

CITY OF SONOMA

RESOLUTION NO. 18 - 2008

A RESOLUTION OF THE SONOMA CITY 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 there is a confirmed presence of Light Brown Apple Moths in Sonoma County; and

WHEREAS, on April 21, 2008, a second LBAM was confirmed in Sonoma County in the Sonoma Valley in close proximity to the initial find; and

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

WHEREAS, a Santa Cruz County Superior Court Judge ruled on April 24, 2008 that aerial spraying to control the LBAM could not continue in Santa Cruz County because the State had not provided sufficient evidence of an emergency, and must complete an Environmental Impact Review before spraying resumes; and

WHEREAS, on April 24, 2008, Governor Schwarzenegger announced a temporary postponement of the light brown apple moth spraying throughout the state; and

WHEREAS, until the issue is settled, it is critical for the City of Sonoma to record its opposition to any LBAM aerial spraying plans for Sonoma County, given the recent confirmed presence of LBAMs in the Sonoma Valley; and

WHEREAS, the City of Sonoma utilizes modern Integrated Pest Management (IPM) which relies on the least-toxic, environmentally sensitive control methods, and the City's IPM policy includes a review of the list of pesticides before application to assess ecological impacts and human health concerns, and the City has ceased pesticide use in the Plaza Park with the exception of the use of Merit to control elm leaf beetle and Dutch elm disease in City elm trees, and aims for a gradual reduction of pesticide use at other parks and City properties; and

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

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 human 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; and

WHEREAS, the State began the spraying program in Monterey and Santa Cruz Counties in 2007 without completing an Environmental Impact Report (EIR), and has confirmed that it will not complete an EIR before the aerial spraying program continues in 2008; and

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

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

WHEREAS, scientific study indicates that LBAM does no significant biological or environmental damage to crops or wild land plants in New Zealand where LBAM has been an introduced exotic pest for more than 100 years; and

WHEREAS, scientific study indicate that LBAM is 80-90% controlled by natural predators in New Zealand and the same "generalist" natural predators are present in California; 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 both State and independent toxicologist's review have stated have not been tested for long-term human exposure risk and 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 spraying program is relying on pesticides that contain ingredients that are documented to be tumorigenic/carcinogenic, mutagenic, reproductive effectors linked to birth defects, liver toxins, dermal irritants, and unsafe to inhale; and

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

WHEREAS, the CDFA LBAM program sprays pesticides in microscopic plastic capsules that scientific study has shown will be 10 microns or smaller in size, which is small enough to be inhaled to the deep lung and not expelled [see Knepp/Haferman Report]; and

WHEREAS, the California Department of Pesticide Regulation and Office of Environmental Health Hazard Assessment Consensus Document on Health Risks of the LBAM Spray indicates that the State is relying on conclusions drawn from research that assumes that the pesticides to be used for LBAM will be sprayed over agricultural rather than populated urban areas; 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, the California Department of Pesticide Regulation and Office of Environmental Health Hazard Assessment Consensus Document on Health Risks of the LBAM Spray acknowledges that the State cannot account for health effects of the pesticides on vulnerable populations such as children, the elderly, and those with chronic diseases; and

WHEREAS, State Office of Environmental Health Hazard Assessment (OEHHA) Toxicologist Dr. David Ting stated at the February 14, 2007 hearing of the Assembly Environmental Safety and Toxic Materials Committee in Marin that the pesticide had not been tested for long-term human exposure risk, and the Material Safety Data Sheet for the pesticide (CheckMateLBAM-F) says that it has not undergone long-term exposure testing; and

WHEREAS, LBAM aerial spraying in Santa Cruz and Monterey areas resulted in the spraying of numerous residents and pets, and hundreds of reports [643] of health effects were reported following the LBAM aerial spraying in Santa Cruz and Monterey counties [see Lawrence Rose, M.D. report]; and

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

WHEREAS, 21 Bay Area cities have passed resolutions against LBAM spraying, 21 communities and 2 County Boards representing 1,815, 434 Californians have united to stop the spraying; and

WHEREAS, under state law, California Department of Food & Agriculture (CDFA) has the responsibility and authority to control and eradicate invasive pests in California (Food and Agricultural Code Section 5321-5323); and

WHEREAS, given the agricultural activity in and around Sonoma and Sonoma Valley, there is a high likelihood that should spraying commence the City of Sonoma and Sonoma Valley will be added to the list of areas to be sprayed, thereby exposing residents to potentially harmful exposure to pesticides.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Sonoma City Council:

- 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;

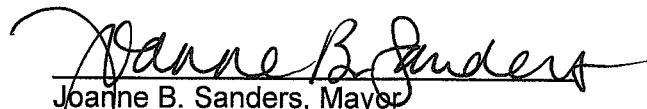
- 2) Requests the CDFA protect the health and welfare of the residents and natural environment of Sonoma County by immediately shifting its LBAM control methods to least-toxic Integrated Pest Management methods such as those listed above, and that include monitoring to determine the true risk posed by LBAM;
- 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 an aerial spraying program can be implemented; and
- 6) directs the City Manager to notify the Governor and other relevant State and Federal officials of the Sonoma City Council's opposition to the CDFA aerial spray program to eradicate LBAM, and

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. 01-05587, 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.
- Harder, Daniel, PhD. and Jeff Rosendale. 2008. *Integrated Pest Management Practices for the Light Brown Apple Moth in New Zealand: Implications for California*.
<http://democrats.assembly.ca.gov/members/a27/pdf/HarderNZReportFINAL.pdf>
- 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 32.
- Knepp, Dennis L., PhD. and Haferman, Jeff, PhD. *All the Math*:
<http://www.lbamspray.com/Reports/KneppAndHafeermanLetterwithAttachments.pdf>
- Rose, Lawrence, M.D., M.P.H., former Senior Public Medical Officer for Cal-OSHA Marin Pesticide Spraying Health Hazard Alert
- PM10 from Aerial Spraying Increases Hospitalization and Death. New England Journal of Medicine*:
<https://content.nejm.org/cgi/content/abstract/3343/24/1742>
- National Institute of Occupational Safety and Health Registry of Toxic Effects of Chemical Substances. 2008. 1,2-Benzisothiazol-2 (2H)-one; p-Cresol, 2,6-di-tert-butyl-(butylated hydroxytoluene); Ammonium, methyltrioctyl-, chloride (Tricaprylmethylammonium chloride) and the manufacturer's Material Safety Data Sheets for the same chemicals.

ADOPTED this 7th day of May, 2008 by the following vote:

AYES:	Cohen, Barbose, Brown, Sanders
NOES:	Sebastiani
ABSENT:	None


 Joanne B. Sanders, Mayor

ATTEST:


 Gay Rainsbarger, City Clerk