Since the LBAM program has been substantially altered since the initial scoping sessions in February, members of Don't Spray California have additional concerns.

Public access to input on the LBAM program:

There have been far too few scoping meetings for the area now proposed for possible actions. Almost the entire State of California is now included, with every single county affected. But with 58 counties potentially affected by this program, there have been meetings in only 7 counties. The City of Arcada in Humboldt County, for example, has strict local regulations against pesticide use, and is also the home of creative methods of fighting pollution, such as their plant-based wastewater treatment system, and Arcata residents would likely have well-considered concerns, and ideas for unique and non-toxic alternatives, which should be explicitely solicited.

A public comment period should be far more widely publicized, in all areas affected, both directly and indirectly, including across state and international boundaries adjacent to the areas proposed for actions. The actions proposed do not remain contained in application areas, but mobility is inevitable by drift, runoff, spread through physical contact and cross-contamination by humans, pets, and wildlife, and in the case of the insect methods, by their own volition. Oregon, Nevada, and Mexico residents may well be impacted by the actions of the CDFA, and thus should be consulted as well.

Special efforts should be made to reach out to, and accommodate, people disabled by pesticides, who have particular insight into both the short- and the long-term effects of chemical exposure on human health. Residents of areas where similar chemicals and methods were used in the past, both by the LBAM program and other such programs, should be sought out especially. Accommodations for chemically injured people, to call in and participate from the safety of their homes or other safe space of their choosing, are especially relevant.

Since the program has substantially changed in method since February, the initial 4 counties should be revisited again. The additional methods involving sterile moths and flies for "mobile mating disruption" each warrant their own EIR process.

Use of insects:

How are the trichogramma wasps to be released? Are they to be released as eggs or hatched? If they are released as eggs, by precisely what method? Are they to be handplaced, or sprayed? Is it to include chemicals such as adhesives or thickeners, and if so, what are the ingredients of these chemicals? If the wasps are released hatched, by precisely what method? Are the wasps or eggs to be released by air or ground? What equipment is to be used, and what else is the equipment being used for? How often, and when, are the releases to be made? How many wasps are to be released each time? How is the public to be notified of such releases, and with how much advance warning?

Detail the impact of large numbers of introduced trichogramma wasps on other moths and butterflies, particularly those that are endangered. Detail the impact of large numbers of introduced trichogramma wasps on the natural wasp population. Detail the impact of large numbers of introduced trichogramma wasps on the foraging resources of other pollinators, particularly the increasingly endangered bee population. Detail the impact of the application methods themselves on the health and wellbeing of the public and the environment.

How are the sterile moths made sterile? Detail the precise method. If the moths are irradiated, how long and to what degree does radiation persist in their bodies? How may lingering radiation impact other living things the moths may come in contact with? Are genetic modifications to moths, or any other insect, being considered, and if so in what form? How might such modifications impact other living things the moths may come in contact with? How are the sterile moths to be released? What equipment is to be used, and what else is the equipment being used for? How often, and when, are the releases to be made? How many moths are to be released each time? How is the public to be notified of such releases, and with how much advance warning?

Detail the impact of large numbers of introduced light brown apple moths on other insects, especially on the foraging resources of other pollinators, particularly the increasingly endangered bee population. Detail the impact of any and all possible treatments to make the moths sterile on public health, particularly on the already chemically injured and sensitized, and other vulnerable populations. Detail the impact of the application methods themselves on the health and wellbeing of the public and the environment.

What is the status of the research into flies used as "mobile mating disruption"? Precisely what type of flies are being researched? By precisely what method is the synthetic "pheromone" being applied to the flies? What other ingredients are

being used with the synthetic “pheromone”? If the flies are to be used in this program, how are they to be released? What equipment is to be used, and what else is the equipment being used for? How often, and when, are the releases to be made? How many flies are to be released each time? How is the public to be notified of such releases, and with how much advance warning?

