

1 [Resolution regarding Aerial Spraying of Pesticides]

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3 **Resolution opposing aerial spraying over the City and County of San Francisco of**
4 **pesticides designed to eradicate the Light Brown Apple Moth; urging the City Attorney**
5 **of San Francisco to pursue legal strategies to oppose spraying in San Francisco.**

6
7 **WHEREAS**, the Light Brown Apple Moth (LBAM) is a pest subject to Federal and State
8 quarantine and eradication orders; and

9 **WHEREAS**, there is a confirmed presence of Light Brown Apple Moths in San
10 Francisco County; and

11 **WHEREAS**, the California Department of Food and Agriculture (CDFA) plans to begin
12 an LBAM aerial spraying program in San Francisco County and surrounding areas in August
13 of 2008; and

14 **WHEREAS**, the CDFA has expanded the area of the City and County of San Francisco
15 targeted for LBAM eradication without spraying to include Treasure Island by an addendum
16 dated March 24th 2008 a copy of which is attached as Exhibit A and incorporated herein by
17 this reference; and

18 **WHEREAS**, modern Integrated Pest Management (IPM) relies on least-toxic,
19 environmentally sensitive control methods; and

20 **WHEREAS**, the City and County of San Francisco is committed to a pest management
21 policy that favors the use of organic or natural methods and a thorough and public process to
22 consider the careful and limited use of chemicals of the least toxic nature; and

23 **WHEREAS**, least-toxic control options are available for LBAM, including physical and
24 cultural practices such as clean-up of plant debris where moth larvae over winter; use of
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1 natural predators, parasites, and insect diseases; introduction of sterile male moths; and use
2 of pheromone sticky traps are available to control the Light Brown Apple Moth (LBAM); and

3 **WHEREAS**, aerial and other blanket pesticide applications have repeatedly been
4 shown in the past to upset natural ecosystem balance in unpredictable and often catastrophic
5 ways; and

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

9 **WHEREAS**, the State has claimed an emergency exemption under the California
10 Environmental Quality Act (CEQA) in order to begin the LBAM aerial spraying program
11 without conducting environmental review based on an emergency exemption; and

12 **WHEREAS**, the State has confirmed that it will begin preparation of an Environmental
13 Impact Report after the aerial spraying program has begun; and

14 **WHEREAS**, blanket spraying of chemicals is expensive and inefficient; and

15 **WHEREAS**, biologists have testified that aerial pesticide spraying is extremely unlikely
16 to eradicate LBAM [see testimony of James Carey, testimony of Daniel Harder]; and

17 **WHEREAS**, biologists have testified that the range over which LBAM has been
18 detected in California indicates that LBAM has been established in the state for some time;
19 and

20 **WHEREAS**, CDFA has stated that no physical crop damage has been attributed to
21 LBAM; and

22 **WHEREAS**, the risk of economic damage alone does not justify the health and
23 environmental risks of aerial pesticide applications; and

24 **WHEREAS**, the State has relied almost entirely on its own scientists to address public
25 concerns about the LBAM spray program and has not employed independent outside experts

1 to evaluate and support the program or and address issues in a direct and impartial manner;
2 and

3 **WHEREAS**, the CDFA LBAM spraying program has used pesticides that an
4 independent toxicologist's review has stated have not been tested for long-term human
5 toxicity; and

6 **WHEREAS**, the CDFA LBAM spraying program is relying on pesticides that contain
7 ingredients that are highly toxic to aquatic life; and

8 **WHEREAS**, the CDFA LBAM program sprays pesticides in microscopic plastic
9 capsules that pose unknown inhalation risks; and

10 **WHEREAS**, the United State Department of Agriculture (USDA) maintains that the
11 pheromone pesticide poses only "minimal risk to human health," but acknowledges that it is
12 considered a "slight to moderate dermal irritant" and does present some very low toxicity"
13 [see *Treatment Program for Light Brown Apple Moth in Santa Cruz and Northern Monterey*
14 *Counties, California* (September 2007) pages 10-121]; and

15 **WHEREAS**, the USDA states that its risk assessment assumes that the rate of
16 exposure will be insignificant, with no dietary exposure from food and just a minimal amount
17 of incidental exposure from drinking water or swimming [see *Treatment Program for Light*
18 *Brown Apple Moth in Santa Cruz and Northern Monterey Counties, California* (September
19 2007) pages 10-121]; and

