

**CITY OF ALBANY
CITY COUNCIL AGENDA
STAFF REPORT**

Agenda date: March 3, 2008
Reviewed by: *BP*

SUBJECT: California Department of Food and Agriculture's Notice of Preparation for a Programmatic Environmental Impact Report to evaluate effects of implementation of eradication strategies and methods for the Light Brown Apple Moth, among which is aerial spraying

REPORT BY: Beth Pollard, City Administrator

STAFF RECOMMENDATION

Authorize the Mayor to send a letter of comment on the Notice of Preparation that communicates the concerns of the City Council as stated in Resolution #08-4, and additional any concerns of the City Council, for the CDFA to address in the Environmental Impact Report.

BACKGROUND

At the meeting of January 22, 2008, the City Council approved Resolution #08-4 (attached) opposing the California Department of Food and Agriculture (CDFA) aerial spraying program to eradicate the Light Brown Apple Moth.

On February 14, 2008, the CDFA issued a Notice of Preparation (NOP) of a Draft Programmatic Environmental Impact Report (EIR) for the Light Brown Apple Moth Eradication Program. Included in the notice was announcement of public scoping meetings on the EIR between February 20 and 26, 2008 in Monterey, Santa Cruz, San Francisco, and Oakland. Public agencies and members of the public have until 30 days from receipt of the notice to provide written responses. Attached is a copy of the NOP.

DISCUSSION

In Resolution #08-4, the City Council identified concerns about the spraying to public health and the environment, including:

- Aerial and other blanket pesticide applications in the past have caused unintended, unpredictable, and often serious human health effects and upset natural ecosystems in unpredictable and often catastrophic ways;

- The CDFA Light Brown Apple Moth spraying program has used pesticides that an independent toxicologist's review has stated have not been tested for long-term human toxicity
- The spraying program is relying on pesticides that contain ingredients that are highly toxic to aquatic life

Based on these concerns and the scope of the EIR analysis identified in the NOP, staff recommends that the City Council request that the EIR include specific information and analysis on the following areas of environmental concerns and impact:

1. "No action" involving an evaluation of the degree to which the moth is already being handled by the ecosystem and being kept in check by natural predators and parasites.
2. The health and environmental risks, including risks to native and non-target species, of the various ground based controls currently being used or considered by CDFA, including twist ties, "attract and kill" strategies involving insecticides like permethrin, stingless wasps, bacillus thuringiensis, and spinosad.
3. A range of alternatives that is broader than evaluating only various pheromone products; the range of alternatives should include least-toxic, non-chemical control methods.
4. An evaluation of the feasibility and risk of attempting to eradicate (rather than control) the moth.
5. An evaluation of the success of eradication programs that encompass large areas that are not agricultural mono-crop areas.
6. Independent scientific study of the human health and environmental impact of the spraying in Monterey and Santa Cruz.
7. Complete, independent evaluation of the long-term exposure risk of the specific ingredients and full formulation of any pesticide to be used.
8. Research on least toxic controls, using Integrated Pest Management principles and practices, in other countries or areas where the moth is already established.
9. Human health impacts of spraying on private property and public spaces on humans and including the following particular concerns related to dermal, oral, and respiratory routes for exposure to pesticides and pesticide residues:
 - a. Children, noting that children engaging in outdoor physical activity breathe more rapidly and deeply and young children are often in direct contact with the earth when playing and may then put their hands in their mouths
 - b. Persons with respiratory, chemical, or other physical sensitivities
 - c. The elderly and/or ill populations
 - d. Pregnant women
 - e. Persons who live and/or work outside
 - f. Recent research that genetic susceptibility to even small doses of chemicals varies widely
10. Environmental impacts on waterways, such as creeks and the bay, including impact on fish and other water life.
11. Health impacts on birds and other wildlife.
12. Health impacts on dogs, cats, and other pets.
13. Impacts on reservoirs and other sources of potable water.

14. Long-term health and environmental impacts.
15. Detailed study of the biology and behavior of the light brown apple moth in areas where it is an established exotic.
16. Detailed research and analysis of crop damage data from other countries where LBAM is found, including the degree to which LBAM currently damages crops and wildland plants, the relation between the use of broad-spectrum pesticides that destroy LBAM natural predators and historical data on LBAM crop damage.
17. Evaluation of the use and success of pheromones for eradication.
18. Study of the accuracy and validity of the CDFA list of possible LBAM host plants and the criteria for adding a plant to that list.

FINANCIAL IMPACT

None

Attachments

1. Resolution #08-4
2. CDFA Notice of Preparation