County of Santa Cruz

BOARD OF SUPERVISORS

701 OCEAN STREET, SUITE 500, SANTA CRUZ. CA 95060-4069

(831) 454-2200 FAX: (831) 454-3262 TDD: (831) 454-2123

JANET K. BEAUTZ	ELLEN PIRIE	NEAL COONERM	TONY CAMPOS	MARK W. STONE
FIRST DISTRICT	SECOND DISTRICT	THIRD DISTRICT	FOURTH DISTRICT	FIFTH DISTRICT

AGENDA: 10/23/07

October **17, 2007**

BOARD OF SUPERVISORS
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

RE: LIGHT BROWN APPLE MOTH

Dear Members of the Board:

We have watched the State try to impose a process on this county that has been marked by controversy, lack of information. and some troubling implications for the people of Santa Cruz County. While we agree that the use of pheromones to control and potentially eradicate the Light Brown Apple Moth is responsible and far preferable to a significant infestation or the **use** of insecticides, we would like to see our Board send a clear message to the State regarding the process they have used here.

Given the inadequate environmental review of the use of CheckMate products, especially the lack of public review of alternatives, the lack of independent review of CheckMate products, the lack of adequate response to public questions and concerns, too much secrecy around the ingredients to be sprayed with the pheromone, the lack of explanation of the efficacy of the aerial spraying compared to other applications of the pheromones and the lack of plans for long-term study of the health effects, we recommend that our Board adopt the attached resolution opposing aerial

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Item 8

spraying of CheckMate until the State can better address these issues.

Sincerely,

MARK W. STONE, Supervisor
Fifth District

NEAL COONERTY, Supervisor
Third District

MWS/NC:ted
Attachment

cc: Senator Joe Simitian
Assembly Member John Laird
California Department of Food and Agriculture
United States Department of Agriculture
Agricultural Commissioner
Agricultural Policy Advisory Commission
Valley Women's Club
Santa Cruz County Farm Bureau

4091C5

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO.

On the motion of Supervisor
duly seconded by Supervisor
the following resolution is adopted

RESOLUTION DECLARING THE POSITION OF THE SANTA CRUZ COUNTY BOARD OF SUPERVISORS REGARDING THE STATE OF CALIFORNIA'S USE OF AERIAL SPRAYING TO CONTROL THE LIGHT BROWN APPLE MOTH

WHEREAS, the Light Brown Apple Moth 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 Santa Cruz County; and

WHEREAS, the California Department of Food and Agriculture (the "State") has proposed a treatment program in Santa Cruz County which includes an extensive aerial spraying application of a microencapsulated pheromone product known as CheckMate LBAM-F (the "pheromone pesticide"), intended to interrupt the reproductive cycle of the Light Brown Apple Moth; and

WHEREAS, the State has claimed an emergency exemption under the California Environmental Quality Act ("CEQA") in order to begin the 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, the United State Department of Agriculture (the "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 10-12]; 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 10-12]; and

WHEREAS, Dale Kemery, a spokesperson for the Environmental Protection Agency in Washington, D.C., was quoted in a local newspaper as comparing the pheromone pesticide to "something along the lines of Raid"; and

WHEREAS, the State has relied almost entirely on its own scientists to address public concerns, instead of using independent, outside experts to support the program or at least address the issues in a direct and impartial manner; and

WHEREAS, the failure to publicly detail all of CheckMate LBAM-F's ingredients because some inert elements of the time-release wrapping are considered trade secrets is a matter of enormous concern to the public; and

WHEREAS, if confidentiality is truly necessary to protect the company, the State should find alternative products with ingredients that are disclosable and allow evaluation by the public; and

WHEREAS, the State has not adequately pursued or explained the decision not to employ less invasive treatment programs such as the use of sterile Light Brown Apple Moths, restricting the use of aerial spraying of pheromones to inaccessible rural areas, restricting the spraying of pheromones to public streets, or the more extensive use of twist tie dispensers; and

