

COPY

RESOLUTION NO. 3701

**RESOLUTION OF THE CITY OF CAPITOLA CITY COUNCIL
OPPOSING THE CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE
(CDFA) AND THE U.S. DEPARTMENT OF FOOD AND AGRICULTURE'S (USDA)
PESTICIDE PROGRAM TO ATTEMPT TO ERADICATE THE LIGHT BROWN
APPLE MOTH THROUGH AERIAL SPRAYING**

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

WHEREAS, CDFA has determined that there is a presence of LBAM near and around the City of Capitola and other areas of Santa Cruz County; and

WHEREAS, citing that "the economic impacts on production costs for LBAM hosts could top \$100 million", and that "the exact economic impacts on international and domestic exports are uncertain", and further citing that the environmental impacts are that "the establishment of this moth could cause direct environmental damage via increased pesticide use," and "that threatened and endangered plant species could be severely threatened or extirpated"¹, the CDFA has prescribed the measure of aerial spraying of encapsulated artificial pheromones and various "inactive" chemicals to eradicate the LBAM: and

WHEREAS, aerial spraying is an ubiquitous method of pheromone application removing the choice of people residing or otherwise occupying the spray area and avoiding not breathing in the spray; and

WHEREAS, City of Capitola, after conducting a public hearing to consider the LBAM aerial spraying on May 22, 2008, is unable to determine the scientific basis behind the above claims of detrimental impacts by the CDFA; and

WHEREAS, CDFA initiated aerial spraying in September 2007 with an application over the cities of Seaside and Monterey in Monterey County followed by a second aerial application in November 2007 over urban areas of Monterey and Santa Cruz counties, including the cities of Pacific Grove, Monterey, Seaside, Marina, Sand City, Salinas, Prunedale, Santa Cruz, Capitola, Aptos and Soquel; and

WHEREAS, CDFA had announced plans for aerial sprays, beginning June 1, 2008 and spaced 30-90 days apart, over Monterey, Santa Cruz, San Francisco, San Mateo, Alameda, Contra Costa and Marin counties, noting that spray zones within those counties encompass approximately 680 square miles (435,200 acres) and include approximately 3.1 million people; and

WHEREAS, the Superior Courts of Santa Cruz and Monterey Counties have found that the State of California has not met its burden to exempt itself from CEQA environmental review for the sprayings beginning June 1, 2008, requiring the State to therefore postpone its spraying program; and

WHEREAS, Daniel Harder, Ph.D. Executive Director of the Arboretum, University of California at Santa Cruz recommends that the aerial spraying for the LBAM be suspended, that the IPM best practices from New Zealand be adopted to control LBAM, that CDFA reassess the potential impacts of LBAM in California, and review the USDA classification of LBAM as an actionable quarantine pest²; and

WHEREAS, the testimony of James R. Carey, U.C. Davis entomologist, author of three books on insect demography, and associate editor of several scientific journals, asserts that in discussing the matter with eight UC entomologists, not one believes that the LBAM can be eradicated and not one believes that the LBAM is a recent invader³; and

WHEREAS, the further testimony of James R. Carey, asserts that that the CDFA LBAM growth model would not be taken seriously by any editor of any entomology or ecology journal in the world, and that the model has one moth producing at "light speed" two thousand trillion moths in five generations³; and

WHEREAS, Derrell Chambers, Ph.D., retired from U.S. Department of Agriculture in a 40 year career devoted to developing pheromones and hormones to avoid the use of pesticides, and who was the former Laboratory Director of ARS research in Mexico and Hawaii concentrating on technologies to manage and eradicate pests, testifies that mating disruption alone as a technique for eradicating the LBAM in California is not appropriate and probably never will be, and that the method has not been adequately tested⁴; and

WHEREAS, Lawrence Rose M.D., M.P.H. former senior Public Medical Officer for Cal-OSHA for 28 years, states that the Checkmate product used for spraying the LBAMs is expected to be associated with short term and long term health risks⁵; and

WHEREAS, Richard B. Philp, D.V.M., Ph.D., Emeritus Professor of Pharmacology and Toxicology with the University of Western Ontario states that the USDA and EPA documents are filled with contradictory statements regarding the toxicity testing of pheromones, inappropriate extrapolations from irrelevant toxicity studies, and are suggestive of a poor understanding of basic pharmacological and toxicological principles⁶; and

WHEREAS, Dennis Knepp, Ph.D. and Jeff Haferman, Ph.D. assert that their analysis shows that the small particle sizes from the Checkmate spray can cause significant health issues, and the CDFA needs to take a step back and re-consider their own datasets⁷; and

WHEREAS, there have been numerous anecdotal complaints and expression of concerns about the effects of the spray medium and chemicals; the incomplete review CDFA on impacts of the spray on humans, animals and the environment; and, the lack of authoritative evidence presented by the CDFA on the need to control the LBAM and the efficacy of the aerial pheromone spray.

