

To: The ***** City Council or....

From: East Bay Pesticide Alert / Don't Spray California

Re: Resolution 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

Date: Spring, 2008

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

Whereas, there is a claimed presence of Light Brown Apple Moth (LBAM) in ***** County; and

Whereas, the CDFA plans to expand the LBAM pesticide program which began in 2007, to affect every county in California; and

Whereas, pesticide applications have repeatedly been shown in the past to cause unintended, sometimes unpredictable, and often serious human health effects; and

Whereas, pesticide applications have repeatedly been shown in the past to upset natural ecosystem balance in sometimes unpredictable and often catastrophic ways; and

Whereas, botanists and entomologists have testified that "pheromones", pesticides, and even sticky traps may threaten non-target organisms, including bees, which are currently in a global crisis due to Colony Collapse, in which pesticides have been implicated, and similar moth species whose importance in the ecosystem is not yet fully understood; and

Whereas residents, workers, students and visitors to ***** , and people around the world, have recognized that the CDFA and USDA have manufactured a crisis and claimed an emergency exemption under the California Environmental Quality Act (CEQA) in order to aerial spray without conducting an Environmental Impact Report (EIR); and

Whereas, the state has implemented aerial and ground pesticide applications before producing an EIR; and

Whereas, the use of toxic chemicals results in reliance over time on more chemicals; and

Whereas, exotic plant experts, Dr. Daniel Harder and Jeff Rosendale, have testified and reported that purported damage attributed to the LBAM in New Zealand, occurred only prior to 2001, and once the pesticide regime was stopped, the LBAM ceased to be a problem as LBAM predators which had been killed by pesticides were allowed to regenerate and keep the LBAM naturally-controlled; and

Whereas, according to the Hawai'i Department of Agriculture, the LBAM is not considered a significant pest but may even be considered beneficial, as a control measure for invasive gorse and blackberry; and

Whereas, biologists have testified that the LBAM is unlikely to be eradicable; and

Whereas, UC Davis entomologist James R. Carey has testified that the range over which LBAM has been detected in California indicates that it has been established in the state for some time; and

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

Whereas, lures in traps are themselves pesticides, the traps themselves are pesticide applications, and trapping finds of LBAM do not demonstrate damage; and

Whereas, the risk of economic damage alone does not justify the health and environmental risk of pesticide applications; and

Whereas, farmers have suffered economic damage not due to the presence of the LBAM on their farms, but due to the damage caused by the State's demands of extensive handling of delicate crops in search for the LBAM; and

Whereas, Organic farmers have suffered economic damage due to CDFA interfering with, and further diluting, Organic industry standards by allowing synthetic chemically-treated crops to continue to be labeled Certified Organic, resulting in consumers seeking produce from outside of application zones; and

Whereas, nursery owners have suffered economic damage not due to the presence of the LBAM in their nurseries, but due to temporary closure during and after pesticide applications, and the threat of permanent closure for refusal to comply with the pesticide program's pesticides protocol; and

Whereas, hundreds reported health problems following pesticide applications, including headaches, gastro-intestinal pain, rashes, reproductive system irregularities including post-menopausal resumption of menses, asthma attacks and difficulty breathing, including respiratory arrest in an eleven month-old baby; and

Whereas, sicknesses reported were consistent with expected effects of ingredients of pesticides applied; and

Whereas, CDFA has not addressed the synergistic effects of combined chemicals, most of which are kept undisclosed, protected as "proprietary" by trade secret laws, are frequently far more toxic than the active ingredients, and are specifically designed to interact synergistically to achieve greater toxicity than any chemical by itself; and

Whereas, the chemical referred to as the LBAM "pheromone" is an untested and unregistered pesticide, and as such its use by definition constitutes experimentation; and

Whereas, the pesticides that are part of this program are associated with gastro-intestinal illness, are harmful if absorbed through skin, are neurotoxic, carcinogenic, endocrine-disrupting, chromosome-damaging, cause damage to the immune and central nervous systems, hearing and memory loss, leukemia, genetic damage, and are associated with birth defects; and

Whereas, the pesticides that are part of this program are toxic to beneficial insects such as bees, ladybugs, parasitic wasps, including the Trichogramma (which is part of this program), non-targeted moths, as well as fish, oysters and other marine mollusks, a wide variety of other aquatic organisms, birds, cats, other mammals, and even plants; and

Whereas, other environmental impacts following pesticide applications were reported, such as the death of pets who died of identical symptoms to their affected guardians; and

Whereas, birds and honeybees disappeared for lengths of time after pesticide applications from gardens they frequented previously; and

Whereas, a red tide developed, more dramatic than any in the area in at least 40 years, blamed on surfactants consistent with inert ingredients in pesticides, resulting in the death of hundreds of birds; and

Whereas, pilots employed by CDFA to apply pesticides mistakenly sprayed outside of designated application zones; and

Whereas, the California Constitution guarantees the right not only to retain, but to obtain, health; and

Whereas, The Nuremberg Code, Directives for Human Experimentation, states that human experimentation without consent is illegal; and

Whereas, complicity in the commission of a crime against humanity as set forth in Principle VI of the Nuremberg Principles is a crime under international law; and

Whereas, claims of safety of synthetic chemicals classified as pesticides is illegal, but CDFA persists in calling some of the pesticides used in this program safe; and

Whereas, the burden of proof of safety must reside with the pesticide manufacturers; proponents; executors; and applicators; and

Whereas the State has relied almost entirely on its own scientists to address concerns about the LBAM pesticide program and has not employed independent, outside experts to evaluate and support the program nor address issues in a direct and impartial manner; and

Whereas Emeritus Professor of Pharmacology and Toxicology Richard Philp testified that the USDA and EPA documents "are suggestive of a poor understanding of basic pharmacological and toxicological principles"; and

Whereas, increasing numbers of municipalities have embraced the Precautionary Principle and passed resolutions to the effect; and

Whereas, CDFA insists that local governments have no control over this program's implementation; and

Whereas, the people residing within and visiting the boundaries of those local governments depend on protection by elected representatives; and

Now, therefore be it resolved and ordered that the ***** City Council opposes the USDA/CDFA pesticide program to eradicate the LBAM; and

Now, therefore be it resolved and ordered that the ***** City Council demands that the USDA downgrade the pest classification of LBAM to reflect the lack of risk it poses.