Detail the impact of large numbers of introduced flies doused in synthetic “pheromone” on other moths and butterflies, particularly those that are endangered. Detail the impact of large numbers of introduced flies on the foraging resources of other pollinators, particularly the increasingly endangered bee population. Detail the impact of large numbers of introduced flies on the natural fly population, and the potential impacts on public health from an increase in the fly population, including the possible increase in private pesticide use against flies that get into people’s homes. Detail the inevitability of flies getting into homes, and the implications on people’s right to a pesticide free home. Detail the impact on public health, particularly on the already chemically injured and sensitized, and other vulnerable populations. Detail the impact of the application methods themselves on the health and wellbeing of the public and the environment.

Human rights:

Detail the rights of the public to informed consent in regards to their health and safety, and enjoyment of privacy, home, and free movement. Detail how the LBAM program may impact each of these rights. Detail how the constant saturation of a neighborhood with pesticides impacts these rights. Detail how lack of public disclosure of all details of actions that impact the public and the enviroment, including research details, application methods, all ingredients of all substances used directly or indirectly, advanced notice, precise schedules and locations, impact these rights. Detail who is financially responsible for the cost of medical care and relocation for anyone who may be injured by these actions, or relocates to prevent such injury.

Alternatives:

Research and detail the numerous non-chemical alternatives for managing the LBAM that exist, such as handpicking or vacuuming caterpillars at specific times of the year, at a living wage for the state’s many unemployed, or companion planting to attract natural enemies of the LBAM, such as buckwheat, phacelia, and mustard, which are already being used in New Zealand for this purpose. Explain why the enormous funding for the LBAM program is paying for hugely expensive toxic chemicals, rather than for non-toxic manual labor that would feed California families. Detail the history of the invasive species councils and agencies, and the involvement of the pesticide industry in funding and supportive documentation, and detail the criticisms of independent scientists of the invasive species attitude.

Research and detail the reasons conventional growers are more afraid of the LBAM than organic farmers, paying particular attention to the lack of biodiversity and lack of soil health produced by conventional chemically-dependent mono-crops. Research how a permaculture approach of establishing and nurturing beneficial relationships between natural processes would benefit public and environmental health, and agricultural sustainability.

The following are our previous comments, submitted on March 18, 2008, by Isis Feral, Disabled Access Advocate and Maxina Ventura, Chronic Effects Researcher:

To: Osama.a.el-lissy@aphis.usda.gov, AgSec@usda.gov, jrains@cdfa.ca.gov
CC: EIR@lbamspray.com
Subject: Public Comments on LBAM Draft EIR

Concerns to address in the Draft EIRs for the USDA/CDFA LBAM pesticide program:

Human health:

- Review every health complaint suspected by complainant of having been caused or exacerbated by the LBAM program, to be reviewed by independent medical staff, with direct interaction with complainant, and/or any additional medical staff of complainant's own choosing.

- Actively and thoroughly solicit related health complaints from the public, which may not have been counted due to lack of access to health care from not properly informed medical staff, including a survey of the homeless, non-english speakers,

prisoners, and other underrepresented residents of the areas affected by any and all LBAM treatments, including in neighboring communities in which drift was reported. All participation in such reviews and surveys should be kept anonymous and confidential if participants so choose. Visitors to the area during the time LBAM applications were/are present, should also be included in this research.

- Assess the impact on immune system compromised individuals, such as people with cancer, MCS, AIDS, MS, thyroid disorders, arthritis, infants with undeveloped immune systems, elders with vulnerabilities due to aging, and any other immune compromising health or living condition. Solicit complaints from affected community.

- Assess the impact on individuals with existing respiratory conditions, such as asthma, bronchitis, OPD, emphysema, the flu, common cold, or any other temporary or permanent condition that could be exacerbated or brought on by chemical fumes or particulate matter. Solicit complaints from affected community.

- Assess the impact on pregnancy, breastfeeding, fertility, and all reproductive system functioning, including review of reports of recommencement of menstruation after menopause. Solicit complaints from affected community.