WHEREAS, while the use of pheromones for pest eradication is a safer alternative to insecticides, the State's failure to adequately respond to public questions and concerns has resulted in a fearful public, which itself is damaging to progress toward safer, biological approaches to pest control.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Santa Cruz County Board of Supervisors declares its opposition at this time to the State of California's proposed program of extensive aerial spraying of a pheromone pesticide to control the Light Brown Apple Moth unless and until the following conditions have been met by the State: (1) that the state furnish the public with additional assurances from independent, outside experts that the products proposed for spraying are proven safe for contact with humans, animals, and the environment; (2) that the State provide a full disclosure and evaluation of all of the pheromone pesticide's ingredients; and (3) that the State employ a less invasive treatment program until such time that a final environmental impact report for the aerial spraying project is completed and certified.

BE IT FURTHER RESOLVED AND ORDERED that the Board of Supervisors requests that the State conduct a long-term study of the health effects resulting from the aerial spraying project that would include, at a minimum, a baseline monitoring of providers and hospital emergency rooms for chief complaints,

continued monitoring around the period of spraying from self-reports and providers, follow-up of positive symptomatology and self-assessments of health one month, six months, and one year post-spraying.

BE IT FURTHER RESOLVED AND ORDERED that no County department shall take any action that would facilitate the aerial application of CheckMate products in Santa Cruz County until the Board of Supervisors is satisfied that the conditions of this Resolution have been met.

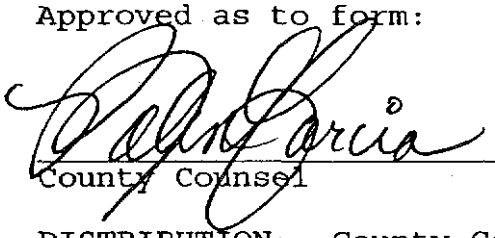
PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this ____ day of _____, 2007, by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS

_____
JANET K. BEAUTZ, Chairperson
Board of Supervisors

ATTEST: _____
Clerk of said Board

Approved as to form:



_____
County Counsel

DISTRIBUTION: County Counsel
Senator Joe Simitian
Assembly Member John Laird
California Department of Food and Agriculture
United States Department of Agriculture
Agricultural Commissioner
Agricultural Policy Advisory Commission
Valley Women's Club
Santa Cruz County Farm Bureau

4091C5

CBD BOSMAIL

From: CBD BOSMAIL
Sent: Thursday, October 18,20077:07 PM
To: CBD **BOSMAIL**
Subject: Agenda Comments

Meeting Date :10/23/2007

Item Number : 17

Name : Rose Marie McNair

Email : realrose@norcalbroker.com

Address : 4743 Soquel Creek Rd
Soquel, CA 95073

Phone : 831 476 2102

Comments :
Oct. 18,2007

Honorable Supervisors:

Unable to attend last week's meeting regarding the brown apple moth...

However, I wanted to say this: Of all the people that spoke against the pheromone spraying, how many of the speakers have scientific knowledge or background? How many of the speakers spoke because *of* study, and not based on symbiotic emotion? It is my sincere wish that whenever REAL SCIENCE has answers, politics needs to step back...

My son and daughter-in-law have a small ORGANIC nursery, and this is their second year trying to create a viable living...in their desire to provide ORGANIC plants, they are caught in this political catch-22. Without a reasonable method of deterring these insects--quickly, I might add--they may lose everything! And, so may others in this County!

While waiting for so-called "answers", the moth will not wait ...and while we wait, we once again lose.

