

From: Ian Brighton <ianbrighton@gmail.com>
Sent: Friday, February 19, 2021 7:40 PM
To: G. Robert Brakenridge <robert.brakenridge@colorado.edu>
Cc: Dave Cosgrove <davec@townoflyons.com>; Victoria Simonsen <vsimonsen@townoflyons.com>; Steve <steve@on-site.biz>; Nick Angelo <nickart@greenspeedisp.net>; Kaia Cochran <kaiaelise72@gmail.com>; Tracy Holderman <traceyholderman@gmail.com>; Greg Lowell <GLowell@townoflyons.com>; Mark Browning <MBrowning@townoflyons.com>
Subject: Re: Pesticide Application Plans

Thanks Bob, and yes, emails are never ideal for discussion. Our face-to-face chats in 2019 were so helpful. I do believe we want the same thing- an herbicide and noxious-weed free town. I find the difference lies primarily in how to address the complex threat of invasives. Let's keep working towards that shared vision.

On Fri, Feb 19, 2021 at 9:36 AM G. Robert Brakenridge <robert.brakenridge@colorado.edu> wrote: Too many on this "reply to sender", email list...sorry; understood this is not the best venue for discussion (others here have been looped in since I first wrote).

Briefly, thanks Ian for your words. "Science-based" is misused in many ways: Mark also may not be aware that some of the climate change-denial groups, funded by certain political lobbies, use this term. The phrase is frequently "weaponized" also by agrochemical companies. We can all agree we want policy and action based on science, and that "science-based" should not be used to shut down discussion or debate.

Two other points of agreement: 1) Lyons has a Weed Management Plan that is supposed to control Town's weed control work on its properties, and 2) Like Ian, I feel that my opinion on herbicide use is not as important as helping ensure that the Town abides by its plan, which was the outcome of much work by many people.

Thanks again,
Bob

From: Ian Brighton <ianbrighton@gmail.com>
Sent: Thursday, February 18, 2021 9:32 PM
To: G. Robert Brakenridge <robert.brakenridge@colorado.edu>
Cc: Dave Cosgrove <davec@townoflyons.com>; Victoria Simonsen <vsimonsen@townoflyons.com>; Steve <steve@on-site.biz>; Nick Angelo <nickart@greenspeedisp.net>; Kaia Cochran <kaiaelise72@gmail.com>; Tracy Holderman <traceyholderman@gmail.com>; Greg Lowell <GLowell@townoflyons.com>; Mark Browning <mbrowning@townoflyons.com>
Subject: Re: Pesticide Application Plans

Bob,

Sorry if the term 'science-based approach' came across as an insult. Not my intention in the least. It's a term used over the last few years by people who have advocated for herbicide use. I think I may have heard Mark say it at some point, which is why I used him as an example of a difference of opinion. I CC'd him in this email in case I did mispeak.

I truly do appreciate your perspective. I've also done research on this issue and understand the risks involved. As you know, I've come to the conclusion that some situations warrant the use of herbicides in order to protect fragile native ecosystems. But I also support the right for people to be informed and the value of trying other methods before resorting to toxins.

At this point, however, I feel my opinion on the issue of herbicide use is not as important as ensuring the town adheres to the policy we worked on and the BOT approved last year. In this case I think they are, but I'm certainly open to ways we can improve on it or better meet the spirit of it. I'm glad there are so many people who want to do the right thing for residents and our ecosystem.

Ian

On Thu, Feb 18, 2021, 8:10 PM G. Robert Brakenridge <robert.brakenridge@colorado.edu> wrote:
Ilan, Dave,

Thanks for your responses.

Dave's original email stated:

"The Town will be proposing areas of rock "hardscape areas" for pre-emergent treatment"

But his response now states: "I am a bit taken back by your surprise of the areas we refer to as possibly applying for services."

Which is it? "Will"? or "possibly applying for"?

It is exactly these treatments last spring that started the whole process I detailed. There is no indication in Dave's email of any change in the plans, which he noted are becoming time-critical. I don't think that no change should be acceptable to any of us. It's good that these plans are not yet set in stone.

