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Eastham drops planned ban on pesticide spraying

By Doug Fraser
dfraser@capecodonline.com
September 23, 2009

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EASTHAM — Selectmen decided this week they would discontinue their effort to institute a townwide herbicide and pesticide ban as a way to stop NStar from using herbicides to help clear the area under their high power lines.

NStar is mandated, under federal law, to prune or remove vegetation that could inhibit access to, or damage, their lines.

Town Administrator Sheila Vanderhoef told the board at their Monday night meeting that town counsel believes a townwide ban would not survive a court challenge or be approved by the state Attorney General's Office, which conducts a legal review of all new town bylaws.

Selectmen then decided to cancel a Nov. 16 special town meeting that had the ban as its centerpiece article.

"I'm disappointed, as I believe many of the public are," Selectman Carol Martin said. "We had a concern, and a good idea, but we will get our hand slapped if we do it."

Vanderhoef told the board she would be in contact with citizens who had expressed an interest in volunteering to cut vegetation under the lines as a way to reduce or eliminate the need for herbicides.

Wellfleet has taken a slightly different approach.

Town Administrator Paul Sioloff said he will take a draft plan before selectmen at their Sept. 29 meeting that will lay out some options for pruning and/or removing vegetation along the power lines in advance of NStar's clearing operation. He is attempting to get input from private homeowners, the Cape Cod National Seashore and his own town departments on how that could be accomplished on properties abutting the power lines.

But NStar spokesman Michael Durand cautioned that volunteer efforts could not be part of any official plan.

"Given our responsibility to maintain these lines, not to mention the federal requirements to do so, we couldn't possibly sanction the private maintenance of land as an alternative to our state-approved, strictly regulated program," he said.

Over the summer, Eastham, Wellfleet and Orleans voiced objection to NStar's vegetation management plan for the Cape that targeted fast-growing invasive species for removal both by cutting and using herbicides to kill stumps or selected plants. NStar proposed this program as an alternative to clear-cutting the property.

NStar's plan is mandated by a federal law that arose out of a massive Aug. 14, 2003, blackout that blanketed the Northeast. It was triggered when overgrown trees in a poorly maintained electric utility corridor in Ohio touched high voltage lines. Within an hour, 263 power plants in the U.S. and Canada lost power.

But Outer Cape towns were concerned with the possible health effects on people and wildlife of the herbicides. NStar tried to alleviate their concerns by pointing out the herbicides being used were also used by many homeowners and were all approved by the state for sensitive areas like wetlands.

NStar has postponed their herbicide programs in Orleans, Eastham and Wellfleet until the spring.

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Towns face obstacles on right of way spraying

By Mary Ann Bragg

September 20, 2009 7:19 AM

A dozen Lower Cape residents got their hand tools out and took to the electric company right of way in Wellfleet a few weeks ago. The idea: taking the trimming into their own hands with clippers and branch-cutters.

No pesticides. No "concoction" of herbicides, as proposed by NStar electric utility company, said Laura Kelley, one of the pruners, who owns an organic landscape company in North Eastham. Keep the growth low but not barren: perhaps plant berries and grasses, she said. Maybe even create a volunteer "adopt a right of way" plan, she suggested.

"We're on the same side (as NStar)," said Kelley, referring to the electric company's overall goal for controlling vegetation in the rights of way. "We believe there are natural answers for absolutely everything out there. We just have to figure out what will work."

Earlier this month, the utility company agreed to hold off until next June using hand-sprayed herbicides such as fosamine ammonium and glyphosate (marketed to homeowners as Roundup) in Eastham and Wellfleet.

The town of Orleans has requested the same consideration, and NStar expects to e-mail an answer to town officials tomorrow, NStar spokesman Michael Durand said. Three other towns on the Cape – Bourne, Falmouth and Sandwich – had herbicide treatments on their rights of way in 2009 without requests for delays, Durand said.

NStar, an electric and gas utility company, serves about 1.1 million electric customers in 81 towns in the eastern and southeastern parts of Massachusetts.

'We held very few cards'

The decision by NStar to hold off some spraying until next year gives townspeople who are worried about how herbicides affect plants, animals and humans a chance to explore other options, Nstar vegetation management manager David Polson said.

But coming up with those options will take some creativity, said state Rep. Sarah Peake, D-Provincetown, who represents the Lower Cape and helped negotiate the herbicide spraying hiatus with NStar.

As she and other legislators were determining alternatives to NStar's plans for herbicide use, Peake said it became clear to her that towns were up against a set of state regulations that could be difficult to penetrate.