- Assess the impact of all LBAM program tools, including aerial and ground applications, spray, paint, or otherwise, including twist ties and traps, on free movement of all members of the public, including workers passing daily by thousands of treated utility poles, and curious, climbing and otherwise playful children. Solicit complaints from affected community.

- Assess all possible short or long term impacts on human health, taking into account the emerging body of research on chemical poisoning, including body burden studies, synergism, bioaccumulation of and sensitization to synthetic chemicals, and the long list of historical claims of safety by the pesticide industry, eventually revealed to be false by an even longer list of associated injuries and deaths.

Environmental health:

- Review the deaths of hundreds of birds, washed ashore in the aftermath of the aerial spraying in the Fall of 2007, by independent specialists, taking into account all ingredients of the chemicals used, paying particular attention to surfactants and other chemicals that contribute to red tides, and ingredients that may have contributed to the stripping of waterproofing from birds' feathers.

- Actively and thoroughly solicit reports from residents who witnessed a temporary, but lengthy disappearance of birds, which previously frequented forests, gardens, and bird feeders, in the aftermath of the spraying, or strange behaviors of birds that stayed. Such survey should also include queries as to disappearance and strange behaviors by other beneficial creatures, such as honeybees, wasps, butterflies and moths other than LBAM, other insects, spiders, wild and farm animals, and pets.

The LBAM emergency:

- Review actual status of the ecological emergency the LBAM supposedly represents, by independent specialists, taking into account particularly the fact that the LBAM has not done any damage to crops or native habitat in California to date, and is not considered a significant pest in either Hawaii or New Zealand. Especially relevant to this review is the most recent research by Dr. Daniel Harder, a plant expert at the UC Santa Cruz Arboretum, who just returned from New Zealand, where he found that reports of LBAM damage occurred only during pesticide programs such as this one, in which the natural predators of the LBAM were also eliminated, and the LBAM and other pests developed resistance to the pesticides.

- Assess how current agricultural practices, particularly mono-cropping and dependence on chemicals, have contributed to the vulnerability of conventional farms to pests such as the LBAM, and compare how organic, ecological agricultural practices that nurture and mimic natural ecosystems perceive and manage such "pests".

Economic:

- Aside from ever changing estimates of relatively negligable reduction in profit margin to the conventional agriculture industry, take into account the much larger economic impact on all the other local industries.

- Take into account the economic toll on nurseries and small organic farms, both from USDA/CDFA requirements to spray, quarantine, and overhandle crops in search of LBAM, and from organics consumers' shift away from locally grown crops no longer considered organic by them.

- Take into account the economic losses of the Bay Area and Peninsula's thriving tourism industry, due to visitors' concerns over exposure to pesticides being sprayed on them, and persisting in their vacation environment, and wafting from vegetation, and from utility poles for miles around. Include those traveling here for business, who may begin to conduct their business elsewhere instead, and athletes concerned with their health, who may refuse to compete here, like some olympians are doing in Beijing because of air quality concerns.

- Take into account real estate losses from potential new residents, not to mention previous residents now fleeing the area, because they are not willing to be exposed to persistent pesticides year round.

- Take into account cost of loss of productivity by workers and students increasingly made ill by chemical exposure. Take into account the medical costs.

- Assess how trade policies impact agricultural practices, how farming policies are increasingly based on international trade policies, rather than on the health of local farmers, their neighbors, and their ecosystems.

The Precautionary Principle:

Rather than a risk assessment approach which determines how much risk is acceptable to those theorizing about potential impact, take a precautionary approach, based on the precautionary principle, which in a nut shell states "better safe than sorry".

Theoretical risk assessment is meaningless in a situation where a lot of risk has already been taken with the lives of the public and our common environment.