Residents do expect that there will be some real changes in practice. It's not too much to expect that town staff will do the work needed to respond to the changed policy. It is work. Changing the status quo is always hard.

When Ian writes: "Some (like Trustee Browning) prefer a science-based approach.." he is putting words in someone else's mouth. And also being (unintentionally) insulting. Not just to me! To all of the voters who signed the petition. "Some of us prefer a science-based approach?!"

Those words are a non-starter in trying to reach a consensus on such matters. I am speaking as a scientist. Give it a rest.

Also give our residents a break. They are not against science (at least mostly). Instead, many (I included) believe that what is presently known about environmental toxicology does not justify this method of controlling weeds in these areas. That is not based on a gut-level feeling, or on emotions. I look at the numbers, at the data. I have read way too many research papers. The public health risk to the Town is just not worth the weed control benefit. We must find other ways.

The ecological damage is also plain, and avoidable. And the chemical weed control method unavoidably exposes people of all ages and health status to newly-invented synthetic chemicals: without their permission and often without even their awareness of the exposure. That is not safe and it is not responsible. It may be Lyons' status quo, but that does not make it good policy. Residents rallied to change this status quo, and I think we need to respect that effort.

If anyone is interested in the science, please do read the science (not just the summary articles I sent already). Go to the journals where new research is published each month.

For example, <https://www.sciencedirect.com/science/article/pii/S0147651320314135#bb35>: which analyzes some sample "inert ingredients" in herbicides. Just one example among many dozens of relevant articles. Inert ingredients are the chemicals that are not normally disclosed in the product label. The fact is, despite the issues with the specific herbicides I raised, Town of Lyons does not, when it hires a contractor, even know what exactly is being applied. So....this has nothing to do with being "science-based", but more with being willfully blind, and not caring, and just going with a gut impression that the chemicals cannot be that bad; that some unknown chemical designed to increase herbicide effectiveness, but not disclosed, will not hurt anyone. Why should we believe that? Exposure to anyone, elderly or small child. How can that be a responsible way to proceed?

This is not about science. This is about basic responsibility to our residents. About the oath of Hippocrates: "first do no harm". Why does the Town want to spray our public areas with chemicals that it is not absolutely sure will do us no harm? When there are plainly other methods available?

Is the Town again considering an application of Oryzalin across from the school"? Just because "Organolawn" says it is o.k.?

According to the (Trump) EPA:

"Oryzalin generally is of moderate acute toxicity, but is carcinogenic in animal studies and has been classified as a Group C, possible human carcinogen."

That is from the EPA registration label. Not even glyphosate has earned that caution (though recent lawsuits and a new EPA administrator may change this). Town wants to spray this on the sidewalk area across from the school?

Then add indaziflam: a documented endocrine system disruptor. And whatever inert ingredients are included in it.

And also: "EFFECTS ON NONTARGET PLANTS AND ANIMALS

Aquatic Organisms. Indaziflam is categorized as highly toxic to freshwater and estuarine/marine fish, moderately toxic to highly toxic to estuarine invertebrates, and slightly toxic to moderately toxic to freshwater invertebrates on an acute exposure basis."

None of this is surprising. You don't need to be a scientist but just employ common sense. These are new chemicals developed to poison plants. They are powerful chemicals. Are we to spray this stuff, year after year, on these graveled areas along McConnell and elsewhere, draining into our storm sewers? Some of which are clearly marked to tell the public "no dumping of chemicals"? And then expect that no harm is being done to our fishery and to other wildlife? Why would we do this, and even make taxpayers pay: for this harm to the natural environment, to add pollution to our clean water, our rivers with fish, why? Has the town totaled up the acreage to be treated: all which drains into our river?

I am glad that Ian agrees that organic methods are to be used, first. We all agreed on this. But why the lack of follow-through? We need town staff to follow through, to find some other weed control methods. This is important; residents want to see some changes.

