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June 24, 2011, *updated July 7*

**Re: Opposition to the Statewide Pest Prevention PEIR**

Dear Governor Brown and Secretary Ross:

The undersigned groups write to respectfully ask the state to abandon plans for the costly Statewide Pest Prevention Programmatic Environmental Impact Report (Pest PEIR). We urge the California Department of Agriculture (CDFA) to fully explore a modernized, less toxic approach to pest management before undertaking any California Environmental Quality Act (CEQA) review of its proposed future programs.

We outline below our reasons for opposing the Pest PEIR:

**Costly**

The consultant's budget for the Pest PEIR is \$3 - \$4.5 million. This estimate does not include the costs of the project-specific EIRs that would likely be required after the PEIR is complete, nor does it include legal costs. In view of the deficiencies in the PEIR, outlined below, it is likely to be subject to legal challenge and therefore to cost much more than has been estimated.

**Limits stakeholder input**

Once approved, the Pest PEIR would essentially end the public's ability to have meaningful input on future pest treatments. CDFA has publicly stated its intent to do no additional environmental review of future pest programs after the PEIR is complete. In other words, CDFA aims to obtain approval now for pesticide spray programs that might be carried out in communities anywhere in the state, years from now, at which time those communities would have no meaningful voice regarding the acceptability of these activities within their borders. CDFA would be under no obligation to alter its plans in response to public comment. This attempt to eliminate meaningful, timely public input regarding decisions about chemical exposure is unacceptable.

**Overly broad scope**

As CDFA has publicly described the Pest PEIR, it would attempt to analyze all impacts on all environments in the state of all treatments targeting invasive species, including pests that are here now and all those that may arrive in the future. Multiple CEQA attorneys have advised that it will be impossible for the state to adequately analyze all impacts of its pest treatments in all ecosystems and bioregions of the state, and on all sensitive and endangered species and environments, nor will it be possible to sufficiently evaluate alternatives for so many varied as well as unknown future conditions.

**Likely to lead to litigation**

Not only is the Pest PEIR scope far too broad to allow for adequate assessment of environmental impacts under CEQA, but it is structured similarly to the PEIR for the light brown apple moth, which is currently being challenged in two lawsuits by health and environmental groups. As proposed, the PEIR is likely to further erode public trust in state pest programs which is based on the state's decades of toxic pesticide use, and to be stalled in the courts for years. If there is concern about how any treatment covered by the PEIR might be carried out in the future, the public will have no choice but to challenge the PEIR legally during the 30-day statutory period after the document is approved or else forfeit forever the chance to question or object to the treatments it covers.

*Abandoning the PEIR will not impair the state's ability to rapidly respond to serious threats from invasive*

*species. The state has emergency powers at its disposal when a true emergency occurs, and planning for rapid responses can and should be a part of updating CDFA's pest programs.*

**Based on a costly, inefficient, chemically intensive, outdated approach to pest management**

Based on CDFA's current reliance on outdated "quarantine and spray" approaches to pests, the list of chemicals to be used in future programs that CDFA has given to the PEIR consultant, and the lack of focus on research into less toxic approaches, there is no reason to believe that this expensive and ultimately unenforceable PEIR will result in a new or safer approach to invasive species. Instead, it appears to be an attempt to codify CDFA's current practices into the future. Two-thirds of the proposed funding for the PEIR comes from two current programs (for the Asian citrus psyllid and European grapevine moth) that rely on pesticides that cause birth defects, genetic damage, miscarriage, and reduced survival of newborns as well as being highly toxic to bees, fish, and aquatic organisms. Other current quarantine regulations require the use of similar pesticides, toxic not only to pollinator and animal species but also to humans. ***This approach to pests is outdated – it has not changed since the controversial malathion spraying for the medfly in the 1970s – and it does not work.*** Since 1982, CDFA has conducted 274 eradication programs annually for the same 9 pests. If CDFA's current approach to invasive species continues, much of California's farmland could be quarantined on an ongoing basis. Pest quarantines covered 60,000 square miles or nearly 40% of the state in 2010 (Western Farm Press 8/29/10). ***The state has neither funds nor personnel to continue to enforce pest quarantines on this scale, nor can we afford the impacts on farmers, human health, and the environment.***

Farmers suffer from these widespread and sometimes overlapping quarantines that can last for months or recur over and over for years. Quarantines entail damaging inspections and forced chemical treatments and can shut down farms entirely, with devastating economic consequences. Testimony to the Senate Agriculture Committee in 2009 indicated that *one organic strawberry farmer lost \$40,000 in a single summer because of quarantine shutdowns*. Although larvae in his field each time turned out not to be the suspect insect, nonetheless each time his farm was shut down for weeks while the larvae were identified.

The cost of the current approach is unsustainable; as an example, the light brown apple moth program, which has cost \$115 million over the past 3 years, after which CDFA acknowledged that the insect had done no damage to date and that eradication was impossible, exemplifies the economic infeasibility of continuing to battle invasive species this way.

**We need an updated, less toxic approach.**

We need a new model. Work is already funded and under way at UC Davis to develop a 21<sup>st</sup> Century Invasive Pest Policy that would employ ecological pest management, be more cost- and resource-efficient than the state's current model, more effective in preventing physical damage from pests and in satisfying economic and trade concerns, less burdensome and disruptive to farmers, and less dependent on widespread chemical intervention and thus more acceptable to the public due to reduced health risks. UCSF and other California institutions have done extensive research on the health and environmental impacts of pesticides; the results of this research, which have been published over the past decade, must inform the design of the state's pest and invasive species programs going forward.

We urge you to shift course, stop the PEIR process before any more money is spent on it, and focus on reducing adverse impacts on human health, the environment, and farmers from statewide pest programs.

We request a response from you on this matter as soon as possible, prior to any official commencement of a CEQA process for the PEIR.

Sincerely,

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