Resolution urging the State of California to make maximum use of safe and tested ground-based approaches to control the Light Brown Apple Moth; complete an environmental impact report prior to the inception of any aerial spray program; and ensure that the California EPA Office of Environmental Health Hazard Assessment conducts an independent human health risk assessment of any LBAM aerial spray program prior to its inception.

WHEREAS, the Light Brown Apple Moth (LBAM) is an exotic plant pest native to the Country of Australia that feeds on hundreds of California plants and agricultural crops; and

WHEREAS, the Light Brown Apple Moth was recently discovered in the United States; and

WHEREAS, the LBAM has potential to cause significant economic and environmental damage in California and the Nation; and

WHEREAS, the LBAM is an invasive species with a substantial presence in California; and in San Francisco County; and

WHEREAS, CDFA has established a quarantine of areas in California with LBAM infestation; and

WHEREAS, LBAM and similar pests, if not controlled, could require the extension of quarantines; and

WHEREAS, the LBAM quarantine affects the viability of farms and livelihood of farmers including organic farms and farmers; and

WHEREAS, San Franciscans depend on the State’s food crops as a source of nutritious food, particularly fresh fruits and vegetables; and

Supervisor Duffy, Mayor Newsom, Supervisor Ammiano
BOARD OF SUPERVISORS
WHEREAS, the spread of LBAM into California may result in the increased application of hazardous synthetic pesticides to control this pest on economically valuable plants and crops; and

WHEREAS the increased application of hazardous synthetic pesticides to control LBAM would increase pesticide exposure hazards to pesticide applicators, farm workers, rural communities, and food consumers; and

WHEREAS, the policy of the City and County of San Francisco requires the City to use and support Integrated Pest Management (IPM) approaches to control pests in San Francisco; and

WHEREAS, IPM utilizes comprehensive information on the life cycles of pests and their interaction with the environment to take the most environmentally sensitive and responsive approach to pest management; and

WHEREAS, integrated pest management (IPM) includes mating disruption technologies such as pheromones which, by themselves, are not believed to pose a threat to environmental or human health; and

WHEREAS, on February 15th, 2008, CDFA released a "2008-2009 LBAM Action Plan" to control the spread of LBAM that relies on aerial dissemination of a synthetic version of a naturally occurring pheromone to disrupt the LBAM mating cycle along with ground-level programs including pheromone "twist ties" and the Trichogramma parasitic wasp; and

WHEREAS, the California Department of Food and Agriculture (CDFA) anticipates beginning an LBAM aerial spraying of pheromones in San Francisco and surrounding areas in summer of 2008 as part of its action plan; and

WHEREAS, any decision to use a pesticide, particularly in urban populations, should be based on a careful, comprehensive, and transparent evaluation of all costs, benefits and alternatives; and
WHEREAS, the Precautionary Principle Policy involves anticipatory action to prevent harm; a transparent decision making process; and the use of the best available science; and

WHEREAS, there exists limited practical experience and human health hazard information on the aerial application of pheromone-based products in urban areas; and

WHEREAS, there is limited public awareness about the ecologic and economic problems posed by the LBAM and the costs and consequences of alternative courses of action; and

WHEREAS, public controversy exists regarding the costs and benefits of the aerial applications of pheromone products over urban areas; and

WHEREAS, the purpose of the California Environmental Quality Act (CEQA) is to regulate activities of private individuals, corporations, and public agencies so that major consideration is given to preventing environmental damage, while providing a decent home and satisfying living environment for every Californian; and

WHEREAS, the CEQA requires a lead agency to prepare and certify an environmental impact report on any project that it proposes to carry out or approve that may have a significant effect on the environment in order to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided; and

WHEREAS, the State has claimed an emergency exemption under the California Environmental Quality Act (CEQA) to expedite the LBAM aerial spraying program; and

WHEREAS, a completed environmental impact report that includes independent, impartial scientific review of comparative health risks of all program alternatives would increase public confidence and trust in the State of California’s efforts to control LBAM; and

WHEREAS, it is possible for CDFA to expedite the preparation of an EIR; and
WHEREAS, it is the responsibility of governmental agencies to demonstrate that their actions are necessary, appropriate, and safe; now, therefore, be it

RESOLVED that The City and County of San Francisco supports the State of California goal of controlling the spread of the Light Brown Apple Moth in California; and be it

FURTHER RESOLVED that the City and County of San Francisco urges the State of California Department of Food and Agriculture to emphasize the use of tested, safe ground based approaches, including pheromone twist ties and the Trichogramma parasitic wasp, to control the LBAM and limit the necessity for aerial applications of pheromone agents in California; and be it

FURTHER RESOLVED that the City and County of San Francisco urges the State of California CDFA to expeditiously prepare and certify an Environmental Impact Report (EIR) on the 2008-09 LBAM action plan prior to the inception of using any aerial approach in an urban area; the EIR should, at a minimum, consider an alternative program of control that limits aerial application in urban areas defined on the basis of population density; and be it

FURTHER RESOLVED that the City and County of San Francisco urges CDFA to include in its EIR an assessment of anticipated damage, including the likely distribution of risks, harms and benefits across different groups and individuals based on implementing a variety of control measures or of taking no action; and be it

FURTHER RESOLVED that the City and County of San Francisco urges CDFA to document the efficacy of all proposed LBAM control methods; and be it

FURTHER RESOLVED that the City and County of San Francisco urges the State of California Environmental Protection Agency Office of Environmental Health Hazard Assessment (OEHHA), to immediately conduct an independent risk assessment of all LBAM control modalities proposed in the action plan, utilizing oversight by experts in relevant
disciplines and considering how human health hazards may vary depending on individual vulnerabilities and geographic context; and be it

FURTHER RESOLVED that the City and County of San Francisco supports the following legislation regarding LBAM in the California legislature:

- SCR 87 (Migden) requesting a moratorium on aerial spraying of pheromones in connection with LBAM
- AB2760 (Leno) requiring the preparation of an environmental impact report under the requirements of CEQA before CDFA could apply pesticides in urban areas for the eradication of the light brown apple moth.
- AB 2763 (Laird) requiring the CDFA to conduct invasive pest planning, including the preparation of a list of invasive species that might enter the state and pesticides that might be used in eradication of those pests.
- AB2765 (Huffman), requiring prior to an aerial application of pesticide for a pest eradication project, public notification; a hearing to consider alternatives; a full disclosure of all substances in the products and the certification of the safety of all elements of any proposed pesticide by an appropriate state department or agency that is independent of CDFA.
- AB2764 (Hancock) prohibiting the California Secretary of Food and Agriculture from approving the application of a pesticide in an urban area as part of an eradication project unless the governor has proclaimed a state of emergency.
Resolution urging the State of California to make maximum use of safe and tested ground-based approaches to control the Light Brown Apple Moth; complete an environmental impact report prior to the inception of any aerial spray program; and ensure that the California EPA Office of Environmental Health Hazard Assessment conducts an independent human health risk assessment of any LBAM aerial spray program prior to its inception.

April 15, 2008 Board of Supervisors — ADOPTED
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Duffy, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
I hereby certify that the foregoing Resolution was ADOPTED on April 15, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calyillo
Clerk of the Board

Mayor Gavin Newsom