

RESOLUTION NO. 2534

A RESOLUTION OF THE FAIRFAX TOWN COUNCIL OPPOSING THE CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE 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 confirmed presence of Light Brown Apple Moths in Marin County; and

WHEREAS, the California Department of Food and Agriculture (CDFA) plans to begin an LBAM aerial spraying program in Marin County and surrounding areas in spring of 2008; and

WHEREAS, modern Integrated Pest Management (IPM) relies on the least-toxic, environmentally sensitive control methods; and

WHEREAS, the Town of Fairfax Municipal Code requires prior notice of the type of aerial spraying that is planned by CDFA; and

WHEREAS the Town of Fairfax Municipal Code prohibits the use of pesticides on public lands including parks, open space, streets and sidewalks; 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; use of natural predators, parasites, and insect diseases; introduction of sterile male moths; and use of pheromone sticky traps are available to control the Light Brown Apple Moth (LBAM); and

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; and

WHEREAS, aerial and other blanket pesticide applications have repeatedly been shown in the past to cause unintended, unpredictable, and often serious human health effects; and

WHEREAS, the proposed materials to be used in the LBAM spraying program have not been tested for toxic health effects when used in areas of concentrated population; and

WHEREAS, the State has claimed an emergency exemption under the California Environmental Quality Act (CEQA) in order to begin the LBAM aerial spraying program without conducting environmental review based on an emergency exemption; and

WHEREAS, the State has confirmed that it will begin preparation of an Environmental Impact Report after the aerial spraying program has begun; and

WHEREAS, blanket spraying of chemicals is expensive and inefficient; and

WHEREAS, biologists have testified that aerial pesticide spraying is extremely unlikely to eradicate LBAM [see testimony of James Carey, testimony of Daniel

Harder]; 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 risk of economic damage alone does not justify the health and environmental risks of aerial pesticide applications; and

WHEREAS, the State has relied almost entirely on its own scientists to address public concerns about the LBAM spray program and has not employed independent outside experts to evaluate and support the program or 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 spraying program is relying on pesticides that contain ingredients that are highly toxic to aquatic life; and

WHEREAS, the CDFA LBAM program sprays pesticides in microscopic plastic capsules that pose unknown inhalation risks; 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 disproportionately 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, 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

WHEREAS, other environmental impacts were reported following the LBAM aerial spraying in the Monterey and Santa Cruz areas; and

WHEREAS, the Sierra Club supports a moratorium of CDFA's proposed aerial spraying for the LBAM;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Fairfax TownCouncil:

- 1) Opposes the CDFA aerial spray program to eradicate LBAM and supports a moratorium on all proposed aerial spray programs until complete, independent study of the potential health effects of all substances, both active and inert, have been completed;
- 2) Requests that CDFA protect the health and welfare of the residents and natural environment of Marin County by immediately shifting its LBAM control methods to least-toxic Integrated Pest Management methods such as those listed above;
- 3) Requests that CDFA shift its focus to educating the USDA regarding the lack of crop damage done by LBAM, the need to use the least-toxic control methods that do not expose populated areas to aerial spraying, and the need to appropriately downgrade the pest classification of LBAM to reflect the lack of risk it poses;
- 4) Requests that the State conduct a long-term study of the health and environmental effects resulting from the aerial spraying project that has been conducted to date in Monterey and Santa Cruz counties, taking into account reports collected by citizens in the absence of an easily accessible method of reporting to the State; and
- 5) Supports the introduction and passage of state legislation requiring explicit consent of affected residents before any aerial spraying program can be implemented.
- 6) Supports an effort by the Marin County Counsel's Office to obtain an Injunction to stop the proposed aerial spraying by CDFA.

The foregoing resolution was adopted at a regular meeting of the Fairfax Town Council of the Town of Fairfax, County of Marin, State of California, at a regular meeting held on the 5th day of March, 2008, by the following vote:

AYES: Bragman, Brandborg, Maggiore, Tremaine, Weinsoff
NOES: None
ABSENT: None


Mary Ann Maggiore, Mayor

Attest:


Town Clerk

References

Carey, James, PhD. 2007. Testimony Submitted in *Edna Williams, et al., v. California Department of Food and Agriculture, A.G. Kawamura, et. al., Case No. 07-05587,*

U.S. District Ct. for the Northern District of California. November 14.

Harder, Daniel, PhD. 2007. Testimony Submitted in County of Santa Cruz v. CDFA, Superior Court of California, Santa Cruz County. October 31.

Philp, Richard B. PhD. 2007. Analysis of Toxicology Studies with LBAM and Related Lepidopteran Pheromones. October.

Philp, Richard B. PhD. 2007. Testimony Submitted in County of Santa Cruz v. CDFA, Superior Court of California, Santa Cruz County. October 31.

USDA. 2007. Treatment Program for Light Brown Apple Moth in Santa Cruz and Northern Monterey Counties, California. September.