Rose Marie McNair
(831) 476-2102

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CITY OF SANTA CRUZ
MAYOR AND CITY COUNCIL

Octob 20,2007

Janet K. Beautz
Chair, Board of Supervisors
COUNTY OF SANTA CRUZ
701 Ocean Street, Suite 500
Santa Cruz, California 95060

SENT VIA EMAIL and FAX

RE: LIGHT BROWNAPPLE MOTH SPRAYING

Dear Members of the Board:

As you are aware the City of Santa Cruz City Council voted on October 9,2007 to take legal action to try to stop the spraying to eradicate the Light Brown Apple Moth within our City. I am concerned that we do not know the long term effects that this spraying could have on the people in our community. In addition, I would like to see a greater emphasis on exploring alternatives to the aerial spraying on our communities in the Central Coast.

Therefore, I want to give my whole-hearted support to the recommendation of Supervisors Mark Stone and Neal Coonerty in the resolution to oppose the aerial spraying of CheckMate in our communities.

Sincerely,

Tony Madrigal
Councilmember
City of Santa Cruz

cc: Emily Reilley. Mayor, City c Santa Cruz
Congressmember §am Farr
State Senator Joe Simitian
Assemblymember John Laird

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Santa Cruz County Supervisors 10/19/2007

Dear **Supes:**

On Tuesday night I stayed up until almost midnight watching the replay of your previous night's meeting about the pro's & con's of spraying for the Apple Moth.

While I wholeheartedly concurred with **some** of the **more** eloquent speakers (of which there were **a** few), **that** there **should** have been much more study **before** schemes Like MTBE, Mercury dental fillings, Fluoride, Corn based Ethanol, and similar things were foisted on the marketplace, but equating those **fiascos** with the apple moth problem is like comparing apples & oranges,

All of those were **elective** choices reliant upon the whims of the politicians and those **with** a vested interest. There was no impending emergency.

It mould be great **if** we could "study the **Apple** Moth problem to death", **IF** WE **HAD** THE **TIME** TO DO ***SO!*** : In the meantime the devestation **will have** destroyed much **of** California,.

Anyway, My wife & I, and the neighbors that I've spoken with and who've witnessed the devastation **which moths** have wrought upon our Oaks ***8*** the oaks in the forest across Bonita from us, welcome the spraying, The sooner the better! We'll **take** our **chances** with the health problems which ***of*** **course** We hope there **will** be none,

Sincerely,

Louis Schiavon

688-5061 Louis Schiavon

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Terry Dorsey

From: Ellen Pirie
Sent: Monday, October 22, 2007 10:17AM
To: Terry Dorsey
Subject: FW: Apple Moth Spraying Concerns.doc

---Original Message---
From: Mark Vanderwoude [mailto:mark.vanderwoude@coashvire.com]
Sent: Monday. October 22, 2007 6:56 AM
To: Ellen Pirie
Cc: Ellen Pirie; 'Mark & Deborah Vanderwoude'
Subject: Apple Moth Spraying Concerns.doc

Ellen,
I would appreciate it if you would share our concerns with the other District Supervisors by providing them with a copy of this letter.
Thanks
Mark

Rio del Mar Improvement Association, Inc.

P.O. **Box** *214* Rio del Mar, California 95003-0274

October 19th,

Ellen Pine - District 2 Supervisor
701 Ocean Street - Room 500
Santa Cruz, California 95060
ellen.pirie@co.santa-cruz.ca.us

Dear Ellen,

I am writing to you regarding the proposal before the Board of Supervisors to spray the chemical CHECKMATE County wide for the eradication or control of the Apple Moth. I would appreciate it if you and your fellow District Supervisors would consider the following points or questions before rendering a decision:

1. SUTERRA, maker of the CHECKMATE OLR-F/LBAM-F will not disclose their inert ingredients why?
2. SUTERRA states on their own product label that CHECKMATE is a "biochemical"
3. CHECKMATE is a pesticide by the EPA's own definition
4. Spraying CHECKMATE County wide would be similar to having RAID sprayed all over you
5. You are mnsidering spraying a Biochemical Pesticide over our homes for 6 nights several times a year until the year 2010
6. CHECKMATE is a pestiade that will linger in the air for 30 days.
7. CHECKMATE Warning Label states: "Hazard to HUMANS and domestic ANIMALS. HARMFUL if absorbed through SKIN. Causes moderate EYE irritation. Avoid contact with skin, eyes and clothing. Harmful if inhaled. AVOID BREATHING VAPOR or mist. This warning also *states,* ENVIRONMENTAL HAZARD- DO NOT APPLY TO WATER OR AREAS WHERE SURFACE WATER IS PRESENT. What about run off into the Monterey Bay Sanctuary?
8. CHECKMATE will contaminate our water supply, ocean and Monterey Bay Sanctuary.
9. CHECKMATE has only undergone short term tests with rats and rabbits and results have been adverse. No long term testing with humans has been done so we are the Guinea Pigs?
10. No long term testing regarding the effects to wildlife, other insects (bees) or vegetation have been performed.
11. There are alternative methods that can be used in stead of mass spraying and are we considering alternative methods?
12. How *can* we have organic crops in our County if CHECKMATE is sprayed County wide?

In dosing potential health damage to humans, animals, and crops are a high concern. I feel we need to research and discuss all issues before doing any blanket spraying so we don't look back in future years wondering why we created a far more devastating effect on ourselves and the environment

Additionally chemicals in our environment are the cause of cancers; however because we do not die immediately from

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exposure and the after effects take years to develop making it almost impossible trace back to an incident such as spraying that was "considered safe". The spraying as indicated by Kamakura (Head of Ag Bureau) will be continued to 2010 and beyond. This is not a healthy choice, and granting permission to spray also sets precedents for spraying of other pesticides for other non native pests. I am concerned not only for the short term illnesses that this type of spraying may have on our children, but also for those with asthma and challenged immune systems and the elderly. Please consider what long range effects might be to our children 10, 20, and 30 years from now as well as what this spray will do to other animals, insects and plant life?

Sincerely.
Mark Vanderwoude
President
Rio del Mar Improvement Association

CBD BOSMAIL

From: CBD BOSMAIL
Sent: Monday, October 22, 2007 2:07 PM
To: CBD BOSMAIL
Subject: Agenda Comments

Meeting **Date** :10/23/2007

Item Number : 17

Name : Karen Stafford

Email :kdpstaf@rd@comcast.net

Address : **6** Elk Run
Monterey, CA 93940

Phone : Not Supplied

Comments :
October 22,2007

To: Governor Schwarzenegger
916-445-4633 **FAX**
Re: Please stop the aerial spraying

Dear Governor:

Thank you for releasing the ingredient information about the LBAM pesticide.

Now.please stop all aerial spraying, especially in cities where just a handfull of moths was trapped! This pesticide continues to be experimental and not approved for use in urban areas.

Citizens will organize as volunteers to help place pheromone baited sticky traps. This is the method backed by the Pesticide Action Network.

Karen Stafford, Citizen **of** Monterey

Cc: Assemblymember John Laird
Congressman Sam Farr
Monterey County Board of Supervisors
Mayor Chuck Della Sala and Councilmembers, City of Monterey
Pesticide Action Network

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CBD **BOSMAIL**

From **CBD BOSMAIL**
Sent: ***Monday, October*** 22,2007 **3.43 PM**
TO **CBD BOSMAIL**
Subject: Agenda Comments

Meeting Date :10/23/2007 Item Number : **17**

Name :Theodora Kerry Email :thekerty@comcast.net

Address :City of Santa Cruz Phone : Not Supplied

Comments :
Thank you for your letter of opposition to the aerial sprayinq of our county's urban population and your support of medical treatment and tracking of anyone injured by the spray, but I still have some questions for you

How will this letter of opposition actually stop the spraying and/or protect your constituents?

What actual support activities by county employees will be stopped by this declaration?

Why are you not joining with the city in suing to stop the planned spraying until proper protocol is followed?