Documentation for Resolution 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

Pheromone Search - 942 Monterey County Moths - Lancelot Houston: "Non-target" moth species in Monterey County, affected by the CDFA's supposedly "targeted pheromone

<http://eastbaypesticidealert.org/Pheromone%20Search.pdf>

Pheromone Trap Colour Determines Catch of Non-target Insects - New Zealand Plant Protection Society
http://www.nzpps.org/journal/53/nzpp53_216.pdf

LBAM Status report from New Zealand by Dr. Daniel Harder and Jeff Rosendale - March 6, 2008
<http://democrats.assembly.ca.gov/members/a27/pdf/HarderNZReportFINAL.pdf>

Buckwheat study showing that flowering buckwheat sown in grape fields, attracts parasitic wasps and other beneficial insects, and extends the food supply of insect predators of the LBAM caterpillar, by days to over a month, also extending their effectiveness in managing the moth
<http://www.vineyardshop.com.au/modules/news/newsview.aspx?NewsID=TVSN0337>

List of natural enemies of the LBAM <http://www.hortnet.co.nz/key/keys/info/enemies/lba-enem.htm>

Hawaii Department of Agriculture Press Release in response to USDA quarantine - May 2007 - LBAM beneficial in some cases
http://www.lbamspray.com/00_Documents/2007/News%20Release%20-%20NR07-09%20-%20May%20,%202007%20%97%20Hawaii%20Department%20of%20Agriculture.htm

UC Davis entomologist James R. Carey statements regarding eradicability
<http://forum.stopthespray.org/viewtopic.php?f=10&t=61>

Dr. Carey's Presentation to the State Assembly Legislature Committee on Agriculture - March 2008
http://democrats.assembly.ca.gov/members/a27/pdf/AssemblyAg_Committee_LBAM2.pdf

Organic's Organics - on the natural food industry seeking organics grown outside the spray zones
<http://www.metroactive.com/metro-santa-cruz/12.12.07/nuz-0750.html>

Blue Bamboo nursery forced to close <http://www.bohemian.com/metro-santa-cruz/06.27.07/moth-0726.html>

Full report of 2007 health complaints including survey of impact on homeless residents of Monterey and Santa Cruz <http://www.indybay.org/uploads/2008/01/05/spraycompl2.pdf>

No Spray Zone overview of Btk - used to hose down neighborhoods and private gardens
<http://eastbaypesticidealert.org/No%20Spray%20Zone%20paper%20on%20Btk.PDF>

Toxicological profile for Btk by Northwest Coalition for Alternatives to Pesticides
<http://www.pesticide.org/btk.pdf>

Isomate LBAM Plus Twist Ties - manufacturer's MSDS - "Harmful if absorbed through skin" - 250 per acre, 40 per property - low hanging in easy reach of children
http://www.pacificbiocontrol.com/Light%20Brown%20Apple%20Moth%20-%20LBAM_files/MSDS-LBAM.pdf

Dangers of Permethrin Fact Sheet by Caroline Cox - to be painted on minimum of 3000 utility poles and trees per square mile <http://www.mindfully.org/Pesticide/Permethrin.htm>

Most recent toxicological profile for Permethrin
<http://eastbaypesticidealert.org/Permethrin%20Safety%20Review.htm>

USDA quarantine exemption request to use a new chemical, which has not been registered by the EPA. This is the "pheromone", the "active" ingredient in CheckMate, the synthetic "pheromone" used in aerial applications. <http://eastbaypesticidealert.org/USDA%20quarantine%20exemption%20request.PDF>

Most recent indepth toxicological profile for CheckMate

<http://eastbaypesticidealert.org/Checkmate%20Chemicals%20Safety.htm>

Toxicological profile of Chlorpyrifos by NCAP - forced on nurseries <http://www.pesticide.org/chlorpyrifos.pdf>

Chlorpyrifos Fact Sheet by Chemical Watch and Beyond Pesticides

<http://www.beyondpesticides.org/pesticides/factsheets/Chlorpyrifos.pdf>

Unidentified Inert Ingredients in Pesticides: Implications for Human and Environmental Health - Cox and

Surgan <http://www.ehponline.org/members/2006/9374/9374.pdf>

Moss Landing Mystery Spill - Discussion about what killed the birds that washed ashore

<http://forum.stopthespray.org/viewtopic.php?f=7&t=83>

CDFA letter to property owners of areas sprayed accidentally

<http://www.ksbw.com/download/2007/1103/14501006.pdf>

Nuremberg Code - Directives for Human Experimentation - relevant to CheckMate, the synthetic

"pheromone" containing pesticide, which has been untested on humans, and therefore its use over human population constitutes experimentation without consent. <http://ohsr.od.nih.gov/guidelines/nuremberg.html>

Declaration of Richard Philp, toxicology professor, for county of Santa Cruz suit

<http://eastbaypesticidealert.org/philp.html>