NStar's use of herbicides on rights of way is regulated at the state level through right of way vegetation management regulations and the Massachusetts Pesticide Control Act. Herbicide use is also controlled by state laws protecting wetlands, drinking water, endangered species and an act protecting children and families from harmful pesticides.

"We held very few cards," Peake said. "We used the court of public opinion to request a stay until spring from NStar."

The controversy over utility companies using herbicides on rights of way on Cape Cod is not new.

In a flurry of activity in 1981 and 1982, several Cape towns passed bans and restrictions on herbicide use when Commonwealth Electric Co. planned to use the chemicals on rights of way. In May 1982, the Eastham Board of Selectmen passed a regulation about the use of herbicides on rights of way, Eastham Town Administrator Sheila Vanderhoef said.

But attempts to regulate a utility company's herbicide use at the local level received a setback. In 1985, the state Supreme Judicial Court decided against the town of Wendell because the town imposed standards on pesticide use beyond those established by the state and thereby frustrated the state's sole authority to determine the reasonableness of a pesticide's use in particular circumstances, according to the Massachusetts Audubon Society and the Massachusetts Association of Conservation Commissions. Municipalities were allowed to adopt some more limited regulations.

Also back in the mid-1980s, Commonwealth Electric Co. turned solely to mowing, chopping and cutting to clear rights of way, according to NStar records. But the strictly mechanical method did not work over the course of 25 years because trees and non-native plants grew back even more densely, according to NStar records. The heavy mowing also tended to strip the land of groundcover for protected species of animals.

New approach to old problem

The use of herbicides by NStar would have been a first in Eastham since the utility company began a new program of right of way management about six years ago.

The new program, which has approval from state oversight agencies, combines herbicides, manual cutting and science to produce low-growing corridors of native plants, according to NStar documents. NStar officials said this summer that the cost of the new program would be cheaper for the company over the long run than a strictly mechanical method.

Eastham is particularly sensitive to any widespread use of chemicals because of the town's reliance on private wells for drinking water, Eastham health agent Jane Crowley said. The herbicides could end up in the aquifer, she said.

Property owners in Eastham are also worried because the spraying is near bike paths, sensitive wetlands and open bodies of water. A public meeting in Eastham Aug. 12 drew more than 100 Lower Cape residents and property owners with questions about NStar's plans.

Towns mull restrictions

Cape Codders in general have also worried for years about water contamination because of the region's sandy, permeable soil, according the Massachusetts Audubon Society senior policy analyst Heidi Ricci.

"I think the notification is not as good as it could be," Ricci said of state regulations. "It would be better if there was further advance direct notice to people who might be potentially affected. It's (also) unclear how comments get addressed. How do you know whether they've really responded to your concerns?"

A few Lower Cape towns are considering some form of bylaw or health regulation that could set limits on the use of herbicides in their communities.

The possibility of a new health regulation in Eastham will be discussed at a board of health meeting Thursday, Crowley said. But she said that kind of law could be tricky to draw up. "Residential use of these products is legal," she said. "It becomes a very complex topic. To develop a regulation that is fair and enforceable is difficult. People use products in their own home."

A public forum in Wellfleet to discuss the idea of a town bylaw is set for Sept. 29. NStar has used herbicides on rights of way in Wellfleet once before.

"We're going to get some feedback from the community, to see what the greater concerns are," Wellfleet Town Administrator Paul Sieloff said. "NStar has suggested that there are benefits to spraying as well as the obvious negatives. In a perfect world, not spraying would be the goal. But we have to take a look at what limitations the state places on municipalities."

Notification key issue

For state lawmakers, though, there is little wiggle room for major alterations to state law, Peake said. And their focus may turn to improving the notification process for residents, so that they may speak up about their concerns when NStar is forming its plan, rather than reacting afterward, she said.

As required by law, NStar and state officials held two public hearings on the proposed five-year vegetation management plan for 2008 through 2012, including the details of the use of herbicides. But no member of the public participated, according to state spokeswoman Catherine Williams and NStar spokesman Durand.

Notices about the plan are sent to towns as required by state law, but there was no public comment received back, according to Williams and Durand.

For the 2009 yearly operational plan, NStar did receive three comments from town governments, after notifying them of the plan, as required by law. State law requires that NStar's plans be published in a state environmental document known as the Environmental Monitor.

Peake said she and other legislators will likely seek a more intensive notification process – including in local newspapers – about NStar activities.

"How many people subscribe to the Environmental Monitor?" she said. "Unless you are in the business of environmental science, you probably aren't on the list."

