

CONSENT CALENDAR

2-26-08

Date:

To: Honorable Mayor and  
Members of the City Council

From: Councilmember Dona Spring

Subject: Resolution Opposing Light Brown Apple Moth Spraying

RECOMMENDATION:

Join the Albany City Council by passing the attached resolution: "**OPPOSING THE CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE AERIAL SPRAY PROGRAM TO ERADICATE THE LIGHT BROWN APPLE MOTHS**".

BACKGROUND:

FINANCIAL IMPLICATIONS:

CONTACT PERSON: Councilmember Dona Spring 981-7140

**RESOLUTION NO.**

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**A RESOLUTION OF THE BERKELEY 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 continued presence of Light Brown Apple Moths III 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 in 2008; and

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

**WHEREAS**, the City of Berkeley 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 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; the 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

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

**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 and address issues in a direct and impartial manner; and

**WHEREAS**, the CDFA LBAM spraying program has used pesticides that an independent toxicologist's review has 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" [see Treatment Program for Light Brown Apple Moth in Santa Cruz and Northern Monterey Counties, California (September 2007) pages 10-121 ; 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 [see Treatment Program for Light Brown Apple Moth in Santa Cruz and Northern Monterey Counties, California (September 2007) pages 10-121 ; and

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

**NOW, THEREFORE, BE IT RESOLVED AND RESOLVE** that:

1. Berkeley City Council request the City Manager to contact all relevant state officials and CDFA to let the State know that the city opposes spraying for Light Brown Apple moths, and

2. that the city of Berkeley will seek a court injunction to stop the aerial spraying it in the East Bay area and will invite other jurisdictions to join the City in seeking the injunction.

**AND FURTHERMORE, BE IT RESOLVED** that the City of Berkeley Requests that CDFA 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.