See, again, enclosed, for another approach. I cannot say if this is the best change. But, has the town investigated this? It has now been many months. Do we have some cost comparisons: purchase of the steam and weed machine, used over a period of say 5 years; compared to herbicide contracts? Or: town could use a contractor that uses such a machine. Do we have an estimate?

This would be a change in our weed treatment methods that the Town could brag about to its residents: "Look what we are doing with your taxes to help keep the public safe". Instead of hiring contractors to poison our immediate surroundings.

And this keeps the money in town. Perhaps providing some extra hours to town employees. This in-house capability would allow more flexibility for dealing with the cheat and thistle, too. Why not give such a try? Why not pursue this? The Town could benefit from this change. Just hoping that Dave, and others, can find time to pursue.

Thanks. I hope this is helpful.

Bob

From: Ian Brighton <ianbrighton@gmail.com>
Sent: Thursday, February 18, 2021 12:02 PM
To: Dave Cosgrove <davec@townoflyons.com>
Cc: G. Robert Brakenridge <robert.brakenridge@colorado.edu>; Victoria Simonsen <vsimonsen@townoflyons.com>; Steve <steve@on-site.biz>; Nick Angelo <nickart@greenspeedisp.net>; Kaia Cochran <kaiaelise72@gmail.com>; Tracy Holderman <traceyholderman@gmail.com>; Greg Lowell <GLowell@townoflyons.com>; Mark Browning <mbrowning@townoflyons.com>
Subject: Re: Pesticide Application Plans

Hi all,

Just catching up to these emails. It's important to remember that this plan reflects a compromise among differing views on the use of herbicides within our community. Some (like Trustee Browning) prefer a science-based approach which would allow for the use of any herbicide if no significant evidence of adverse impacts to human or ecological health existed. In the end, he and a few others on the BOT weren't 100% happy with this plan, but agreed to support it knowing that many residents wanted to see less use of herbicides. As has been shown, Dave and the town have taken significant steps to reduce the amount of herbicides used by contractors and the town over the last few years.

I also remember a lot of time spent discussing the challenges of the hardscape areas, and this was some of the text that was included to address that problem:

We had discussed an 'adopt a median' approach specifically around the High School and Bobs' house, but I'm unaware if those citizen/hoa/town partnership efforts have been undertaken.

Also this was a key stipulation that was discussed at length:

Note that hardscapes aren't mentioned in the prohibition on the use of herbicides, which is intentional. Without evidence-based alternatives, I remember it being very explicit that herbicides could still be used when invasives were present. Cheatgrass, canadian thistle, and diffuse knapweed grow in these locations, so it's vitally important that they're addressed. It's why flexibility exists in the plan. I definitely agree with Bob that the onus shouldn't be on citizens to direct town staff on the best way to approach noxious weeds and that we need to adhere to the policy. I do think town staff is following this guideline:

In terms of the effort to mitigate safety tree hazards- there are plenty of documented incidences of large trees causing fatalities and injuries, including former employees at RMNP. In areas

where large numbers of the public congregate, it's important to mitigate major hazards. I agree on the need to preserve as many dead-standing as possible, but we live in a wildland/urban interface, and a balanced approach that weighs public safety along with ecological preservation is needed.

The same balance is needed in regards to invasive weeds, which is why an evidence-based approach is emphasized in this plan. The steam clean seems interesting to me, but if it's not shown to be effective at eradicating or containing noxious weeds, it wouldn't qualify or meet the spirit of our negotiations. I'm optimistic we're moving in the right direction, but I support Dave's approach in utilizing every tool available (including limited herbicide use) to addressing weeds before they become more disruptive and expensive to eradicate.

It's unlikely 100% of town residents will be happy with this plan- some will want less weeds and more herbicides, and others will want a complete ban on herbicides. I believe this plan does provide a compromise that addresses valid concerns from both sides. Dave has the thankless job of being the 'rope' in our earnest game of tug-of-war when it comes to these topics. I think everyone will agree that he's been very accommodating and responsive despite having so much else going on.