NStar Yearly Operational Plan for 2009

- NStar is required by law to send by certified mail a copy of the utility's right-of-way control plan or an Internet address where the plan can be reviewed by a town's board of health, conservation commission and chief elected officials.
- There is then a 45-day comment period.
- In 2009, there were 46 communities where NStar planned to use herbicides for right-of-way maintenance, including six on the Cape: Bourne, Eastham, Falmouth, Orleans, Sandwich and Wellfleet. Edgartown and Oak Bluffs on Martha's Vineyard were affected as well.
- During the comment period in 2009 across all 46 towns, three comments on right-of-way maintenance were received from municipal officials. One comment was from Orleans about wet conditions near a pond and swamp, and one was from Edgartown about public wells. The third was a request to extend the comment period for Eastham and Wellfleet so that town officials could meet and review the plan. A two-week extension was granted.
- During that two-week extension, the Department of Agricultural Resources received more than 40 phone calls opposing the use of pesticides on the NSTAR right-of-ways in Wellfleet, Eastham and Orleans. As a result, the department held meetings with legislators and the public.

Source: State Executive Office of Energy and Environmental Affairs, NStar

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Orleans asks NStar to delay spraying

September 11, 2009

ORLEANS — Selectmen want NStar to delay herbicide spraying under the town's transmission lines near Cedar Pond and Rock Harbor Road as the electric utility has agreed to do in other Cape towns.

NStar spokesman Michael Durand said yesterday that Eastham and Wellfleet are pursuing townwide herbicide bans, and as a courtesy to those towns the company agreed to delay its spraying until next June.

"As we did with Eastham and Wellfleet, we're happy to meet with (Orleans) to discuss our plans and theirs," the spokesman said.

Orleans selectmen requested the spraying delay after researching the town's options and getting letters and comments from spraying opponents.

After years of cutting trees and brush with power mowers, the utility company is looking for a less expensive and more effective approach that combines mowing and spraying only the vegetation that would grow tall enough to threaten power lines.

SUSAN MILTON

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NStar freezes plan for Lower Cape herbicide spraying

By Mary Ann Bragg

mbragg@capecodonline.com

September 04, 2009

Text Size: A | A | A

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NStar has agreed not to use herbicides in Eastham and Wellfleet this year to maintain the electric utility company's rights-of-way.

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But the company intends to begin spraying next June "unless a suitable alternative plan is developed," according to a Sept. 2 letter from NStar manager David Polson.

In response, Eastham and Wellfleet officials expect to explore ways to ban the use of herbicides and pesticides town-wide, according to Wellfleet Town Administrator Paul Sieloff and Eastham Selectman David Schropfer.

In Wellfleet, an open discussion about a potential town bylaw banning the use of herbicides and pesticides is scheduled for Sept. 29, according to Sieloff. The meeting will include the board of selectmen, the board of health, water commissioners and the conservation commission, Sieloff said.

In Eastham, Schropfer said the selectmen have not yet set a date to discuss banning herbicides and pesticides. He added federal regulations protect NStar's maintenance rights. "We can't write a law that supersedes the federal government," Schropfer said.

On Wednesday, the Orleans Board of Selectmen asked Town Administrator John Kelly to update them on NStar's use of herbicides in town after hearing right-of-way abutter Bernie Genois of Orleans talk about his concerns that chemical spraying could affect his family's health.

NStar did clear some parts of the rights-of-way in Eastham and Wellfleet with hand tools because that method was prescribed based on the presence of private wells or other protected resources, company spokesman Michael Durand said.

Most of the rights-of-way were scheduled for maintenance using herbicides, he said.

NStar needs to control plants under power lines to ensure electric service to the Outer Cape is reliable and undisturbed, according to NStar senior arborist Chris Fallon. Falling trees are a key cause of outages during a storm, Fallon said at a public meeting with Eastham and Wellfleet residents Aug. 12.

In the past, NStar has cut the trees and brush with power mowers, but that approach is expensive and can promote vegetation growth, Fallon said.

NStar wants to deploy workers equipped with herbicide-laden backpack sprayers to help control vegetation in power line rights-of-way. The herbicide effort would be used in conjunction with selected mowing and other cutting, which would limit the total number of plants and encourage the growth of more indigenous plant species, Fallon said.

Staff writer Susan Milton contributed to this report.

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Once sprayed, herbicides will enter the ecosystem

June 29, 2009

I was intrigued by your June 19 article about herbicide spraying by NStar in Eastham. The article seemed balanced, with community concerns mentioned alongside utility obligations.

There is one disingenuous point used by an NStar employee, about herbicide not entering the water supply because it is sprayed on the plants, not the ground. But when the plant dies and falls to the ground, where does the herbicide go? Depending on the half-life of the herbicide, it would then enter the ecosystem.

