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 of San Francisco to pursue legal strategies to oppose spraying in San Francisco.

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

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

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

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

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

WHEREAS, the City and County of San Francisco is committed 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

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; use of
natural predators, parasites, and insect diseases; introduction of sterile male moths; and use of pheromone sticky traps are available to control the Light Brown Apple Moth (LBAM); 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; and

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

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

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 disproportionally 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; now, therefore, be it

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

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

FURTHER RESOLVED, that the Board of Supervisors of the City and County of San Francisco 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; and be it

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

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

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


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


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
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.

File No. 080405

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.

File No. 080405

City and County of San Francisco
Tails Report