Because I'm very concerned about potential health effects of the spraying, concerns that have not been allayed by the so-called "experts", and because i do not believe for a minute that your paper declarations will stop this assault on your constituents' rights to breathe air free of bio-pesticides, I will be there tomorrow to encourage you to do more to stop the spraying.

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CBD **BOSMAIL**

From: CBD **BOSMAIL**
Sent: Monday, October 22, 2007 9:19 PM
To: CBD **BOSMAIL**
Subject: Agenda Comments

Meeting Date :10/23/2007

Item Number : 17

Name : Lois Robin

Email : lolotusi@cruzio.com

Address :4701 Nova Dr.
santa Cruz. **CA** 95062

Phone :831 **454-1** 184

Comments :
What right does the State have to shower us with chemicals to destroy a moth that has done no damage? The precautionary principle must prevail on matters of uncertainty such as this. Please support the existing resolution and go even farther by suing the State. The County has lawyers capable of doing this. We would like to see this spraying stopped.
The State **is** not listening to us. They are defending an unacceptable plan. We cannot count of them to look afler our safety. We are counting on you, our elected representaives to find a way to stop it .

CBD BOSMAIL

From: CBD BOSMAIL
Sent: **Tuesday, October 23,2007 8:25 AM**
To: CBD **BOSMAIL**
Subject: **Agenda Comments**

Meeting Date : 10/23/2007

Item Number : 17

Name : Lisa Bunin

Email : Not Supplied

Address : Santa Cruz

Phone : Not Supplied

Comments :
My name is Lisa Bunin. I was appointed by this Board to serve on the Public Health Commission's Genetic Engineering Subcommittee. Our investigative report led to your passage of a moratorium on the planting of genetically engineered crops.

I'd like to thank the Board of Supervisors for acting boldly by passing a resolution opposing the state-mandated emergency spraying of CheckMate to combat the Light Brown Apple Moth (LBAM). I am here today to appeal to the Board to do more, by taking legal action to stop the spraying.

What worries me most is that the state's action to supersede county authority, under CDFA's jurisdiction, may be only the tip of the iceberg. Today, it's the LBAM, tomorrow it could be the green-eyed tsetse fly, the hissing cockroach, or the rusty tree ant.

As long as we live in a globalized economy we will continue to discover new non-native species of all types. According to the National Invasive Species Information Center of the USDA (http://www.invasivespeciesinfo.gov/), 50,000 invasive species exist in the US and that number is growing. Unless we close our borders to all imports, which is highly unlikely, the US will continue to inadvertently allow non-native species to cross its borders.

So, what can we do about it? It is inconceivable that we as a county, state, or nation will be able to combat the spread of non-native species. Our federal government spends more that 120 billion dollars annually to control the impacts of 800 invasive species and we can see how effective those efforts have been in our county. As our state Agriculture Commissioner has admitted, it is unlikely that we can completely eradicate the LBAM problem. So, the best we can do is contain it, manage it, and live with it as we do with so many agriculture pest such as aphids, ants, and whiteflies, all of which I live in my garden.

In the case of LBAM, I have yet to see concrete data that proves that an emergency exists. Yes, traps were set all over our county and LBAMs were found, but where is the scientific data that proves that emergency conditions exist and that we need to act swiftly versus carefully and prudently?

It would be far better public policy and practice to address this fairly isolated problem with a less invasive approach to contain the moths. Using twist tie pheromone traps and the release of sterile moths seems to a sensible approach that matches the severity of the problem both in scale and immediacy.

If labor costs are constraining this option, why not create teams of community members who volunteer to set traps in designated areas close to their homes? I am sure that most residents would prefer to lend a

hand rather than be faced with 5 days of aerial spraying over their homes.

I **urge you to take legal action** to **stop the spraying and help steer CDFA on a softer path that ensures the protection of community health and our environment.**
Thank you