

Testimony regarding AB99 (2023, Connolly) before Environmental Safety and Toxic Materials Committee of the California Assembly. March 28, 2023 by Patty Clary, Californians for Alternatives to Toxics [patty@alt2tox.org] AB99 passed ESTM committee 7-2

Good afternoon Assembly Members, thank you for having me here today. My name is Patty Clary, I'm executive director of Californians for Alternatives to Toxics, also known as "CATs." Our members throughout the northern California region are concerned about the risks involved with releasing toxic materials into the environment. From our founding in 1980 we are opposed to the use of herbicides on road and highway right-of-ways.

In 1989, Caltrans stopped using herbicides in District 1, including Del Norte, Humboldt, Mendocino and Lake counties—when CATs threatened to sue the agency for ignoring CEQA analysis of its herbicide program. The boards of supervisors of Humboldt and Mendocino counties asked in 1997 for a continuation of vegetation management without herbicides and Caltrans agreed. District 1 then convened a District Roadside Vegetation Management Alternatives Committee of which I was a member for its duration of twenty-one years. Success was achieved for some of the alternatives we studied but other promising ones were dismissed by Caltrans without further effort to explore their viability, and these remain available for a closer look.

According to the Chair of Humboldt County's Board of Supervisors "To our knowledge there have been no reports of safety violations, vehicle accidents, roadside fire ignitions, spread of noxious weeds and invasive plants or other problems caused by the cessation of herbicides for vegetation control on right-of-ways. Both the County and Caltrans vegetation management teams apparently have perfected their roadside maintenance operations in more than three decades of practice by using a variety of options, the essence of IPM programs as described by AB99."

Both counties have areas determined by state authorities as among the highest risk for wildfire, and have within them multiple lane freeways and winding two-lane highways that support freight traffic from interstate freeways.

Caltrans' herbicide program EIR contained an extensive description of what is as yet an unfulfilled plan for a policy of integrated pest management, or IPM, to reduce herbicide use 80% by 2012 from its 1992 benchmark of 400,000 pounds. Caltrans failed to achieve that goal by 2012. In response to a public records act request, Caltrans admitted to using close to 421,000 pounds of herbicide formulations in 2022.

I've learned that the agency has at last convened an internal vegetation management oversight committee, also promised long ago in the 1992 EIR.

Caltrans has begun to collaborate with others to clear its right-of-ways for fire resilience. A recent CalFire grant to a fire safe council was provided to remove brush along Highway 35. And a 200-acre controlled burn with Caltrans in collaboration with a fire safe council and others

including a Tribe is planned for Highway 101 in Mendocino County. To CATs, these are interesting mini-steps but we are deeply concerned about Caltrans continued and even increased use of herbicide and failure to develop the statewide IPM program it promised.

The legislature's involvement by passage of AB99 will provide the needed incentive to get Caltrans moving in the right direction for the 130,000 acres of roadsides under its care and the associated affected environment it impacts.