



February 3, 2012

Puget Sound Partnership Leadership Council  
C/O Gerry O'Keefe, Director  
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Director O'Keefe:

Thank-you for the opportunity to comment on the 2012 draft agenda. We are uncomfortable with the way the process has been handled thus far. Outreach has been very limited. Issues have not been thoroughly vetted. Near term action items are not based on science and yet are written as regulatory statements. There are numerous near term actions that would affect our agricultural, landscape and forestry members. We have chosen at this time to focus our comments on three we found most concerning.

*Near term action items:*

*C1.1 – The Washington State Department of Agriculture will assemble data on non-agricultural uses of copper-based pesticides in Washington based on changes in registration status of copper containing pesticides and comparing use patterns in Washington and California. This will begin with estimates of urban landscape/homeowner use and will expand to commercial applicators. By Dec. 2012, WSDA will report estimates of urban landscape/homeowner uses of copper in the Puget Sound region.*

*C1.1 - Alternatives to copper in pesticides: Ecology and WSDA will evaluate alternatives to copper in pesticides to identify whether safe alternatives are available and commercially viable. Based on the alternatives analysis results, the agencies will explore options to limit the use of copper-based pesticides, if better alternatives are available.*

*C1.4 - Landscaper Certification: By 2013, Ecology will work with the Washington Department of Agriculture, business associations, and other stakeholders, to establish a landscaper certification program to promote environmentally friendly landscape development and maintenance practices. The program would be designed to improve habitat and water quality by reducing the use of pesticides containing toxic chemicals, reducing the use of fertilizers, reducing the use of water for irrigation, reducing runoff from landscaped properties, and reducing emission from landscape equipment.*

### **Selection of landscape uses of copper as a focal point for regulation**

It is our understanding that the Washington State Department of Agriculture has expressed concerns about C1.1. Based on the data, they do not believe these actions are necessary or a wise use of state resources. The loading numbers for copper from pesticides in the report do not fit actual monitoring data. Based on the products registered for use, it would be impossible to get loading numbers that high from landscape uses.

Copper is an important fungicide for lawn and landscapes as well as agriculture. It is the primary fungicide used in organic production and organic landscape care.

The report lists copper as a major contaminant of Puget Sound even though levels detected in marine waters are orders of magnitude below EPA benchmarks for marine aquatics. Based on the data in the report, it does not appear that copper is a problem or that source controls are warranted.

The Department of Ecology report used in the development of the Puget Sound plan shows the highest concentrations of toxics were in areas zoned industrial. Residential areas were mentioned only rarely, just once in relation to copper with respect to storm events. Only eleven detections had copper that exceed Washington's allowable limits. These occurred primarily in industrial areas. One, out of thirty, baseline data points had copper that exceeded limits. Higher copper during storm events is expected since copper is a main component of brake linings and a storm event would move particles from streets to streams. Loading of copper during storm events was substantially higher for industrial areas than residential.

Comparing the detections to EPA benchmarks for marine aquatics of 4.8 ug/L (acute) and 3.1 ug/L (chronic), it is difficult to understand why copper was singled out for action. Most bodies of water would have ambient concentrations exceeding 0.2 ug/L. Apparently, a determination has been made that copper is a problem at levels below aquatic benchmark criteria and therefore source controls are required. This is a most troubling statement to those who would be regulated by such logic.

The California study referenced showed that brake pads were a significant source of copper run-off, up to 40% of the total, followed by mobile cleaning and vehicles services. Home pesticide use was not a significant source (0.5 – 1%) of copper in water bodies in Santa Clara Valley. Yet, the report estimates the contribution from urban lawn and garden use to be more than double all inputs from copper piping. The data does not support this contention. Statistical models extrapolated from other parts of the country are not an accurate method of identifying homeowner activities in the Puget Sound.

#### **Identifying plant and land care practices**

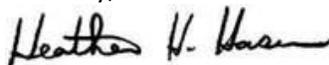
State regulatory agencies are not equipped, nor are they the appropriate place, to determine alternative pest control practices. If the data clearly showed that such work was necessary, Washington State University research and extension personnel would be the appropriate entity. They have research facilities and expertise to determine what practices and products would be available, effective and commercially viable.

#### **Landscaper Certification**

No outreach has been done to stakeholders on this topic. Even a cursory amount of outreach would have revealed that the two trade associations in Washington that represent professional landscapers have already, on their own, begun developing a sustainable landscaper certification program. This will integrate with the other professional landscaper certification programs already in existence.

We believe that much more work, including stakeholder outreach, is necessary. We look forward to future conversations about the health of Puget Sound and its citizens.

Sincerely,



Heather Hansen  
Executive Director