However, I carefully scanned the entire article (twice) but could find no mention of the specific herbicide (or herbicides) that NStar is planning to use. This seems to be essential information needed to evaluate a complex issue. Perhaps the concerned homeowners have been informed, but this is a critical detail left out of your article. Your readers are entitled to know what herbicides NStar is planning to spray.

Steven Godersky

West Yarmouth

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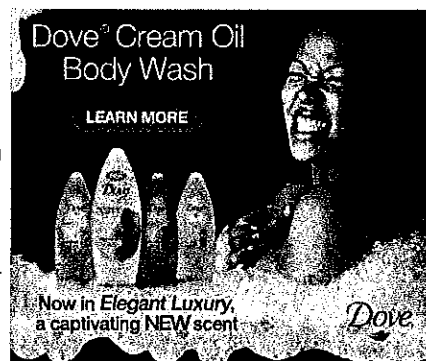
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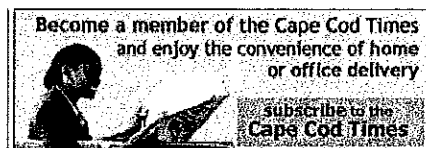
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NStar herbicide spraying: Reasonable doubt

By BRENT HAROLD
August 25, 2009

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It was a classic confrontation.

The utility company NStar came to Nauset Regional High School in Eastham Aug. 12 to present the rationale for their scheduled herbicide spraying of the power lines' right of way through Outer Cape towns. More than 100 citizens showed up to object.

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There was an array of experts, including representatives from relevant state departments, to explain why the company, which has the obligation to manage growth in the right of way to keep the juice flowing, was changing its policy from mechanical mowing to spraying with herbicides and how the spraying was perfectly safe. The chemicals they would be using, they patiently explained, fell well under established safe levels. In one case, it was one billionth of permissible levels of toxicity. Not to worry.

Some of the feisty citizens, mostly from Eastham and Wellfleet, came prepared to dispute some of the reassurances, pointing out the small print of the company's own literature that said that this or that had not in fact been tested.

But mostly what citizens established by the end of the evening was reasonable doubt. Nothing against NStar and its experts. Nobody's accusing anybody of willfully misleading anybody. Most of us don't have the expertise to challenge the validity of the testing of the proposed cocktail of fosamine ammonium, glyphosate, imazapyr and metsulfuron methyl.

But the fact is, 50 years down the road from Rachel Carson's "Silent Spring," a road littered with many cautionary tales of corporate assurances that proved hollow, no company with a plan to put chemicals in the ground would be trusted by most people. Nor should they be. A Wellfleet woman arose to point out that some decades ago the power company of that era was using notorious dioxin to do its weeding.

In this case it is calm, scientific confidence that seems naive and irrational, and skepticism that seems entirely reasonable.

Company representatives stuck around to answer questions. I asked company spokesman Mike Durand: You wanted us to hear your reassuring test results. OK, we heard them. But did you hear the passionate skepticism from your fellow citizens? Do you now maybe understand a little better the sound basis of reasonable doubt? And are you prepared to go back to the company and report that, given this reasonable doubt, maybe we should think again about this plan? Durand didn't think that was likely.

Part of the problem is that the company has not made clear the dire need to make this controversial switch from mechanical mowing to chemicals. The chemicals, say the company, should prove to be more efficient, may even save some money down the line. But in the face of the widespread, reasonable mistrust, that seems a marginal improvement at best.

Sure, if by spraying dubious chemicals we could save the planet from an errant asteroid with our name on it, or gain some other huge benefit, sure, spray away. But we're not seeing any such advantage. The quid pro quo equation just doesn't come close to working out.

According to its spokesman, NStar came to this meeting with no intention of letting citizen concerns affect its plan. So apparently it's up to the towns to respond to citizen fears and stand up to the company. At the meeting, state Rep. Sarah Peake, D-Provincetown, was asked what recourse citizens had. She said she believed towns might have a basis for legal action against the company.

One of the panel of experts expressed skepticism of citizens' green commitment: Sure, you want us to lay off the chemicals, but won't you and your fellow citizens be using them on your lawns? In answer to which came a chorus of no way, not us, not here. The herbicide issue has been around for a long time. In Wellfleet a townwide ban on herbicides is being talked about as one way of halting NStar's plan.

We don't have a lot of time. The company says its window for spraying ends in mid-October (although it doesn't explain why next spring or summer wouldn't do as well; it's not as if those scrub pines grow more than a couple of inches a year).

