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RESOLUTION NO. 08-4

A RESOLUTION OF THE ALBANY CITY COUNCIL OPPOSING THE CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE AERIAL SPRAY PROGRAM TO ERADICATE THE LIGHT BROWN APPLE MOTHS

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 Alameda County; 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 spring of 2008; and

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

WHEREAS, the City of Albany 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

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 ;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

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

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

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

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

10 **WHEREAS**, biologists have testified that aerial pesticide spraying is extremely
11 unlikely to eradicate LBAM; and

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

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

17 **WHEREAS**, the risk of economic damage alone does not justify the health and
18 environmental risks of aerial pesticide applications; and

19 **WHEREAS**, the State has relied almost entirely on its own scientists to address
20 public concerns about the LBAM spray program and has not employed independent
21 outside experts to evaluate and support the program or and address issues in a direct and
22 impartial manner; and

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

26 **WHEREAS**, the CDFA LBAM spraying program is relying on pesticides that
27 contain ingredients that are highly toxic to aquatic life; and

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

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

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

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

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

19 **WHEREAS**, hundreds of reports of health effects were reported following the
20 LBAM aerial spraying in Santa Cruz and Monterey counties; and

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

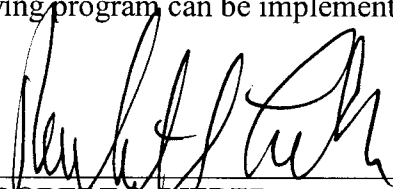
23 **NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the Albany
24 City Council:

- 25 1) Opposes the CDFA aerial spray program to eradicate LBAM.
26 2) Requests that CDFA protect the health and welfare of the residents and natural
27 environment of Alameda County by immediately shifting its LBAM control methods to
28 least-toxic Integrated Pest Management methods such as those listed above.
29

1 3) Requests that CDFA shift its focus to educating the USDA regarding the lack
2 of crop damage done by LBAM, the need to use least-toxic control methods that do not
3 expose populated areas to aerial spraying, and the need to appropriately downgrade the
4 pest classification of LBAM to reflect the lack of risk it poses.

5 4) Requests that the State conduct a long-term study of the health and
6 environmental effects resulting from the aerial spraying project that has been conducted
7 to date in Monterey and Santa Cruz counties, taking into account reports collected by
8 citizens in the absence of an easily accessible method of reporting to the State.

9 5) Supports the introduction and passage of state legislation requiring explicit
10 consent of affected residents before any aerial spraying program can be implemented.

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14 ROBERT S. LIEBER
MAYOR

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16 References

17 *Carey, James, PhD. 2007. Testimony Submitted in Edna Williams, et al., v. California*
18 *Department of Food and Agriculture, A.G. Kawamura, et. al., Case No. 07-05587, U.S.*
19 *District Ct. for the Northern District of California. November 14.*

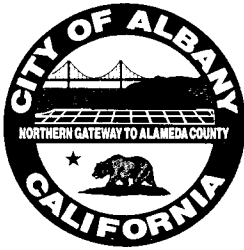
20 *Harder, Daniel, PhD. 2007. Testimony Submitted in County of Santa Cruz v. CDFA,*
21 *Superior Court of California, Santa Cruz County. October 31.*

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

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

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

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City of Albany

1000 SAN PABLO AVENUE • ALBANY, CALIFORNIA 94706-2295

CITY ADMINISTRATOR
PH. (510) 528-5710
FAX (510) 528-5797

RESOLUTION NO. 08-4

CITY ATTORNEY
PH. (510) 524-9205
FAX (510) 526-9190

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

CITY CLERK
PH. (510) 528-5720
FAX (510) 528-5797

this 22nd day of January, 2008, by the following votes:

CITY COUNCIL
PH. (510) 528-5720
FAX (510) 528-5797

AYES: Council Members Atkinson, Javandel, Okawachi, Wile & Mayor Lieber

**COMMUNITY DEVELOPMENT &
ENVIRONMENTAL RESOURCES**
• Building
• Engineering
• Environmental Resources
• Maintenance
• Planning

NOES: None

PH. (510) 528-5760
FAX (510) 524-9359

ABSENT: None

**FINANCE & ADMINISTRATIVE
SERVICES**

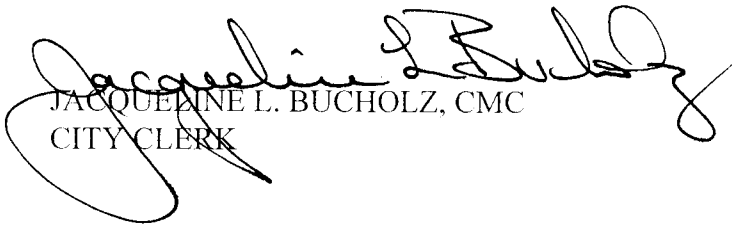
CITY TREASURER
PH. (510) 528-5730
FAX (510) 528-2743

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 23rd

**FIRE & EMERGENCY MEDICAL
SERVICES**
PH. (510) 528-5771
FAX (510) 528-5774

day of January, 2008.

PERSONNEL
PH. (510) 528-5714
FAX (510) 528-5797


JACQUELINE L. BUCHOLZ, CMC
CITY CLERK

POLICE
PH. (510) 525-7300
FAX (510) 525-1360

**RECREATION & COMMUNITY
SERVICES**

1249 Marin Avenue
PH. (510) 524-9283
FAX (510) 528-8914
• Friendship Club/
Childcare Program
PH. (510) 524-0135
• Senior Center
PH. (510) 524-9122
FAX (510) 524-8940
• Teen Center
PH. (510) 525-0576

The City of Albany is dedicated to maintaining its small town ambience, responding to the needs of the community, and providing a safe, healthy environment now and in the future.



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