



To:

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officeofthemayor@oaklandnet.com
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atlarge@oaklandnet.com
citymanager@oaklandnet.com
cityclerk@oaklandnet.com
jrusso@oaklandcityattorney.org

Dear Jane, other city officials, and concerned neighbors:

We were notified by our neighbors that the City of Oakland is spraying pesticides along 51st Street again, in direct violation of the expressed will of the residents there. Below and attached you will find just a small sampling of communications some of us have had with some of you and Jim Ryugo of the city's Public Works Agency since early 2007, demanding that these pesticide applications stop. Some have asked you to stop the spraying specifically in front of their homes. Some of us have demanded that you revoke the PWA's exemption to the city's self-described pesticide "ban" (also attached) altogether. We have seen action on neither.

Instead Mr. Ryugo has been allowed to repeatedly spout industry propaganda and personal opinion about the pesticides being used, illegally declaring them to be safe (see below), while ignoring the scientific studies and toxicological profiles members of the public have sent him, proving them to be unsafe. We also sent the toxicological information to City Auditor Courtney Ruby for review during her recent audit of the Public Works Agency, and were outraged to find that the audit recommended even more pesticide applications, rather than honoring the stated intent of the city's pesticide ordinance to protect people and the environment from the hazards of pesticide use.

Most of you have received the toxicological information from us last year at the latest. Those of you who were holding council seats in 2005 have been familiar with the toxicity of at least one of the pesticides PWA uses, Roundup, since then, as we provided toxicological profiles when it was

proposed for use during the Wildfire Prevention Assessment District's unsuccessful attempt to be added to the exemptions of the pesticide ordinance. All of the toxicological information is included again in the sampling of previous communications, which I've pasted below (and attached for possibly easier reading).

Since 2005 we have also provided many of you with non-toxic alternatives, including various manual removal methods, such as weed wrench (<http://www.weedwrench.com>), steam, and radiant heat weeder (<http://www.pesticide.org/radiant.html>), and long-term strategies that nurture the soil, such as mulching and planting useful plants. We've suggested spending the money earmarked for pesticides and licensed pesticide applicators on volunteer coordinators and well-paid manual labor instead, and making public lands available as community commons to be used for growing food and learning opportunities for our children. We've also recommended that you consult with members of the local permaculture community, and referred you specifically to Merritt College teachers Nik Bertulis and Christopher Shein, who are experienced in repairing soil damaged by chemical dependence, and growing diverse and useful plants.

But each year we are forced to revisit this issue as Oakland's PWA stubbornly continues to douse our neighborhoods with toxics against our will. With all that is known about dangers of pesticides, the bottom line is that there is no excuse for poisoning our environment, not to mention that it leaves the city open to legal action by residents, workers, and visitors, who may be injured.

You represent a city which officially recognizes the hazards of pesticides and the need to protect people and the environment from this hazard. We expect you to do your job, and to immediately revoke the Public Works Agency's exemption to the city's self-described pesticide "ban" (as well as the other exemptions), and direct the agency to implement and commit to non-toxic alternatives.

Isis Feral
Disabled Access Advocate
East Bay Pesticide Alert / Don't Spray California
www.dontspraycalifornia.org

CC:

M [REDACTED]
Geoffrey Johnson GSJohnson@oaklandnet.com
Heather Hanly [REDACTED]
Frank Snapp pallas89juno@yahoo.com
A [REDACTED]
J [REDACTED]
Maxina Ventura beneficialbug@netzero.net
Helen Kozoriz helenkozoriz@sbcglobal.net
Stephen Volker svolker@volkerlaw.com

From: M [REDACTED]
Subject: Re: Roundup spray on 51st?
To: "Brunner, Jane" <JBrunner@oaklandnet.com>
Cc: "Johnson, Geoffrey" <GSJohnson@oaklandnet.com>, "isis feral" <isisferal@yahoo.com>, "Heather Hanly" [REDACTED], "Frank Snapp" <pallas89juno@yahoo.com>, "A [REDACTED]", "J [REDACTED]"

Date: Wednesday, **November 18, 2009**, 11:09 AM

Dear Council President Brunner:

There is a city employee in front of my home spraying something on the median at this very moment. I assume it is a pesticide, and possibly Roundup. I am very concerned about the effects of Roundup and other pesticide sprays to my health, and the health of my family and neighbors.

