



June 19, 2024

Chairman John Ernst
NYS Adirondack Park Agency
P.O. Box 99
1133 NYS Route 86
Ray Brook, NY 12977

Dear Chairman Ernst and Board Members,

On behalf of the Natural Resources Defense Council (“NRDC”), we are writing to express our concern and opposition of the proposed application of the aquatic herbicide ProcellaCOR™ EC (“ProcellaCOR”) to control the invasive plant Eurasian watermilfoil in Blairs Bay and Sheep Meadow Bay of Lake George.

As you know, the NRDC is a national, non-profit legal and scientific organization active on a wide range of public health, natural resource protection and quality-of-life issues across the country, around the globe and right here in New York, where the organization was founded and has had its principal office for the past five decades. NRDC has over 130,000 members and activists in New York State alone. Our history and commitment to protecting the Adirondack Park goes back to the beginnings of NRDC, over 50 years ago. NRDC has over the decades advocated for acquisitions to expand the Adirondack Forest Preserve, for additional monies from the Environmental Protection Fund for the park region, and against poorly planned development and industrial activities that have threatened Adirondack Park water resources, including Lake George.

Lake George itself is one of New York State’s ecological gems, deserving of a high level of protection from pollution threats. This 44-square mile glacial lake was a strategic point as far back as the Revolutionary War and has been a long-time cultural mecca. Its water resources have made it one of the region’s most popular recreational hotspots and it continues to play an important role in the region’s economy.

As outlined below, we urge the Adirondack Park Agency (“APA”) to deny the Lake George Park Commission’s (“LGPC”) application which proposes treating the above-mentioned bays with the aquatic herbicide, ProcellaCOR. We believe it is the legal duty of the Commissioners to take a protective and precautionary approach to decision-making in this instance to ensure the rights of New Yorkers to clean water and a healthful environment are upheld under Article 1 of the New York State Constitution. Our reasons for concern are as follows:

NATURAL RESOURCES DEFENSE COUNCIL

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- **Off-label use:** The use of this aquatic herbicide is an off-label use for a body of water with Lake George's magnitude and dynamic waterflow. The [label of ProcellaCOR](#) specifically states its use is for "slow moving/quiescent waters with little or no continuous outflow" and provides a list of water body examples such as ponds, wetlands, ditches, marshes, and non-irrigation channels. Science does not support that Lake George and its bays are slow moving/quiescent waters with little or no continuous outflow. The Lake George Association's [Technical Comments Science-Based Concerns](#), submitted to the APA on May 30, 2024, present the well-documented science on the dynamic water flows of the lake.
- **Damage to aquatic vegetation and lake ecosystem:** The off-label use of ProcellaCOR presents harm to native aquatic vegetation well beyond the proposed treatment areas due to Lake George's well-documented dynamic water flows referenced above. Such use may result in the disruption of the native species food web and the Lake George ecosystem. Specifically, scientific research shows that low concentrations of ProcellaCOR may actually exacerbate the growth and death of non-targeted aquatic plants posing further disruption to the native ecosystem. This is because ProcellaCOR is a synthetic hormone which exerts its effect by causing the affected plants to essentially grow themselves to death.
- **ProcellaCOR contains PFAS chemicals:** New York State has taken the policy measure to address PFAS as a class by prohibiting its presence in firefighting foam, food containers, apparel, and carpets, and continues this trend of class based PFAS prohibition with several bills before the State legislature. While ProcellaCOR has been identified as a fluorinated pesticide by the State of Minnesota, under its recent PFAS law that bans non-essential uses of PFAS chemicals, it is also a PFAS under New York State law that governs the phaseouts of PFAS in the abovementioned products, which defines PFAS as a "class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom" (ECL § 37-0101(7)). We are highly concerned to learn that the active ingredient in ProcellaCor, florpyrauxifen-benzyl, is a PFAS chemical. Fifty percent of New York drinking water supplies are already contaminated with PFAS chemicals, entering our waters from industrial, manufacturing, pesticide applications and more, and the state faces enormous costs to treat drinking water and clean up contaminated sites. Any broad application of chemicals with fluorinated compounds, especially to land or water, should be treated with the utmost precaution and a safer solution, such as hand-harvesting of the milfoil in this instance, should be preferred as an alternative.
- **Public outcry is being ignored:** We are also concerned that public outcry has been largely ignored. Local governments, communities, residents, riparian owners, and non-profit organizations dedicated to protecting the unique environment and waters of the Adirondack Park, have raised significant opposition and concern about the proposal in letters (over 300), technical comments and petitions (over 5,00 signatories).

We urge the Commission to take a health and environment protective and precautionary approach to the use of chemical treatments and management until further scientific inquiry is conducted to determine its suitability for the unique environment of Lake George and possible adverse impacts on the ecology of the lake and human health. As an alternative, we urge you to accept the Lake George Association's offer to fully fund a manual, toxic-free, harvesting of watermilfoil, an approach that has been performed effectively elsewhere in Lake George for nearly 40 years.

Sincerely,

Kate Donovan
Senior Attorney and
Northeast Director, Environmental Health

Cc:

Governor Kathy Hochul
John O'Leary, Deputy Secretary for Energy & Environment, Office of the Governor
Ashley Dougherty, Assistant Secretary for Environment, Office of the Governor
Sean Mahar, Interim Commissioner, NYS Department of Environmental Conservation
Barbara Rice, Executive Director, Adirondack Park Agency
Gerald Delaney, Executive Director, Adirondack Park Local Government Review Board
Senator Daniel Stec
Assemblymember Matthew Simpson