Brent Harold of Wellfleet, a former English professor, is the author of "Wellfleet and the World." E-mail him at kinnacum@gmail.com

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Green alternatives exist for NStar's weed battles

August 21, 2009

Based on what we've learned in environmental health research at Silent Spring Institute, Cape residents have good reasons for questioning herbicide spraying under power lines.

Scientists don't know enough about the potential health effects of the herbicides NStar plans to use. In a database compiled from U.S. and European research, Pesticide Action Network North America (PANNA) reports no independent expert assessment of whether the active ingredients are endocrine disruptors — chemicals that can affect hormones. In addition, herbicides contain up to 70 percent undisclosed inert ingredients that may cause harm.

Though most products haven't been tested, a recent study of products containing glyphosate (the active ingredient in Accord, one of the products proposed for use) showed endocrine effects in human cells at low doses.

Another concern is where these chemicals will end up once they are in the environment. In our research on Cape Cod, pesticides applied outdoors often were detected inside homes, where they persist longer than they would outdoors.

We've made too many mistakes before — putting DDT, lead, asbestos and other hazards into the environment before we understood their dangers. NStar can add to its green commitment by choosing herbicide-free alternatives for right of way maintenance.

Julia Brody

Executive director

Silent Spring Institute

Cheryl Osimo

Cape Cod coordinator

Silent Spring Institute

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NStar delays herbicide spraying

By Mary Ann Bragg
mbragg@capecodonline.com
August 16, 2009

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NStar plans to halt use of herbicides on Outer Cape rights of way for 30 days, starting tomorrow, to give town officials a chance to discuss and respond to residents' opposition to the chemicals, said a company spokesman.

NStar received a request for a 30-day moratorium on herbicide use in Truro, Wellfleet, Eastham and Orleans Friday from Sen. Robert O'Leary, Rep. Sarah Peake and Rep. Cleon Turner.

"We're going to begin the work without using herbicides," NStar spokesman Mike Durand said of areas in Wellfleet, Eastham and Orleans specifically.

A legal notice in the Cape Cod Times Friday indicated that NStar planned to use herbicides selectively in nine Cape & Island towns beginning tomorrow. The notice erroneously included Outer Cape towns because the decision about not using herbicides came after deadlines for placing the ad.

NStar is required by federal regulators to keep power line rights of way clear to ensure that electric service is free from disruptions.

The company has used power mowers in the past but says that method tends to promote more plant growth and is more expensive over time than herbicides.

Eastham Board of Selectmen Chairman Martin McDonald said the selectmen may take up the matter again this week. McDonald added that the town's options range from having volunteers clear the rights of way, asking NStar to use power mowers exclusively in Eastham or filing a lawsuit against the utility company.

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Suspension of Cape herbicide spraying sought

August 14, 2009

EASTHAM — Cape legislators are expected to send a letter to NStar requesting the use of herbicides in three Lower Cape towns be temporarily suspended, a company spokesman said yesterday.

The letter from Cape lawmakers will likely request the use of herbicides in rights of way in Orleans, Eastham and Wellfleet be put on hold so the towns can consider alternatives, NStar spokesman Michael Durand said. The company, which is set to begin clearing rights of way in Eastham on Monday, is considering the suspension, Durand said.

Some residents are concerned the spraying of herbicide chemicals could taint drinking water wells and the environment in general. The utility company claims the judicious use of state-approved herbicides is the best way to control vegetation under power lines.

AARON GOUVEIA

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Eastham residents battling perceived green monster

By Mary Ann Bragg

mbragg@capecodonline.com

August 13, 2009

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NORTH EASTHAM — More than 100 people opposed to NStar's use of herbicides to kill plants under power lines in town showed up at a public meeting last night.

But a state official who oversees permitting for herbicides challenged the audience to ask all townspeople for their opinions and to ban all similar kinds of toxins, including those for yard and kitchen use.

"Why just NStar?" said Scott Soares, state Commissioner of the Department of Agricultural Resources.

The meeting at Nauset Regional High School included representatives from NStar, the Department of Agricultural Resources, and the state Division of Fisheries and Wildlife.

NStar is proposing to use a combination of four herbicides this summer on its primary right-of-ways in a number of Cape Cod towns. But some Eastham residents and the Eastham Board of Selectmen have raised a red flag over the plan.

The herbicide spraying is set to occur sometime before mid-October. The start date was delayed from mid-June because of Eastham's complaints. Residents are concerned about protecting the town's private drinking water wells and the environment in general, according to statements made last night.