Can you tell me what spray is being used? Can you please tell me what I need to do in order to stop pesticide spraying in front of my house?

Thank you very much for your help with this matter.

M [REDACTED]
[REDACTED] 51 Street

On **Aug 27, 2008**, at 9:21 AM, Brunner, Jane wrote:

> I will ask my staff to check, I remember that we said not round up, but it might have changed.

>

> Jane

>

> _____

>

> From: M [REDACTED]

> Sent: Tue **8/26/2008** 11:22 PM

> To: Brunner, Jane

> Subject: Roundup spray on 51st?

>

>

> Hello, Ms. Brunner:

>

> I am a homeowner on 51st Street, [REDACTED]. I recently noticed a sign inconspicuously taped to a lamppost on the median in front of my house. My husband walked out onto the median to read the sign. It said the city would be spraying Roundup on the median.

>

> Roundup has been linked to cancer, decreased fertility, breathing difficulty, skin and eye irritation, nausea, and many other adverse side effects. (<http://www.drugs.com/enc/roundup-grass-and-weed-killer-poisoning.html>)

>

> Can tell me what Oakland's policy is on using Roundup?

>
> Can you stop the spraying this poison in front of my home? Can you tell me who else to contact to stop this
> spraying?
>
> Thank you very much for your time and attention.
>
> M [REDACTED]
> [REDACTED] 51st Street

From: M [REDACTED]
Subject: Fwd: Roundup spray on 51st
To: jbrunner@oaklandnet.com
Cc: "isis feral" <isisferal@yahoo.com>, "Heather Hanly" [REDACTED], "Frank Snapp" <pallas89juno@yahoo.com>, "A [REDACTED]"
Date: Wednesday, **August 27, 2008**, 4:30 PM

Hello, Ms. Brunner:

I would like to forward to you a response I got from Jim Ryugo.

I would like to ask you to change City policy so that this toxic chemical is no longer sprayed in front of my home.

Thank you so much for your time and attention to this matter.

M [REDACTED]
[REDACTED] 51st Street

-----Begin forwarded message:

From: "Ryugo, Jim" <JRyugo@oaklandnet.com>
Date: **August 27, 2008** 4:14:50 PM PDT
To: M [REDACTED]
Cc: "Carthan, Brian" <BCarthan@oaklandnet.com>, "Skinner, David" <DSkinner@oaklandnet.com>
Subject: RE: Roundup spray on 51st

Dear M [REDACTED],

The use of herbicides on street medians is authorized under the City's Integrated Pest Management policy. (However, we do not use herbicides or pesticides in parks.)

I will discuss the option to not apply herbicide in front of your home, but we do not have the staff to manually remove weeds, either. David Skinner is the Park Supervisor responsible for North Oakland and I am copying him on my response.

I am attaching the Material Safety Data Sheet (MSDS) for Roundup Pro. This is the product that we use and please read Section 11 on Toxicology. For acute oral toxicity and dermal toxicity, Roundup Pro is considered "practically non-toxic."

I do not want to argue whether or not Roundup Pro is a poison, but it is a tool for managing and controlling weeds on medians. Using Roundup Pro is a safe and effective weed control option for our employees considering the dangers of working on a busy street like 51st Street. I consider employee and public safety to be our highest priority, and again, our practices are consistent with the City Council's mandate. If you wish to change City policy, I recommend you discuss this matter with Councilmember Brunner.

I am also available to discuss this situation, too.

Thank you.

Jim Ryugo
Public Works Agency
615-5987

From: M [REDACTED]
Sent: Wed **8/27/2008** 9:28 AM
To: Ryugo, Jim
Subject: Roundup spray on 51st

Hello, Mr. Ryugo:

I am a homeowner on 51st Street, [REDACTED]. I recently noticed a sign inconspicuously taped to a lamppost on the median in front of my house. My husband walked out onto the median to read the sign. It said the city would be spraying Roundup on the median.

