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New State Apple Moth Environmental Report: Aerial Spray Still An Option in Populated Areas

Ground spray possible throughout most of California

Few changes in program despite public opposition and mounting scientific evidence that it is unnecessary

A recently released portion of the long-awaited light brown apple moth (LBAM) Final Environmental Impact Report (EIR) confirms that aerial pesticide spraying over populated areas, including large portions of Marin, Sonoma, Monterey, and Santa Cruz counties, is still an option in the arsenal of chemical and other methods that the California Department of Food and Agriculture (CDFA) plans to use across the state against a yet-to-be-proven threat to California agriculture.

Thousands of Bay Area residents, numerous city councils, and other organizations fought CDFA for nearly two years to prevent further human and environmental exposure after CDFA aerially sprayed a pheromone pesticide over Santa Cruz and Monterey counties in 2007. Hundreds of illnesses were reported after the spray. Regarding those illnesses, the newly released EIR reiterates the conclusion of a prior state report that the state “cannot rule out the possibility that pheromone exposure caused these symptoms in some individuals.”

The excerpts from the Final EIR’s “Response to Comments” sections, released to select agencies last week, state that CDFA considers any area where fewer than 100 people live per square mile to be “essentially unpopulated” and therefore a potential aerial spray zone.

Other treatments ranging from ground pesticide spraying to releases of millions of native wasps and irradiated male moths are planned for “anywhere an LBAM infestation is determined to exist,” apparently including the possible use of some non-pheromone-based sprays at schools.

The newly released document says that the apple moth program is planned to continue for 7 years with no way to predict in advance where treatments will be conducted.

The full EIR is expected to be released next week, according to CDFA spokespersons. The *Santa Cruz Sentinel* reports that CDFA plans to give final approval to the EIR on March 4. Apple moth treatments could legally begin 30 days after the report is approved.

Reaction to the EIR has been swift. “What kind of public process is this, where the report is selectively released, and the state plans to approve it in 10 days with no further input?” asked Albany City Council Member Robert Lieber. Albany, along with many other cities and individuals and at least two law firms, submitted extensive comments on the draft EIR that criticized the report’s inadequacies.

The aerial spray pesticide currently planned for use in the program contains the same active ingredients as the Monterey and Santa Cruz spray, this time packaged in 1/8-inch-diameter flakes that the draft EIR last summer said were plastic; the newly released report says the flakes are not plastic but are a “polymeric controlled released flake with the pheromone contained between two outer layers of starch-based polymer.”

The new report dismisses concerns that children and animals could eat the flakes, saying that “even if quantities of Hercon Bio-Flake were ingested, the material is expected to be readily digested and eliminated with no adverse effects on the individual.” The new report also declines to identify the so-called inert ingredients in the pesticides

to be used in the program, citing “trade secret” laws. The inert ingredients in the 2007 spray have been alleged to have caused a large seabird die-off; state tests of the dead birds did not investigate the inert ingredients.

The National Academy of Sciences last fall released a report criticizing the apple moth program for lack of robust science and recommending that the U.S. Department of Agriculture (USDA) “may be well advised to reconsider the available alternatives” to an eradication program.

“Like the rest of the LBAM program, this EIR is not based on science. Peer-reviewed scientific studies released during the past year confirm that LBAM is a minor pest elsewhere, unlikely to spread here as CDFA has predicted, and easily controlled if necessary by low-impact methods in agriculture. The science supports the conclusion that we do not need this expensive, statewide program of chemical and other treatments in residential neighborhoods,” said Nan Wishner of Stop the Spray East Bay.

Recent scientific reports that have undermined the rationale for the LBAM program include one by a UC Davis pest management advisor and a team of New Zealand scientists, (“New Zealand lessons may aid efforts to control light brown apple moth in California”), which concludes that LBAM is a minor pest that does little damage and is controlled mainly by natural predators in New Zealand where the moth has resided for more than 100 years.

Another by UC Berkeley professors Andrew Gutierrez et al. concludes that LBAM’s “likely ecological and economic impacts would be less than previously assessed by the USDA and that its current pest status warrants re-evaluation.” Two petitions to reclassify LBAM to a non-quarantinable pest status were submitted to USDA last year; USDA has not given a final response to those petitions.

The newly released portion of the EIR reveals few changes in the program despite the voluminous public comment on the draft EIR last summer. The main changes are: the state has withdrawn the use of one potentially carcinogenic pesticide, permethrin, from the program, and the state will abide by Department of Pesticide Regulations that currently prohibit use at schools of the largely untested LBAM pheromone pesticides.

The newly released EIR repeats the draft EIR’s assertion that LBAM populations are spreading and growing even though the National Academy of Sciences (NAS) National Research Council concluded last fall that “the statement that the recent trapping data from infested areas show a progressively increasing population is misleading,” and “the survey and trapping regimen used in California before 2007 was probably inadequate to determine the presence or absence of LBAM.” The NAS report catalogs many other deficiencies in the LBAM program.

The newly released EIR also states that DNA testing confirmed that LBAM was present in three berry fields in Watsonville that sustained some insect-related damage last summer. However, CDFA’s most recent report to the state legislature suggests that DNA testing is currently inadequate, noting that research is needed to develop “an effective DNA fingerprint and identification technology for LBAM.” The degree and cause of damage in the three berry fields has been controversial; it is the only damage allegedly attributable to LBAM in the state since LBAM was first intercepted at a California port of entry in 1984.

The Santa Cruz Board of Supervisors voted unanimously on Tuesday to ask state Secretary of Agriculture A.G. Kawamura to hold public hearings on the final EIR in all communities affected by the LBAM program before the EIR is certified. The supervisors will also ask their state representatives to assist them in ensuring that public concerns about the apple moth program are addressed.

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