



# Alaska Railroad Corporation News Release

DATE: May 27, 2011  
FOR IMMEDIATE RELEASE

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## **Alaska Railroad maintains need for herbicides in battle to control weeds** *Railroad responds to legal appeal against herbicide permit for south end*

ANCHORAGE, Alaska – The Alaska Railroad Corporation (ARRC) reiterates that an integrated approach is essential to effective vegetation management, including the use of the herbicide glyphosate. This is an issue of safety. Both the Alaska Railroad and the Federal Railroad Administration (FRA) require adequate vegetation control to: 1) allow inspectors to see the track to ensure its integrity; and 2) to minimize the risk of trip-slip-fall accidents for railroad crews who must walk along the track.

From 1983 to 2009, the ARRC used manual (labor with hand-held tools) and mechanical (heavy track maintenance equipment) means alone. During that time, ARRC fell further and further behind in the battle to control weeds during Alaska's long summer days that promote rapid growth and re-growth.

Last year, the Alaska Railroad was able to use glyphosate along 25 miles of track between Seward and Indian, thanks to a limited herbicide use permit. In April 2009, a strong warning from the FRA had spurred ARRC to again apply for a permit, and in turn, the Alaska Department of Environmental Conservation (ADEC) conducted a comprehensive permit process involving extended public comment and hearing opportunities. While the issue has generated strong opinions for and against herbicide use, the ADEC is uniquely qualified to sift through opinions and facts to make a sound decision regarding safe and effective vegetation management.



Photo taken several weeks after AquaMaster was applied along the track just north of Seward in July 2010. It illustrates the effectiveness of AquaMaster as a weed-killer, as well as its behavior. The herbicide did not migrate to other areas, but rather only worked on weeds in the tie area where it was applied.

Earlier attempts to obtain an herbicide permit revealed a gap in the information about how herbicides behave in Alaska's environment. In response, ARRC funded independent third-party research to answer those questions. The University of Alaska Fairbanks (UAF) Alaska University Transportation Center (AUTC) recently provided local data for the ADEC to use in evaluating the safety and migration of the chemical. The study included test sites on both ends of the railroad (Seward and Fairbanks) to encompass the widest range of conditions. Details about the study are available at [www.AlaskaRailroad.com](http://www.AlaskaRailroad.com) (click Environmental then Vegetation Management).

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The selected herbicide is AquaMaster, a glyphosate-based herbicide that is Environmental Protection Agency (EPA)-approved for use in and around water. It is very similar to the commonly used Roundup. Even so, the ADEC permit specifically calls for an ample buffer around all surface water bodies. Just prior to herbicide application, the railroad surveyed the permit area and marked the corridor to avoid all areas with surface water. During herbicide application, ADEC observed the operation to ensure ARRC adhered to the permit parameters.

To recap the permit process and resulting actions: In April 2010, ADEC issued a permit to the Alaska Railroad to apply the herbicide glyphosate in the Seward railyard and along 30 miles of track between Seward and Indian. In June 2010, environmental groups (including those who issued a press release earlier this week), challenged the ADEC's permit decision and requested that the ADEC Commissioner issue a stay to prevent spraying pending administrative appeals. The ADEC Commissioner, and subsequently both the Alaska Superior Court and the Alaska Supreme Court, rejected the stay request. ARRC applied glyphosate under the permit in July 2010.

The administrative appeal process proceeded through late 2010 and into early 2011. An administrative law judge (ALJ) rejected several of the environmental groups' arguments regarding procedural and constitutional issues. The issues of health and safety were slated for a hearing in April 2011. In March 2011, however, the environmental groups dropped their remaining arguments, including that glyphosate poses a risk to health and the environment. In late April 2011 the ADEC Commissioner approved the ALJ's recommended decision and issued the final administrative decision upholding the permit.

Three environmental groups – Alaska Community on Toxics, Alaska Survival and Cook Inletkeeper – filed an appeal in Alaska Superior Court in Palmer to contest the final decision of the ADEC Commissioner. The appeal seeks to overturn the decision on procedural and constitutional grounds. It does not involve issues of health or safety regarding the permitted herbicide, glyphosate.

“The Alaska Railroad must control vegetation for safe rail operations,” said Chief Engineer Tom Brooks.

“Herbicides are another tool in our tool box, along with mechanical and hand cutting, to effectively accomplish sufficient control.”

The Alaska Railroad is a self-sustaining, state-owned corporation.

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