20 **WHEREAS**, aerial spraying disproportionately affects vulnerable populations such as
21 those who work and play outdoors, those with the recognized disability multiple chemical
22 sensitivity, and those in the homeless population who have no option for protection from the
23 spray or receipt of written notification of spray dates; and

24 **WHEREAS**, LBAM aerial spraying in the Santa Cruz and Monterey areas resulted in
25 the spraying of numerous residents and pets; and

1 **WHEREAS**, hundreds of reports of health effects were reported following the LBAM
2 aerial spraying in Santa Cruz and Monterey counties; and

3 **WHEREAS**, other environmental impacts were reported following the LBAM aerial
4 spraying in the Monterey and Santa Cruz areas; now, therefore, be it

5 **RESOLVED**, that the Board of Supervisors of the City and County of San Francisco
6 opposes the CDFA aerial spray program to eradicate LBAM; and be it

7 **FURTHER RESOLVED**, that the Board of Supervisors of the City and County of San
8 Francisco requests that CDFA protect the health and welfare of the residents and natural
9 environment of San Francisco County by immediately shifting its LBAM control methods to
10 least-toxic Integrated Pest Management methods such as those listed above; and be it

11 **FURTHER RESOLVED**, that the Board of Supervisors of the City and County of San
12 Francisco requests that CDFA shift its focus to educating the USDA regarding the lack of crop
13 damage done by LBAM, the need to use least-toxic control methods that do not expose
14 populated areas to aerial spraying, and the need to appropriately downgrade the pest
15 classification of LBAM to reflect the lack of risk it poses; and be it

16 **FURTHER RESOLVED**, that the Board of Supervisors of the City and County of San
17 Francisco requests that the State conduct a long-term study of the health and environmental
18 effects resulting from the aerial spraying project that has been conducted to date in Monterey
19 and Santa Cruz counties, taking into account reports collected by citizens in the absence of
20 an easily accessible method of reporting to the State; and be it

21 **FURTHER RESOLVED**, that the Board of Supervisors of the City and County of San
22 Francisco supports the introduction and passage of state legislation requiring explicit consent
23 of affected residents before any aerial spraying program can be implemented; and, be it

24 **FURTHER RESOLVED**, that the Board of Supervisors urges the City Attorney to take
25 any appropriate legal action to appeal the determination that the LBAM aerial spraying

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program is entitled to an emergency exemption from CEQA review, and to halt any LBAM
aerial spraying until a comprehensive environmental and public health analysis of the
program is complete, subject to the City Attorney's current fiscal year budget.

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References

Carey, James, PhD. 2007. Testimony Submitted in *Edna Williams, et al., v. California Department of Food and Agriculture, A.G. Kawamura, et. al., Case No. 07-05587, U.S. District Ct. for the Northern District of California.* November 14.

Harder, Daniel, PhD. 2007. Testimony Submitted in *County of Santa Cruz v. CDFA, Superior Court of California, Santa Cruz County.* October 31.

Philp, Richard B. PhD. 2007. *Analysis of Toxicology Studies with LBAM and Related Lepidopteran Pheromones.* October.

Philp, Richard B. PhD. 2007. Testimony Submitted in *County of Santa Cruz v. CDFA, Superior Court of California, Santa Cruz County.* October 31.

USDA. 2007. *Treatment Program for Light Brown Apple Moth in Santa Cruz and Northern Monterey Counties, California.* September.



City and County of San Francisco

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Tails

Resolution

File Number: 080405

Date Passed:

Resolution opposing aerial spraying over the City and County of San Francisco of pesticides designed to eradicate the Light Brown Apple Moth; urging the City Attorney to pursue legal strategies to oppose aerial spraying in San Francisco.

April 15, 2008 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE


Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

April 15, 2008 Board of Supervisors — ADOPTED AS AMENDED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 080405

I hereby certify that the foregoing Resolution was **ADOPTED AS AMENDED** on April 15, 2008 by the Board of Supervisors of the City and County of San Francisco.


for Angela Calvillo
Clerk of the Board

Date Approved

Mayor Gavin Newsom

Date: April 25, 2008

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter.


Clerk of the Board

File No.
080405