Roundup has been linked to cancer, decreased fertility, breathing difficulty, skin and eye irritation, nausea, and many other adverse side effects. (<http://www.drugs.com/enc/roundup-grass-and-weed-killer-poisoning.html>)

Can tell me what Oakland's policy is on using Roundup?

Can you stop the spraying this poison in front of my home? Can you tell me who else to contact to stop this spraying?

Thank you very much for your time and attention.

M [REDACTED]
[REDACTED] 51st Street

From: isis feral <isisferal@yahoo.com>
Subject: East Bay Pesticide Alert Re: Roundup spray on 51st
To: jbrunner@oaklandnet.com, "M [REDACTED]", "Heather Hanly"
[REDACTED], "Frank Snapp" <pallas89juno@yahoo.com>, "A [REDACTED]"

"max ventura" <beneficialbug@netzero.net>

Cc: cruby@oaklandnet.com, officeofthemayor@oaklandnet.com, pkernighan@oaklandnet.com, nnadel@oaklandnet.com, jquan@oaklandnet.com, idela Fuente@oaklandnet.com, dbrooks@oaklandnet.com, lreid@oaklandnet.com, hchang@oaklandnet.com, cityadministrator@oaklandnet.com, jrusso@oaklandcityattorney.org

Date: Wednesday, **August 27, 2008**, 6:20 PM

Dear Jane, city officials, and concerned neighbors,

this is an outrageous response by Jim Ryugo, forwarded to us by M [REDACTED] (scroll to bottom, if you have not seen it). I just bet Mr. Ryugo does not want to engage in a debate about the toxicity of Roundup... It is after all illegal to claim that any pesticide is safe!

By now Mr. Ryugo really should know better than to take for granted the reliability of Material Safety Data Sheets from manufacturers who have a clear conflict of interest, especially in the face of the vast amount of independent scientific studies the public has provided him with. Below please find a previous interaction some of us had with him last year, providing him with such information. This interaction was attached to East Bay Pesticide Alert's recent request to City Auditor Courtney Ruby to include the rampant use of toxic chemicals in her audit of the Oakland Public Works Agency, which is pasted below in its entirety.

Jane, and longtime council members, you are all well familiar with the dangers of Roundup and other pesticides, as you have seen much toxicological information back in 2005 in the context of the WPAD's proposal to use these herbicides in the Oakland hills. We ask that you immediately revoke the Public Works Agency's exemption to the city's pesticide ordinance, and to direct the agency to implement and commit to non-toxic alternatives. If the agency can afford expensive chemicals, it can certainly afford manual labor and volunteer coordinators to get the neighborhoods involved in pulling any "weeds" themselves! In any case, "weeds" are not an excuse to poison our neighborhoods.

Thank you.

Isis Feral
Disabled Access Advocate
East Bay Pesticide Alert / Don't Spray California
www.dontspraycalifornia.org

The request to City Auditor Ruby and previous interaction with Jim Ryugo:

From: isis feral <isisferal@yahoo.com>
Subject: Audit of Oakland's Public Works Agency - public comment
To: cruby@oaklandnet.com
Cc: "Frank Snapp" <pallas89juno@yahoo.com>, "max ventura" <beneficialbug@netzero.net>
Date: Wednesday, **July 2, 2008**, 4:07 AM

Dear Courtney Ruby,

I could not make it to last week's meetings, at which you hosted public comments regarding your audit of the Oakland Public Works Agency, but instead write to you here. I have grave concerns regarding the agency's use of toxic materials.

The City of Oakland has a pesticide ordinance, which prohibits city use of pesticides. There are far too many frivolous exemptions to this ordinance, and pesticide use on public streets and rights-of-way maintained by the Public Works Agency is the exemption that ultimately renders Oakland's pesticide ordinance meaningless. Oakland residents believe that the city has a pesticide ban in place, when in fact every street in the city may be subject to pesticide applications by the Public Works Agency.

One of the larger median strips that is routinely sprayed by Public Works is the median strip under the BART tracks right across from Children's Hospital, where sick children should be shielded from such chemical exposures. It is startling to drive into Berkeley along Martin Luther King Jr. Way as the dead, barren dust strip on the Oakland side turns into lush green at the Berkeley border. Berkeley's own pesticide ordinance is much more consistent with a ban on pesticide use by city agencies, and it shows.