Ian

On Thu, Feb 18, 2021 at 9:53 AM Dave Cosgrove <davec@townoflyons.com> wrote:
Hello Bob/All-

Thanks for your email. I did include my email to Steve/Ecology Board for reference. I also received Kate's version of her article, which we had all met on the week prior I believe and I believe to be well written and informative. No formal plans or services have been scheduled to date. As was clearly stated in the email, the attachments were referring to contractors and services performed in the previous year.

T for as we discussed these quite thoroughly in our meeting and discussed several options. The spirit of the communication was to begin the process as put forth in the new policy and to have transparency about those areas in which the Town is considering such services. We discussed the HOA possibly taking on these areas, changing the landscape altogether, or involving other citizen groups to assist in the maintenance. Staff has been looking into and has done test runs with organic products, starting over the last couple of seasons. Most of these are used after weeds have established, however. We are happy to take a "do nothing" approach for these areas at the start of the season, as was discussed in the meeting for these areas, however, Town staff feels the resources needed in the long run may be more considerable. Again, nothing to date has been planned or scheduled and we are happy to continue to explore further options for these areas in particular.

I have sent Walsh the updated information regarding the Weed Management Policy and have alerted them to the application process. I have informed them of the approval and outreach processes. They should be well aware that prior to any scheduling of services they will need to follow the policy guidelines and will need to follow up accordingly.

Thank you again for reaching out and happy to schedule a meeting or call to discuss further.

Hello Steve-

I have a BOT meeting tonight, but wanted to get you some information on a couple of your agenda items that we had previously discussed. Below is a series of emails regarding the LMJ hazard tree discussion. I had sent the tree update to Kate Z. and Greg (along with others). The PRC has discussed this as well. Let me know should you have questions.

In regard to weed mitigation for 2021, Town staff and representatives of the Ecology Board (Kate and Bob) and PRC (Ian) did meet as planned to assist Kate in preparing her for her forthcoming article. I have not yet had time to prepare the applications per the updated plan fully for the areas we are proposing for 2021.

The Town will be proposing areas of rock "hardscape areas" for pre-emergent treatment. These areas are on the North and South side of Main St. starting at 4th and going east to approximately La Mariposa. The other rock landscape areas are along the roadsides of McConnell and 2nd Ave. and the perimeter of Sandstone Park. I have attached the proposed contractor and product that was used last year. This service would most likely be scheduled in March.

The other proposed area of treatment is warranty related based on the policy plan, related to Bohn Park Phase II. It is to address the establishment of seeding and broadleaf and thistle (among others) issues in the east multi-fields that were constructed adjacent to the new ballfields in Bohn. I am currently working with Walsh on who they are proposing to use and what product they are recommending, time of service, etc. so that I can abide by the application and policy. I hope to have this information by next month. This service will most likely be scheduled in April/May.

All other areas, particularly parks will adhere to the plan, unless otherwise identified and applied for as needed. We are looking into other organic products and methods that may assist us with mitigation of weeds as we enter the season.

Please let me know should you have questions or other issues. Thanks Steve. Wishing you well.

From: G. Robert Brakenridge <robert.brakenridge@colorado.edu>

Sent: Wednesday, February 17, 2021 9:21 PM

To: Dave Cosgrove <davec@townoflyons.com>

Cc: Steve <steve@on-site.biz>; Nick Angelo <nickart@greenspeedisp.net>; Kaia Cochran <kajaelise72@gmail.com>; Tracy Holderman <tracyholderman@gmail.com>; Ian Brighton <ianbrighton@gmail.com>; Greg Lowell <GLowell@townoflyons.com>

Subject: Pesticide Application Plans

Hi Dave,

I am surprised to read the tentative spraying plans for the Lyons hardscapes and part of Bohn Park: in your email of yesterday to Steve Simms, Chair of EAB. Your email is at the bottom here. I hope these plans are not finalized yet.

These plans, after all of the work by so very many people, including yourself? To just continue with the status quo? To use the very same pre-emergent herbicides, oryzalin and indaziflam, which were used last year?

Spray them across from the Middle/Senior High School, where parents pick up and unload their children. To also spray them across the street from the Walter Self Center (where people who are more vulnerable live). And all around the perimeter of a Park where for "public safety" reasons, no spraying will occur. Why are the chemicals not o.k. in the park but o.k. along its perimeter? None of this makes sense. Please reconsider.