"This is taking a huge step backwards," Selectman Aimee Eckman said, citing past false claims made about the safety of herbicides, a broad term that includes all chemicals used to control weeds and plants.

NStar needs to control plants under power lines to ensure that electric service to the Outer Cape is reliable and undisturbed, according to NStar senior arborist Chris Fallon. Falling trees are a primary cause of outages during a storm, Fallon said.

In the past, Nstar has cut the trees and brush with power mowers, but that approach is expensive and can promote vegetation growth, Fallon said.

The use of herbicides sprayed by an individual from a backpack carrier is a new method proposed for the Cape that will be used in conjunction with selected mowing and other cutting to produce fewer plants and encourage more indigenous plant species, Fallon said.

The herbicides NStar plans to use are fosamine ammonium, glyphosate, imazapyr and metsulfuron methyl, according to last night's presentation.

About 90 properties are on or abutting the power line right-of-way in Eastham, according to NStar spokesman Mike Durand. The right-of-way is a little over 5 miles long.

Eastham property owner David Pike, who was at last night's meeting, owns about an acre of land including part of the NStar right-of-way. Pike said he pays property taxes on the land and believes he ought to be able to "self-manage" that portion of the right-of-way himself, without using herbicides. He also questioned claims made last night by state officials that the amount of herbicides being used was negligible and likely not harmful to humans.

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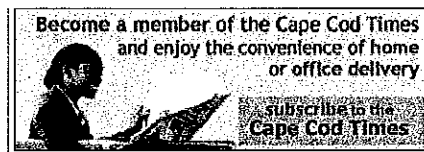


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Panel set to discuss NStar herbicide plan

By Doug Fraser
dfraser@capecodonline.com
August 12, 2009

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EASTHAM — Residents are hoping they will get some answers tonight from a panel of experts on an NStar plan to use herbicides to clear invasive, fast-growing species of trees and other vegetation from under power lines that run down the center of the Cape.

State Rep. Sarah Peake and State Sen. Robert O'Leary helped put together the informational meeting at Nauset Regional High School after receiving a letter in June from Eastham selectmen, who were worried that NStar and the state Department of Agriculture hadn't taken into account the town's reliance on private drinking water wells. The selectmen also raised concerns about the number of sensitive wetlands and ponds adjacent to the power lines.

"Since we have no back-up of a municipal water supply, it is a concern when an herbicide or pesticide is going to be applied," Eastham health agent Jane Crowley said.

Under federal law, power utilities are responsible for keeping the area under major power lines clear of tall vegetation such as trees that could fall and damage the lines. In the past, that has generally meant clear-cutting the areas with huge mechanized mowers.

The clear-cutting generated backlash in recent years from those whose properties abut the power lines.

NStar is hoping to use several herbicides that are state-approved for sensitive wetland areas and apply them with low-pressure backpack sprayers to specific plants and trees. The idea is to encourage low-growing native species that could ultimately crowd out the trees and fast-growing invasive species. By using the herbicides, NStar hopes to reduce the need for cutting or herbicides in the future. NStar and other utility companies have similar herbicide programs in other parts of the state.

But Eastham Selectman Martin McDonald believes the extent of the proposed local spraying, which he estimates at 80 acres, warrants review for its impact on wildlife and humans.

"Years from now, will we find out more information about the products being used?" Crowley said. "It's hard to know what science will tell us."

Resident Paula Aschettino wants changes in the process utility companies follow to obtain state approval of vegetation clearing.

NStar and other major power suppliers craft five-year plans covering all towns in their service area, then seek approval and permits from the state Department of Agriculture. Individual towns don't get to weigh in until they are notified by the power company when it submits an annual maintenance plan.

"The process stinks, and I want our legislators to change it," Aschettino said.

NStar spokesman Michael Durand said the company needs to get to work clearing under the power lines as soon as possible. "We have to complete work by mid-October. We have delayed since June, we can't delay much longer," he said.

Informational meeting

When: Tonight from 6 p.m. to 7:30 p.m.

Where: Nauset Regional High School auditorium

Who: Panelists are scheduled to include representatives from NStar, the state Department of Agriculture, and the state Natural Heritage and Endangered Species Program

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NStar postpones herbicide plan

By Doug Fraser

dfraser@capecodonline.com
July 03, 2009

Responding to criticism from Eastham residents and a letter from two Cape legislators, NStar has postponed its planned use of herbicides to clear land under its main power lines on the Cape.

The power company has agreed to hold a public hearing in which it plans to make its case for using herbicides instead of clear-cutting the area with a large mower.

"We've been asked to make sure that residents are aware of our plans, and we've agreed to hold an information session," NStar spokesman Michael Durand said yesterday, though no date has been set for the meeting.