Isis Feral

Disabled Access Advocate
Don't Spray California
www.DontSprayCalifornia.org

To: Osama.a.el-lissy@aphis.usda.gov, AgSec@usda.gov, jrains@cdfa.ca.gov
CC: EIR@lbamspray.com

3/18/08 Don’t Spray California ’s response to LBAM EIR preparation:

Questions which must fully be answered as part of the LBAM EIR draft preparation, and then final EIR:

-Which entity first called the LBAM a problem, and on what date?

-Which entity first called for pesticide use in response to the LBAM in California , and on precisely which date?

-Which governmental agency was first contacted by entity which first called LBAM a problem in CA?

-Was a state of emergency declared by the state of CA? If so, on which date?

-Was a state of emergency declared by the federal government? If so, on which date?

-On which doctors (please name each) has CDFA relied for health information about pesticides used and proposed or planned for use within the LBAM program anywhere in the state?

-On which doctors (please name each) has the USDA relied for health information about pesticides used and proposed or planned for use within the LBAM program in CA or any other U.S. state or occupied territory?

-Please supply detailed academic history of each doctor used as reference by CDFA or USDA for LBAM program

-On which scientists (please name each) has CDFA relied for toxicology about pesticides used and proposed or planned for use within the LBAM program anywhere in the state?

-On which scientists (please name each) has USDA relied for toxicology about pesticides used and proposed or planned for use within the LBAM program in CA or any other U.S. state or occupied territory?

-Please supply detailed academic history of each toxicologist used by CDFA OR USDA for LBAM program

-Please supply detailed work and job history as well as any potential conflicts of interest such as past or present employment by pesticide or pharmacology or genetic engineering firms for each doctor, toxicologist, representative or agent of CDFA or USDA for LBAM program, or stock or other particular interest in related companies, including by relations from whom they might expect to be included in inheritance pool

-Please supply above-requested information about doctors and toxicologists for Glassy-winged Sharpshooter program for CA or any other state; for Medfly program for CA or any other state; for Gypsy Moth program for CA or any other state; for the Blue-green Sharpshooter for CA or any other state, and for any other insects or “weeds” for which the CDFA and or USDA presently have or expect to have, or are preparing for the possibility of having, statewide pesticide programs in place during the next two decades.

-Detail the history of the Medfly program including dates of emergencies called; numbers of insects known at time in state; numbers of same insect known in state in 2008

-Detail same for GWSS; BGSS; GM

-Detail Hawai’i ’s Agricultural response to LBAM

-Detail New Zealand’s Agricultural response to LBAM, including ill-fated use of insecticides which killed natural predators of LBAM, and caused LBAM resistance, only remedied by ceasing use of chemical insecticides

-Detail toxicology of Checkmate, of either or any formulation; chemical twist ties; chemically-based sticky traps; Permethrins planned for utility poles, trees or any other use; Spinosad; Btk; Bt

-Detail synergism within any product or formulation used within the LBAM program, and between products which could have overlapping use including ongoing time-release which would qualify for intents and purposes as ‘use’

-Detail danger of trapping, including specific dangers of various colored traps

-Detail danger of pheromones of any type interrupting the mating cycles of non-target moth species

-Detail lack of subsidization for farmers and growers when eradication programs cause crop loss due to crops being seized, or crops being damaged due to handling. Detail under CDFA program; detail under USDA program

-Detail lack of subsidization for farmers and growers when eradication programs’ paperwork or quarantines cause economic loss? Detail under CDFA program; detail under USDA program

-Detail how information about CDFA LBAM program information is made accessible to public. Detail who is responsible for updating website and how information is accessible to people who have little or no access to computer or no phone, or too little money to make phone calls to CDFA or USDA numbers which are not toll-free

-Detail how decisions have been made, and would be expected to be made in future, about precisely when to spray

-Detail how decisions have been made, and would be expected to be made in future, about how residents of areas planned for pesticide use would be notified.