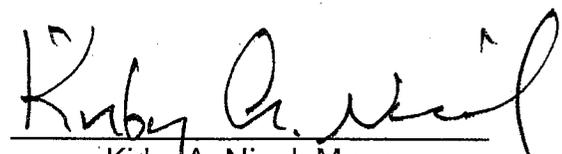
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Capitola that the following findings are made concerning the aerial spraying of the Light Brown Apple Moth, which includes the noted references listed in Exhibit A and is incorporated as part of this resolution:

1. The decision by CDFA to conduct aerial spraying to eradicate the LBAM eliminates the people's choice not to participate in a program that chemically modifies the air that they breath. Such aerial spraying of chemicals is an extraordinary measure requiring extraordinary justification.
2. The environmental and economic impacts stated by CDFA are inconclusive, and do not rise to the level needed to justify the extraordinary measure of aerial spraying of chemicals.
3. There is significant expert testimony that use of a mating disruption process, such as aerial spraying of pheromones, to eradicate the LBAM will not be successful.
4. There is expert testimony that Checkmate, the pheromone product used in the aerial spraying, is associated with short term and long term health risks.
5. There is significant expert testimony and court decisions that CDFA analysis of the impacts of LBAM and the use of aerial spraying of pheromones is flawed, and that an emergency related to LBAM as an invasive pest does not exist.

BE IT FURTHER RESOLVED by the City Council of the City of Capitola to urgently insist that the LBAM chemical spray and plans to spray be immediately discontinued, and that the CDFA and their expert staff work with experts in the fields of public health, entomology, pheromone and hormone pesticide techniques, and other interested experts to develop an LBAM management plan for the State of California that uses methods other than chemical aerial spraying. Furthermore, the City asks that any mandate by the CDFA that in any manner affects the environment be submitted to a panel of third party experts to determine at a minimum its efficacy, and public health and environmental impacts.

I HEREBY CERTIFY that the above and foregoing resolution was passed and adopted by the City Council of the City of Capitola at its regular meeting held on the 12th day of June, 2008, by the following vote:

AYES: Council Members Storey, Begun, Termini, and Mayor Nicol
 NOES: None
 ABSENT: None
 ABSTAIN: Council Member Graves


 Kirby A. Nicol, Mayor

ATTEST:


 Pamela Greeninger, City Clerk

EXHIBIT A
Notes to the Technical References

Notes:

¹ Light Brown Apple Moth Profile, obtained from CDFA website dated May 27, 2008.

² "Integrated Pest Management Practices for the Light Brown Apple Moth in New Zealand: Implications for California; March 6, 2008; Daniel Harder, Ph.D. Executive Director The Arboretum, University of California at Santa Cruz, Jeff Rosendale, Grower, Horticultural Consultant Watsonville CA.

³ Invasion Biology of the Light Brown Apple Moth, James R. Carey (UC Davis); presentation to Assembly California Legislature, Committee on Agriculture Room 4202 State Capital March 12, 2008.

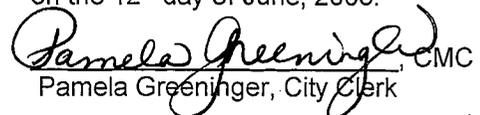
⁴ Derrell L. Chambers, Testimony to Senate Environmental Quality Committee; re: Bill Number SCR 87—"Relative to the Light Brown Apple Moth"; April 28, 2008

⁵ "Marin Pesticide Spraying Health Hazard Alert" Lawrence Rose M.D., M.P.H, former Senior Public Medical Officer for Cal-OSHA and part of the UCSF Occupational/Environmental Medicine Department

⁶ "Analysis of Toxicology Studies with LBAM and Related Lepidopteran Pheromones"; Prepared by Richard B. Philp, D.V.M., Ph.D., Emeritus Professor of Pharmacology and Toxicology, the University of Western Ontario.

⁷ "Local Scientists spot error in CDFA Analysis of LBAM spray" a press release from Dennis Knepp, Ph.D and Jeff Haferman, Ph.D.

This is to certify that the above and foregoing is a true and correct copy of Resolution No. 3701 passed and adopted by the Capitola City Council on the 12th day of June, 2008.

 CMC
Pamela Greeninger, City Clerk