

**ALASKA COMMUNITY ACTION ON TOXICS (ACAT)  
NATIVE VILLAGE OF EKLUTNA  
ALASKA CENTER FOR THE ENVIRONMENT  
ALASKA SURVIVAL  
COOK INLETKEEPER  
PRINCE WILLIAM SOUNDKEEPER**

**NEWS RELEASE**

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Contacts: Pamela Miller, ACAT, 222-7714; 242-9991

Austin Williams, Trustees for Alaska, 276-4244, x 114

**ALASKA RAILROAD HERBICIDE SPRAYING STAYED PENDING APPEAL TO THE ALASKA  
SUPREME COURT**

Despite Superior Court Ruling Denying Stay, Native Village of Eklutna, Conservation and Health Organizations  
Seek to Halt Railroad Spraying

(Anchorage, AK) – Today, an Anchorage superior court judge continued a stay of herbicide spraying by Alaska Railroad along its right-of-way between Indian and Seward. The stay will end at midnight, July 15, 2010, to allow an emergency appeal to the Alaska Supreme Court. The spraying was initially to begin at 9 a.m. Friday, July 9, 2010. The stay came on the heels of the Alaska Department of Environmental Conservation (DEC) Commissioner, Larry Hartig, denying a stay of the permit.

“We are disappointed that the court did not issue an injunction, but relieved that the court gave us the opportunity to take the ruling to the Alaska Supreme Court,” said Pamela Miller, Executive Director of Alaska Community Action on Toxics. “Recent scientific research demonstrates that the herbicide and its associated solvents and surfactants can cause serious human health effects including increased risk of birth defects and certain cancers.”

Marc Lamoreaux, Land and Environment Director with the Native Village of Eklutna was also pleased by the reprieve: “The people of Eklutna depend on the harvest of berries, medicinal plants, fish and wildlife for our spiritual, cultural and physical sustenance. Stopping the use of herbicides along the Alaska Railroad is essential to keep our community healthy.”

On June 2, 2010, public interest law firm Trustees for Alaska filed a request for an adjudicatory hearing on behalf of the Native Village of Eklutna, Alaska Community Action on Toxics and six other community groups. The groups challenged the permit, the first to be issued in 26 years, on the grounds that the groups’ due process rights were violated by the lack of legally required information that should have been provided in the public process and that the DEC arbitrarily approved this permit when a nearly identical permit was denied three years ago.

The Alaskans appealing the decision, citizens, public officials, Borough governments and municipalities have consistently opposed the railroad's proposed use of herbicides during the last 26 years. Documents and photographic evidence conclusively demonstrate that the Alaska Railroad failed to consider the effects spraying would have on numerous water bodies within permit area.

Trustees for Alaska attorney Austin Williams said, “This decision, while only temporary, gives us an opportunity to achieve protection of human health as well as water quality and salmon habitat in numerous vulnerable streams, rivers, lakes, wetlands, and other water bodies along the railroad.”

Becky Long, Alaska Survival Director, stated, “We believe that this court action shows the need for Alaska to adopt the Precautionary Principle, which provides that when an activity raises threats of harm to human health or the environment, precautionary measures should be taken even if some cause and effect relationships are not fully established.”

For documents from the administrative and judicial proceedings, please visit [www.trustees.org](http://www.trustees.org).