



Linda Maio
Councilmember District 1

ACTION CALENDAR

April 22, 2008

To: Honorable Mayor and Members of the City Council
From: Councilmembers Linda Maio, Darryl Moore, and Dona Spring
Subject: Revised Light Brown Apple Moth Resolution

RECOMMENDATION

Adopt the following revised Light Brown Apple Moth (LBAM) resolution.

FINANCIAL IMPLICATIONS

None

BACKGROUND

When Council passed its resolution on the Light Brown Apple Moth, it did not also pass Councilmember Spring's language because it needed revision. What follows is revised language that incorporates corrections and updated information. Since Councilmember Spring's language gave a good deal of background information that was pertinent to our decision, the request is that we pass the updated language to provide additional information on our intent in opposing the LBAM.

CONTACT PERSONS

Councilmember Linda Maio	Council District 1	510-981-7110
Councilmember Darryl Moore	Council District 2	510-981-7120
Councilmember Dona Spring	Council District 4	510-981-7140

Attachments:
1: Resolution

RESOLUTION NO. ##,###-N.S.

RESOLUTION OPPOSING THE CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE'S AERIAL SPRAY PROGRAM TO ERADICATE THE LIGHT BROWN APPLE MOTH

WHEREAS, the Light Brown Apple Moth (LBAM) is a pest subject to Federal and State quarantine and eradication orders; and

WHEREAS, there is a continued presence of Light Brown Apple Moths in Alameda County albeit at a fairly low level; and

WHEREAS, the California Department of Food and Agriculture (CDFA) plans to begin an LBAM aerial spraying program in Alameda County and surrounding areas in August, 2008, before an Environmental Impact Report is done; and

WHEREAS, the State has acquired an emergency exemption from the California Environmental Quality Act (CEQA) in order to begin the LBAM aerial spraying program well before conducting environmental review; and

WHEREAS, the City of Berkeley embraces the Precautionary Principle (Municipal Code Section 12.29) the purpose of which is to promote the health, safety, and general welfare of the community by minimizing health risks, and

WHEREAS, the Precautionary Principle applies to existing City policies, including the Integrated Pest Management Policy (Resolution No. 62,693-N.S., 2004 and Resolution No. 54,319-N.S., 1988), and

WHEREAS, the City's Integrated Pest Management Policy (Resolution No. 54,319-N.S., 1988) explicitly prohibits the use of any pesticide that is determined to show evidence of the causation of cancer, birth defects, mutations, or other severe chronic health effects,

WHEREAS, the City of Berkeley Park and Recreation Master Plan commits the city to "a pest management policy that favors the use of organic or natural methods" and "a thorough and public process" to "consider the careful and limited use of chemicals of the least toxic nature"; and limited use of chemicals of the least toxic nature"; and

WHEREAS, least-toxic control options are available for LBAM, including physical and cultural practices such as clean-up of plant debris where moth larvae over-winter; the use of natural predators, parasites, and insect diseases; introduction of sterile male moths; and trapping.

WHEREAS, aerial and other blanket pesticide applications have repeatedly been shown

in the past to upset natural ecosystem balance in unpredictable and often catastrophic ways including unintended health effects; and

WHEREAS, biologists have testified that the range over which LBAM has been detected in California indicates that LBAM has been established in the state for some time; and

WHEREAS, CDFA has stated that no physical crop damage has been attributed to LBAM, and;

WHEREAS, the State has not made the case that the threat of the LBAM warrants aerial spraying and has not conducted adequate review and analysis to address health concerns from aerial spraying, and has not employed independent outside experts to evaluate and support the program or and address issues in a direct and impartial manner; and

WHEREAS, the CDFA LBAM spraying program has used pesticides that an independent toxicologist's review has stated have not been tested for long-term human toxicity; and

WHEREAS, the CDFA LBAM program sprays pesticides in microscopic plastic capsules that introduce potential risks to human health, and

WHEREAS, the United State Department of Agriculture (USDA) maintains that the pheromone pesticide poses only "minimal risk to human health," but acknowledges that it is considered a "slight to moderate dermal irritant" and does present some very low toxicity" [see Treatment Program for Light Brown Apple Moth in Santa Cruz and Northern Monterey Counties, California (September 2007) pages 10-121 ; and

WHEREAS, the USDA states that its risk assessment assumes that the rate of exposure will be insignificant, with no dietary exposure from food and just a minimal amount of incidental exposure from drinking water or swimming [see Treatment Program for Light Brown Apple Moth in Santa Cruz and Northern Monterey Counties, California (September 2007) pages 10-121 ; and

WHEREAS, aerial spraying is indiscriminate and affects vulnerable populations such as those who work and play outdoors, those with the recognized disability multiple chemical sensitivity, and those in the homeless population who have no option for protection from the spray or receipt of written notification of spray dates; and

WHEREAS, one of the previously sprayed pesticides (Checkmate LBAM-F), includes chemicals that are known carcinogens, mutagens (cause cell mutation), reproductive effectors, liver toxins, dermal irritants, and substances that should not be inhaled, according to the National Institute of Occupational Health and Safety (NIOSH) database and the Material Safety Data Sheets issued for the chemicals by the manufacturers

WHEREAS, LBAM aerial spraying in the Santa Cruz and Monterey areas resulted in the spraying of numerous residents and pets; and

WHEREAS, hundreds of reports of health effects were reported following the LBAM aerial spraying in Santa Cruz and Monterey counties and other environmental impacts were reported following the LBAM aerial spraying in the Monterey and Santa Cruz areas; and

NOW, THEREFORE, BE IT RESOLVED AND RESOLVE that:

1. the City of Berkeley strongly protests the proposed spraying of chemical pesticides by the CDFA that are in direct violation of the laws of the City and its duty to protect its residents.
2. Berkeley City Council request the City Manager to contact all relevant state officials and CDFA to let the State know that the city opposes spraying for Light Brown Apple moths, and
3. that the city of Berkeley intends to pursue court action to stop the aerial spraying in the East Bay area in conjunction with other jurisdictions.
4. the City of Berkeley Requests that CDFA shift its focus to informing the USDA regarding the lack of crop damage done by LBAM, the need to use least-toxic control methods that do not expose populated areas to aerial spraying, and the need to appropriately grade the pest classification of LBAM to reflect of the true risk it poses.
5. the City of Berkeley supports the introduction and passage of state legislation requiring explicit consent of affected residents before any aerial spraying can be implemented.