-Detail how workers in areas planned for pesticide use would be notified

-Detail how visitors to areas planned for pesticide use would be notified

-Detail lack of subsidization for businesses losing money due to loss of business related to LBAM pesticides program

-Address the issue of a forced spray or other pesticides program and Californians’ constitutional right to obtain health

-Address the issue of such for those imprisoned by the state or federal government within LBAM spray/ pesticide use zones

-Detail monies or resources made available for any aspect of the LBAM program, to which agencies, and how exactly the state or feds demand monies or other resources be used within this program. Address monies being accessed specifically for pesticide use

-Detail the economic devastation which will occur within the state with any continued pesticide use within LBAM program; specifically, address the loss of wages and productivity as people suffer acute or later chronic effects from pesticide exposures; the loss of monies to schools due to poor school attendance related to pesticide illnesses and then loss of monies tied to good performance on tests, likely to drop with school and study time lost; the loss of city, county, state and federal money as more people end up on county medical rolls and SSI; the economic loss resulting from the impoverization of people chemically-injured as a result of LBAM spraying, including related to their having to give up jobs and homes and leave the area entirely to try to escape this program, and related to an outpouring of out-of-pocket costs for appropriate healthcare

-Detail the economic devastation which could occur to the organics industry. Specifically, detail the losses which are occurring as people are rejecting food from areas which have been sprayed

-Detail plan for response if major grocery chains refuse to carry foods grown as organic if organic farms are sprayed with toxic pesticides and CDFA continues to say farmers can still label organic

-Detail lack of subsidization for major economic losses if there is a boycott of California-grown foods as a result of the LBAM pesticides program

-Detail who suggested decision be made to allow Organic farmers to label organic, even after their crops were sprayed. When was this decided, and by whom?

-Address the lack of subsidization for those farmers whose organic farms were sprayed and who will have to go back through a 3-year transition process if their foods are to be understood as organic as the public understands the label.

-Detail how CDFA has not made easily accessible, often having no information obviously available on site, about EIR scoping meetings, or other meetings being attended by CDFA representatives with city or county representatives in various counties

-Detail why CDFA would dare call this program environmentally-safe

-Detail why eradication not a possibility

-Detail who stands to profit from which aspects of a pesticides approach to the LBAM

-Detail the funding mechanism for this LBAM program, and for the GWSS; BGSS; Medfly; and GM programs

-Detail the pesticide-specific funding portions for the LBAM program, and for the GWSS; BGSS; Medfly and GM programs

-Detail job title, job description and salaries plus benefits of each person working as part of LBAM program

-Detail backgrounds and potential conflicts of interest of each person within the LBAM program who is part of the Medfly program, still going strong after close to 30 years; each who is part of BGSS program; each who is part of GWSS program; each who is part of GM program

<u>ADDITION</u> 3/18/08:

-Detail provisions taken and/ or planned for homeless people statewide. Specifically, detail how state and/ or feds have and/ or plan to notify homeless people with reasonable notice, and provisions made to transport them, if they desire, to other locales, or provisions made to provide housing not only during application times, but as time-release and ongoing release chemicals are part of program, provide permanent housing for duration of the program, for several years. Detail funding mechanism to support this

- Detail provisions taken and/ or planned for immune system-compromised or particularly vulnerable people statewide including, but not limited to pregnant women; babies; toddlers; children; children moving through hormonal transitions into adolescents; Menopausal women and middle-aged men moving through hormonal transitions into elder life; elderly people; chemically-injured people; people with Multiple Chemical Sensitivity, also known to EPA as Chemical Sensitivity;

people with cancers; people with HIV or AIDS; people with Hep C; people on chemotherapy; people with Lou Gehrig's; people with Parkinson's; people with blood sugar abnormalities and Diabetes; people with Low or High Thyroid problems

-Specifically, detail how state and/ or feds have and/ or plan to notify these populations with reasonable notice, and provisions made to transport them, if they desire, to other locales, or provisions made to provide housing not only during application times, but as time-release and ongoing release chemicals are part of program, provide permanent housing for the duration of the program, for several years. Detail funding mechanism to support this

Sincerely,

Maxina Ventura for Don't Spray California

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