, and other related agencies. The use of existing test wells and site specific testing is recommended.

Jan 28 2011

#### MOTION # 5

After months of testimony and review of all presentations made to this Committee and along with the County's moving forward with the previous suggestions made by this committee, described as "Motions 1,2,3,4" moved and approved Dec 17 2010, and upon the completion of the Cape Cod Commissions update of the well locations within the treatment area.

The Committee supports implementation of the Integrated Pest Management Plan as here in presented by NSTAR. For the power line Right of Ways on Cape Cod.

\*Please note that motions submitted but not carried can be found in the Minutes of January 28, 2011.