Dave, the new Weeds Management Plan was passed by the BoT last July. There has been plenty of time to begin making some changes in the maintenance of the hardscapes and for anticipated weeds in Bohn Park.

Plans that could start saving the Town money, instead of committing it to yearly contracts for chemical weed control.

All of the citizen effort in the world cannot make a difference unless you and your staff take on some ownership in making the needed changes. We all know you and other town staff have very much on your plates, but this is an important issue: as expressed by the strong concern so many residents have clearly expressed. And in this pandemic time, even more important. Our residents need to feel that their public areas are safe. Even if there are some dandelions and thistle.

The Main Street pesticide applications you propose now were also opposed by a majority of the businesses in town (as surveyed by the Chamber of Commerce).

I am trying not to feel betrayed. But there are a lot of people who will feel exactly this way if this goes forward.

Consider the history: 1) After the same herbicide applications in these same areas last spring, a citizen's petition was initiated to remove these chemicals from use. 2) It easily gained over 100 signatures from registered Lyons voters. 3) The petition for a vote was certified by the Town Clerk and attorney. 4) Throughout, there were related discussions in the BoT and at least two town advisory boards and including town legal counsel: lots of people, lots of work, some of it costing a lot of money, looking at this issue.

In good faith, after the petition was certified as valid, 5) I then offered to meet with petitioners and you and Parks and Rec Commission (Ian Brighton) to see if we could, instead, come up with a revised Weed Management Plan acceptable to all. Mayor Angelo encouraged this process; we were working together on his request. 6) We met repeatedly, and it was not easy to reach language all would be comfortable with. 7) But we did, and you and the Mayor supported the end result, and the petitioners withdrew their petition. I and you and others repeatedly assured them that the Town would follow through. Thus, a vote was in the end not required.

Kudos all around. But now you propose a spraying campaign that is not different from what was the case last year, before all of this work began? How does that make any sense at all?

The Plan states a number of constraints and intentions which hiring this contractor to apply these chemicals would be directly against. For example, it says:

"For necessary weed control on all other town-managed property, including outlots zoned POS, MUN, and other properties, synthetic chemical control is the last resort. This means that other weed control methods are fully considered, and ideally, tried first. Before synthetic herbicides (examples are: 2,4-D, dicamba, indaziflam) are used, both the herbicide products and the weeds considered for control are assessed for potential human and environmental impacts. **Synthetic chemicals are not applied for only cosmetic purposes, but instead must be focused on specific non- native noxious weeds listed by the State of Colorado for eradication or control and known to be present.** (emphasis added)

What are the weed species this work is needed for? Are they listed for eradication or control? Are they known to be present? Is not the actual need precisely for the "cosmetic purposes" (which the Plan instead promises the Town will no longer be used as an excuse for applying toxic chemicals in our public areas)?

And what other methods are being considered for weed control in these areas? I earlier sent information about, for example, steam cleaning machines, made in Colorado, not very expensive, already in use at the University of Colorado, very effective for hardscapes. Which would avoid need for herbicides and quite possibly save the Town money. No interest in such?

Do you have some cost comparisons? This is what you agreed to explore on behalf of the town last summer. Why has this not been done?

It should not be solely up to residents to find alternatives. They have already expressed clearly that they do not want chemicals such as indaziflam and oryzalin (see attached fact sheets) sprayed by a contractor by their schools and parks and in downtown.

For **indaziflam**, the known issues include: "Health Effects: Neurotoxicity, adverse effects on thyroid at low doses. Higher doses affect sexual organs and reproduction. Environmental Effects: Highly toxic to aquatic and terrestrial plants."

For **oryzalin**, "The U.S. Environmental Protection Agency (EPA) classifies oryzalin as a "possible human carcinogen."