But, despite the upcoming information session, NStar is under no obligation to change its intended use of herbicides to selectively target fast-growing trees and other plants under the power lines that form the spine of the Cape's electric supply system. Federal regulations require it to keep that area clear, and the utility company already has the state permits it needs to do the work, which was initially slated to start last Friday.

NStar officials and representatives of the subcontractor who will be doing the work came before Eastham selectmen two weeks ago. Following that meeting, selectmen sent a letter of protest to the state director of the Right-of-Way program. They questioned the use of toxins in an area with sandy, porous soil and private drinking wells that supply water to individual homes, as well as the effect on the town's many wetlands and ponds that abut the power lines.

State Sen. Robert O'Leary and Rep. Sarah Peake cosigned a letter to NStar asking for the delay and another hearing.

"These herbicides generally have serious health impacts on humans and wildlife," said Elizabeth Saunders, environmental health legislative director for Clean Water Action.

"Our position on all use of toxic chemicals is to take the safest alternative available," Saunders said. As an example, she said NStar could manually remove vegetation.

Susan Phelan, director of GreenCape, believes herbicides are used because they are cheaper than manually removing unwanted trees and plants.

"I know a lot of it comes down to money," she said.

But Durand said his company wanted to do something environmentally responsible by eliminating trees and invasive plant species and promoting the growth of low-lying vegetation that will duplicate threatened habitat fast disappearing from the Cape landscape. It's an alternative to mowing with large machines that can clear-cut an area, destroying habitat and the animals who live there, and leave behind a drastically altered view for those who live next to the power lines.

"It's a huge thing that can go through a forest in 10 minutes," Al Melcher said of the wood and brush-cutting machines that clear-cut the NStar right-of-way that runs behind his house in Cotuit. "It looked like hell. It cut everything right down to the blades of grass."

Durand said the subcontractor would use low-pressure backpack sprayers targeting individual plants and trees, and not spray indiscriminately over wide areas. He said a number of environmental organizations have reviewed and approved the plan.

"We have a lot of trees that grow very fast," said Tim Simmons, restoration ecologist for the state Natural Heritage and Endangered Species Program. His agency has had to use herbicides to control invasive species and protect environmentally sensitive habitats in the lands they control.

"We didn't gravitate to this easily," he said. "No other method would have worked for us."

Simmons reviewed and approved the NStar plan. He said the land that runs under power lines makes up some of the rarest habitat in the state, sandplain grasslands that are used by many hawk and bird species that have virtually disappeared from the Cape as forests returned. The habitat was created when Native Americans used

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Herbicide menu

Accord XTR: Active ingredient is glyphosate. Taken up through roots, killing most plant species. Considered unlikely to reach groundwater or surface water bodies. Not yet classified as carcinogen.

Krenite: Active ingredient is foramsin ammonium. Kills off leaf buds. Doesn't move easily in soil, low potential to leach to groundwater or reach surface waters. Low impact on aquatic and invertebrate species.

Powerline and Arsenal: Active ingredient is Imazapyr. Absorbed by foliage and roots. Effective against deciduous trees, weeds, vines and brambles. Considered relatively immobile in soil, even porous sandy soil. But it resists being broken down and can bioaccumulate in soil. No negative effects were observed in rat studies.

Escort XP: Active ingredient is metsulfuron methyl. Used on grasses and plants, kills vegetation. High mobility in soils and tends to accumulate there. But it is usually applied in such low amounts, the accumulation is low. Considered to be of low toxicity.

Garlon 3A: Active ingredient is Triclopyr acetic acid. Absorbed by plant leaves and interferes with growth. Moderately mobile in most soils. Considered a possible human carcinogen.

Source: Massachusetts Department of Agricultural Resources.

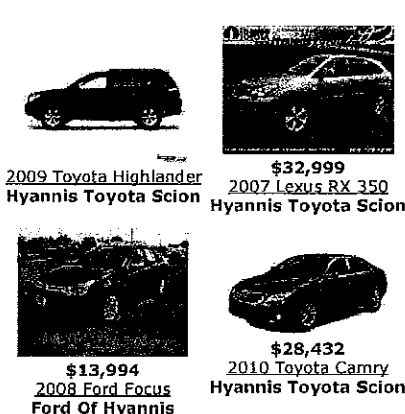
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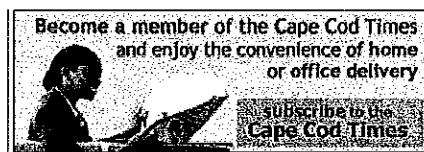


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Environment too sensitive to risk using herbicides

June 22, 2009

Citizens Against the Use of Herbicides on Cape Cod, a grass-roots group, wants to halt the use of poison on our Cape Cod lands ("Eastham fights power-line herbicide spray," June 19).