Last year Oakland Public Works sprayed an adopted median residents had seeded with an eruption of beautiful wildflowers. Below please find a forwarded excerpt of an interaction several of us had with Jim Ryugo, to whom we were referred as the person in charge of the pesticide applications throughout the city, beginning with his response at the bottom, and followed by two of our emails clarifying some misconceptions he was operating under.

Please take a particularly close look at the toxicological profiles linked to in my response, regarding Roundup, or glyphosate, one of the pesticides Public Works uses extensively. Another product used is called Surflan, or oryzalin. Another nasty chemical that wreaks havoc on public and environmental health. A toxicological profile of oryzalin is here: <http://www.pesticide.org/oryzalin.pdf>

We would appreciate your audit addressing the dangers the Public Works Agency is exposing the public to. We ask the City of Oakland to revoke the Oakland Public Works Agency's exemption to the city's pesticide ordinance, and to direct the agency to immediately implement and commit to non-toxic alternatives. There's a vast permaculture community studying at Merritt College's Landscaping and Horticulture Department, an important resource for the City of Oakland, and we recommend that the agency seek the advice of the permaculture teachers there, specifically Christopher Shein and Nik Bertulis, who are both experienced in repairing soil damaged by dependence on chemicals, and growing diverse and useful plants to beautify the landscape.

Feel free to follow up for further information.

Thank you.

Isis Feral
Disabled Access Advocate
East Bay Pesticide Alert
<http://www.eastbaypesticidealert.org>

From: **isis feral** <isisferal@yahoo.com>
Subject: endangering volunteers
To: **jryugo@oaklandnet.com**
Cc: "Frank Snapp" <pallas89juno@yahoo.com>
Date: Sunday, **April 8, 2007**, 10:13 PM

Dear Jim Ryugo:

It was brought to our attention that the Oakland Public Works Agency has sprayed an adopted median with pesticide. It has been our understanding that the excuse for exempting street medians from the city's pesticide "ban" is that there are not enough workers to pull weeds manually. While we do not agree with the math of this

equation, since the huge cost of the pesticides could easily be used more wisely to hire more staff, and regardless, there should be no price tag put on the public's health, we are especially concerned now about the dangers volunteers are being put in by spraying their adopted spots.

Some volunteers take it upon themselves to adopt spots in the city specifically because they are under the impression that their labor will prevent such unnecessary use of toxic chemicals. Spraying their spots without discussing it with them, and without giving them proper warning of what they need to do to prevent their spots from being sprayed, reflects a deep disrespect of their labor. It is no wonder then, that volunteers "burn out" and stop volunteering. Such careless use of toxics also opens up the possibility of legal action against the city by injured volunteers.

There are a lot of misconceptions about the "safety" of Roundup. In fact, its manufacturer Monsanto has been fined repeatedly because of false claims about this and other products' safety, most notoriously Agent Orange (see most recent fine for false claims about Roundup: http://www.organicconsumers.org/articles/article_4114.cfm). In spite of manufacturer's claims to the contrary, glyphosate, the active ingredient of Roundup, has been proven to be mobile in the soil, is measurable up to 3 years after application, and is spread by rain water run off. It has been found in watersheds, groundwater, and even drinking water (see: <http://www.mindfully.org/Pesticide/2003/Roundup-Danish-Water10may03.htm>).

Glyphosate contains POEA, a surfactant which is contaminated during manufacturing by 1,4 dioxane. Metabolites and breakdown products of glyphosate also include formaldehyde. Both 1,4 dioxane and formaldehyde are recognized as carcinogens under Proposition 65. Extensive studies have also linked glyphosate to cancers, reproductive harm, thyroid disorders, respiratory illnesses, and many other ailments (see toxicological profiles: <http://www.alternatives2toxics.org/catsoldsite/round.htm>, <http://www.pesticide.org/glyphosate.pdf>).

Considering that pesticides are sprayed at the exact time that "weeds" surface, it's not easy to determine what is making people ill: allergies or pesticide poisoning. Some of the acute symptoms of pesticide poisoning mimic the acute symptoms of allergies. Weeds may cause allergic reactions in some (as do dogs and cats, and no one is going out to kill them), but the dangers of pesticides to the public at large far outweigh such allergy concerns.

