

CITY OF EMERYVILLE

**M E M O R A N D U M**

DATE: March 19, 2008

TO: Mayor and Council

FROM: Patrick O’Keeffe, City Manager

SUBJECT: PROPOSED RESOLUTION TO OPPOSE THE CALIFORNIA  
DEPARTMENT OF FOOD AND AGRICULTURE AERIAL SPRAY  
PROGRAM TO ERADICATE THE LIGHT BROWN APPLE MOTHS

In response to the request of two Councilmembers, staff has prepared the attached proposed resolution opposing the planned aerial spraying in the East Bay planned for this summer that the Council may choose to adopt.

**BACKGROUND**

At the February 19<sup>th</sup> City Council meeting, the California Department of Food and Agriculture (CDFA) made a presentation regarding plans to conduct an aerial spraying program to eradicate the light brown apple moth. In response to that presentation as well as to recent media reports, some Emeryville residents have expressed concerns that the aerial spraying of encapsulated pheromones will have negative impacts on public health. The same concern has been raised in surrounding jurisdictions and consequently several cities, such as Albany, Berkeley, and Oakland, have adopted resolutions opposing the planned aerial spraying.

In addition, there are five different State Assembly bills (including one from Emeryville’s representative State Assemblymember Loni Hancock) to either ban/limit or require additional reviews/authorization before aerial spraying occurs, especially around urban/residential areas. And, there are several lawsuits in process against the CDFA for a similar aerial spraying conducted in the Santa Cruz/Monterey area.

Information from the Pesticide Action Network: North America about the aerial spraying of pheromones, chronological summary of how the issue has evolved as a concern and resources for additional information are attached to this report.

PREPARED BY:

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Karen Hemphill  
Assistant to the City Manager

RESOLUTION NO.

Resolution of the City Council of the City of Emeryville Opposing the California Department of Food and Agriculture Aerial Spray Program to Eradicate the Light Brown Apple Moths

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

WHEREAS, the California Department of Food and Agriculture (CDFA) plans to begin a LBAM aerial spraying program in Alameda County and surrounding areas in Spring 2008; and

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

WHEREAS, least-toxic control options are available for LBAM, including physical and cultural practices such as cleanup 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; 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; the planned CDFA LBAM program spray program sprays pesticides in microscopic plastic capsules that pose unknown inhalation risks; and

WHEREAS, the United States 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, aerial spraying disproportionately affects vulnerable populations such as those who work and play outdoors, those with the recognized disability of 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 hundreds of reports of health effects, now, be it

RESOLVED, that the City Council of the City of Emeryville hereby opposes the California Department of Food and Agriculture's (CDFA) planned aerial spray program to eradicate the Light Brown Apple Moth (LBAM) and requests that the CDFA protect the health and welfare of the residents and natural environment of Alameda County by immediately shifting its LBAM control methods to least-toxic Integrated Pest Management methods as those listed above.

ADOPTED, by the Emeryville City Council at a regular meeting held Tuesday, March 19, 2008 by the following vote:

**AYES:**

\_\_\_\_\_

**NOES:** \_\_\_\_\_ **ABSENT:** \_\_\_\_\_

**EXCUSED:** \_\_\_\_\_ **ABSTAINED:** \_\_\_\_\_

\_\_\_\_\_  
**MAYOR**

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**CITY CLERK**

\_\_\_\_\_  
**CITY ATTORNEY**