Bike paths, marine habitats and wetlands, lake and pond wetlands and wildlife habitat should be free from exposure to any amounts of herbicides.

Our families and wells do not need exposure. Cancer rates on Cape Cod are high enough and we are already experiencing being downwind of the polluting Mirant Canal Generating Plant, giving the Cape poor air quality.

I ask readers to make four phone calls stating that any herbicide vegetation management program on Cape Cod and Islands should be halted forever.

Our sensitive environment should not be exposed to the use of herbicides — in any amount or any type.

This is just a cost-saving program of NSTar.

Please call ASAP:

- Gov. Deval Patrick, 617-725-4005.
- David Polson, NSTar vegetation manager, 781-441-3558.
- Michael McClean, director of rights-of-way programs, state pesticide bureau (leave message for him at 617-626-1781).
- Attorney general's consumer division, 617-727-2200.

Paula Aschettino

Eastham

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Wednesday September 23, 2009

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Power-line herbicide spray riles Eastham

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By Doug Fraser

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June 19, 2009

NORTH EASTHAM — Beginning next week, contractors working for NStar will begin a selective herbicide and cutting program they believe is more ecologically friendly than mowing down the plants and trees that grow up under high power lines.

But the program, to be implemented on the Outer Cape from Orleans to Wellfleet as well as in Bourne, Falmouth, Sandwich and three Vineyard towns, is drawing protests from Eastham, where officials and residents have said they want more time to consider the effects the herbicide will have on private wells in the area.

Tree company workers, equipped with backpacks of herbicide and trained to recognize specific species, are scheduled to target invasive, non-native plants and fast-growing tree species. They will spray some with an herbicide that kills them, cutting down others and applying herbicide to the stump to prevent new growth. They won't use herbicides or cut down trees in particularly sensitive areas.

When this program has been used in other areas, experts said the remaining low-lying vegetation and shrubs tend to crowd out trees, meaning less maintenance work for utility companies and less disturbance of habitat and animal life.

"It's the environmentally acceptable way to do it," said NStar spokesman Michael Durand.

But Eastham resident Jared Collins disagrees. Along with others who attended a selectmen's meeting this week at which representatives of the utility and its subcontractor explained the program, he thought the town was given too little time and consideration. The town was notified by letter about the program in April and given 21 days to comment. That deadline was extended to June 5 at the town's request.

Many at the meeting were concerned that state and federal regulations for clearing vegetation on right-of-ways allowed herbicide use in areas now protected under town and state wetlands and drinking water regulations.

"I think the town should have more say," said Collins. He believed NStar had not taken into account that Eastham is the only town on the Cape where there is no municipal water system. The right-of-way where the power lines are located is bordered by a bike path, wetlands and ponds and hundreds of homes with private wells.

"This is a lot scarier than cutting down trees and brush," said selectman chair Martin McDonald yesterday.

On Wednesday, selectmen sent a strongly worded letter of protest to Michael McClean, the state director of the Right-of-Way Program, which oversees vegetative clearing by utilities. They also forwarded copies to the Cape's state and congressional legislators. They requested more time to review the plan and to add information on the location of private wells, and asked the state to identify endangered species along the right-of-way.

The program has been approved by the state Department of Agricultural Resources, and the state fish and wildlife program, said Durand. He said NStar is obligated under federal law to manage vegetation that could affect power lines.

Ever since 2003, when a tree falling onto a high power line in Ohio triggered a massive blackout in the Northeast, federal regulations have required a higher standard of clearing to protect their lines. NStar could have returned to the Outer Cape with big mechanized brush cutters that mow down even trees. That's what they did in 2006, and it brought a flood of criticism from those who didn't like the dramatic change.

As an alternative, NStar, over the past six years, has been developing the selective approach. McClean said the herbicides used are available to the average homeowner and only those approved for state-classified "sensitive" areas will be used.

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The Massachusetts Audubon Society uses similar herbicides in attempting to rid its properties of aggressive invasive species like bittersweet. Audubon senior policy analyst Heidi Ricci said her organization has to balance using an herbicide with the disturbance to wildlife and habitat of mechanically removing plants.

But Eastham resident Sandra Larsen gave the favorable arguments little weight. She said her children were sickened by aerial spraying for gypsy moths nine years ago.

"All of these ingredients will end up in our wells," she said.

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