Oryzalin can persist in soil up to three years after application, and, according to EPA, is a "moderately mobile"

herbicide in soil. Therefore it is not surprising that it often contaminates water. The U.S. Geological Survey found

oryzalin in rivers, streams, or wells in almost half (16 of 36) of the river basins that the agency has tested

nationwide." Then: "UPDATE: October 2007 The residential lawn and turf use of oryzalin are no longer eligible for reregistration since there is concern about a potential for continued, substantial contact with treated surfaces, especially among children. Until data are submitted and evaluated for turf grass uses, residential use is ineligible."

Your email also notes the intention to use a broad-leaf herbicide in Bohn Park. While we were working on a new Weed Management Plan, all of us, you included, sought to avoid the use of highly toxic chemicals such as 2,4-D. Yes, the Plan provides a kind of waiver for such temporary control methods in the restoration areas. Yes, contractors will be reluctant to give up a chemical technology they have long depended upon. But spraying these chemicals in this park area will effectively prohibit some of our residents from using the Park at all. There are alternatives. Residents do not want a "restored" park that has been pre-dosed with these chemicals. What will it take for the Town to listen to its own residents?

I am writing here as an individual, but also serve on the EAB, and am sure that EAB will be expecting the proposed actions to be provided in the format the Weed Management Plan specifies. Thus:

"The form used for each submission includes: a) identification of the target weeds, b) justification of the need, c) description of why only chemical control will be effective, d) determination of where and when the pesticide will be used, e) the application method and a location map, and f) how unintended effects to people, non-target organisms, surface and ground water, and environmental health will be minimized."

I and others will be asking that you provide this information. It may be that the EAB will speak forcefully against this plan. I would also ask: why does the Town has such abundant funds to spend on something we know is potentially hazardous to public safety? And, what exactly does town staff expect to change in its approach: as a result of all of the work so far expended to encourage such change? Was all this work for nothing?

I am recalling the "hazard trees" adjacent to LVJ Park. Does our Town have sufficient funds to address the supposed public safety issue caused by dead or dying trees there? Possibly: because they may pose some legal liability issues for the Town? If so, have you also sought advice of town legal staff in regard to the possible liability from harm suffered or claimed to be suffered by members of the public; in the case that Town does not follow its own Weed

Management Plan, and allows application of these chemicals in public areas? Such lawsuits have occurred elsewhere. Town is not immune from such. Once policy is established, it needs to be followed. Your email does not seem to me to even attempt to follow the new policy.

Lastly: part of my deep concern on these matters comes from my son, who every day walks his dog in a park near his home in California. As an adult in his late 30s, he has suffered recently a terrible paralyzing illness, of unknown origin, affecting only his upper body, but still changing much of his life. He gets out, he walks, but as a result of medical treatment, he is immunocompromised. Very much so. He would easily qualify to be on the Colorado list of pesticide sensitive individuals. He is an example to me of what municipalities need to consider as pesticide chemical application decisions are made. I myself may walk through Lyons parks, and feel little concern about a little 2,4-D, or indaziflam and oryzalin along its streets...but he should. Walking not long after such an application could indeed hurt him.

We have MANY individuals in our town that are in the same situation: elderly, or suffering from cancer, or other medical issues. The past year has been even harder on these residents. This is not about you or me, Dave. It is not even about most of us. It is about protecting all of our residents, to every extent possible.

It makes no sense that town staff worry about the (ecologically valuable) dead trees opposite LVP park, and do not seem concerned about a plan to spray these chemicals over a large total acreage; land that drains into our local river through the storm sewers, and over which the public walks on a daily basis. And of course this is not one-time only, but year after year. Please reconsider.

I personally implore you to follow through on every effort to avoid spraying these synthetic and highly toxic chemicals: in order just to control a cosmetic issue caused by thistle flowers, dandelions, and even milkweed (which we actually need more of, even in our hardscapes). Please err instead on the side of safety.

If these hardscapes have to be kept free of weeds, then there are other methods that pose no risk and will very likely prove more economical. They are available to Town of Lyons, just as they are to other communities (which have used them). Please give these alternative methods a chance. This is what was agreed upon.

Sincerely,

Robert Brakenridge

Hello Steve-

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