In 1997 the Oakland City Council voted in a pesticide ordinance which prohibits pesticide use on city land, yet the Public Works Agency sprays routinely and extensively throughout the city, rendering the "ban" virtually meaningless. The exemptions to Oakland's pesticide ordinance granted the Public Works Agency are about misguided aesthetics at the expense of public and environmental health. So-called "weeds" serve a purpose in nature. They volunteer where damaged soil cannot support any life except the hardiest. They signal a first step towards a return to healthy soil. The pesticides you deem necessary work against you because they suppress natural processes, which you are not giving their proper time to work.

East Bay Pesticide Alert is an organization made up largely of people disabled by chemical injuries. We know the devastating extent of the damage to health and livelihood pesticides cause, and urge the City of Oakland's Public Works Agency not to take further risks with the public's lives with such frivolous use of toxic chemicals. Public green spaces such as medians and parks are a great opportunity for communities to come together and learn how to aid, rather than interfere with, nature's processes of remediating toxic soils back to health, and growing beautiful and useful vegetation to support the lives of important beneficial critters and our own. Please do not hesitate to contact us for resources and further information to help make this happen.

Sincerely,

Isis Feral
Disabled Access Advocate
East Bay Pesticide Alert

<http://www.eastbaypesticidealert.org>

Frank Snapp <pallas89juno@yahoo.com> wrote:

Dear Jim:

I can appreciate your difficulties with lack of manpower and resources, getting worse each year I suspect. However, Round Up is unsafe at any concentration and it does NOT work on the weeds since it ATTRACTS the weeds it kills off just as soon as the concentration in the soil has abated sufficiently to allow recolonization. This abated level of toxicity is, however, not even remotely "safe" or non-toxic. You have been tricked into a cycle toxic chemical usage that is designed intentionally by the chemical companies selling the ineffective and most importantly, TOXIC, product. The research is done and there is nothing to prove one way or the other. However, I will over the coming months and years gather such extant research both on how and why Round Up and other toxic chemicals don't work ultimately and are seriously criminal to use due to toxicity. I will also provide and **alternate** solutions from far greener cities around the world. We don't have to reinvent the wheel or further burden City workers with illness and cancer causing chemicals. We don't have the option of maintaining a status quo that poisons the environment and the citizens of the City paying your salary.

Thank you very much for all that you do.

Sincerely yours,

Frank Snapp
North Oakland

CC: File

Your Letter to Ms. Hanley:

Dear Ms. Hanley,

As an Oakland resident and City of Oakland employee, I share your concerns. But I wish to point out a couple items.

1. We use a 2% solution of Roundup which is very small amount of active ingredient. But, the active ingredient (glyphosate) is very effective in stopping the weed growth and it is relatively safe for our employees to use. Roundup does not migrate in the soil and it breaks down in ultraviolet light.
2. We do not have sufficient staff to manually weed our medians, which is why we ask for volunteers to help. With volunteers weeding and planting the 40th Street median, we will NOT apply herbicides as long as the volunteers are keeping the weeds in check.
3. When weeds get too tall, we resort to using gasoline powered string trimmers and this creates a different set of issues. Specifically, the 2-stroke engines cause air pollution, noise, and periodically a small pebble will be kicked out with such velocity that a car window can be broken. So, this is another trade-off we must consider.
4. Grasses produce lots of pollen that can cause allergies and trigger asthma. Using small amounts of herbicide when the grass seedlings are small will, in my opinion, reduce the amount of allergens present compared if we allow the grass to complete its reproductive cycle. I know everyone has different chemical sensitivities and I have mine.

In my opinion, grass pollen are produced in much larger quantities and cause more human discomfort than the amount of Roundup used to prevent weeds from reproducing in the medians.

Please feel free to call me to discuss these issues. This is about balancing the quality of life in Oakland.

Jim Ryugo
Building Services Manager
7101 Edgewater Drive, Building 2
Oakland CA 94621
510-615-5987 Office
510-615-5449 Fax
