

RESOLUTION NO. NS-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ 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 Santa Cruz County; and

WHEREAS, the California Department of Food and Agriculture (CDFA) plans to resume an LBAM aerial spraying program in Santa Cruz 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 Santa Cruz IPM Policy, adopted in November of 1998, commits the City to “eliminate or reduce pesticide applications on City property to the maximum extent feasible”; 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 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 repeatedly have been shown to upset natural ecosystem balance in unpredictable and often catastrophic ways; and

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

WHEREAS, blanket spraying of chemicals is expensive and inefficient; 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 because of this 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, in the *Edna Williams, et al. v. California Department of Food and Agriculture* case, biologists James Carey and Daniel Harder testified that aerial pesticide spraying is

extremely unlikely to eradicate LBAM; 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 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"; 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; and

WHEREAS, aerial spraying disproportionately affects vulnerable populations such as those who work and play outdoors, those with the recognized disability of multiple chemical sensitivity, and those in the homeless population who may 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.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Cruz that it hereby opposes the CDFA aerial spray program to eradicate LBAM.

BE IT FURTHER RESOLVED that the City Council requests that the CDFA protect the health and welfare of the residents and natural environment of Santa Cruz County by immediately shifting its LBAM control methods to least-toxic Integrated Pest Management methods such as those listed above, and shift its focus to educating the USDA regarding the lack of crop damage done by LBAM, the need to use 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.

BE IT FURTHER RESOLVED that the City Council 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.

BE IT FURTHER RESOLVED that the City Council supports the introduction and passage of State legislation requiring:

1. explicit consent of affected residents before any aerial spraying program can be implemented; and
2. that only the Governor of the State of California will have the power to declare an emergency requiring the aerial spraying of any substance over populated areas and that any such declaration contain certain mandatory findings. Those findings must include, but not be limited to, a statement that the situation is a sudden and unexpected occurrence which is an immediate threat to life and property.

PASSED AND ADOPTED this 12<sup>th</sup> day of February, 2008, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: \_\_\_\_\_

Mayor

ATTEST: \_\_\_\_\_

City Clerk