

Bringing you HOPE -
Helping Our Peninsula's Environment

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County Supervisors
Santa Cruz County

October 16, 2007

**Invitation to Join HOPE's Suit to Halt Aerial Spraying
Of Untested, Unwanted Secret Pesticides**

Good Day Supervisors,

Our non-profit filed suit to stop the aerial spraying of untested, unwanted, partially secret pesticides over our Monterey Peninsula community where children play outside, where many people live with severe asthma and weakened immune systems; and over natural lands where endangered wildlife live. Our suit can easily be expanded to protect Santa Cruz County.

If history is any guide, the "information" you get from CDFA and USDA at tonight's hearing will be biased, overblown, fear based, contradictory and so misleading that HOPE believes you will soon learn you can dismiss them as sources of reliable information.

As a personal aside, when my Board of Trustees brought the aerial spraying to my attention, my first reaction was that the pheromone spraying seemed like it might be a reasonable solution. I didn't believe there would be any problems so I asked them to wait until I could do a little research.

What I found after only a few hours research substantially raised my concerns. Since then almost without exception, everything CDFA and USDA has done and said has only heightened that concern.

To summarize:

After two months of research, aided by an uprising of volunteer researchers (we gave out 21 awards on this subject last Saturday), and based on evidence from genuine experts HOPE has determined the following contradicts the unscientific claims of CDFA and USDA --

- Eradication of the LBA moth is impossible. CDFA knows, at best, it can only "control" the LBA moth. Recall the Mediterranean Fruit Fly which rears its head repeatedly more than 25 years after the state tried to eradicate it with aerial spraying. CDFA doesn't aeriially spray for it anymore.
- Aerial Spraying is the least effective method of control.

"LEAST effective."

- A far more effective, less costly, less harmful, more rapidly employed and less controversial solution / method exists -- **Sticky traps**, pheromone baited sticky traps.

Founded in 1998, and known for helping with hundreds of environmental and democracy successes, H.O.P.E. is a non-profit, tax deductible, public interest group protecting our Monterey Peninsula's natural land, air, and water ecosystems and public participation in government, using science, law, education, news alerts and advocacy.

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All 9,000 known LBA moths found in California have been caught by these traps (except one caught by a black light). Because the moth flies no farther than about 20-30 yards from where it was born, each moth found can easily be surrounded with four traps which when conducted systematically can easily catch most remaining moths.

- **There is no emergency. This is a false alarm.**

USDA and CDFA are "crying wolf." The LBA moth may indeed be a problem, but it is not an emergency because it has lived in California for years¹, if not decades, and caused no documented damage to our agriculture or our ecosystems. Similar to how the LBA moth has lived in Hawaii for more than 100 years, yet their Dept of Agriculture doesn't consider it a significant problem.

- CDFA has turned the laws upside down. They have rejected their own legal responsibility to analyze inherently hazardous materials, pesticides, and thrown that burden on the public. Worse, they are now hiding the names of some of the chemicals in the pesticides so we can't do the research.

HOPE has an additional observation that is value based --

- Democracies do not allow unelected bureaucrats to aerially spray untested pesticides over a community of people who do not give their consent. Remember how our **California Constitution** grants each person a **Right to not merely pursue but to obtain Safety**.

Last week HOPE won a TRO which stopped the spraying on our Monterey Peninsula until this Thursday morning when we will ask a Superior Court Judge to halt the spraying until our lawsuit can be heard in full some months from now.

CDFA has essentially admitted that we will ultimately win our suit because they are already preparing the remedy we ask for - an Environmental Impact Report. That EIR will provide what we really seek which is the **honest evaluation of the Sticky Trap non-spraying solution** described above. The only questions are whether the Court will continue to halt the spraying until our case can be heard in full; and whether you can bring a separate suit to stop spraying in your county.

HOPE's suit can easily be amended to halt Santa Cruz Aerial Spraying because CDFA unlawfully "piecemealed" their spraying program by dividing up their approvals into regions (e.g. Monterey Peninsula, Santa Cruz, etc.). However, HOPE is concerned that if no entity from Santa Cruz joins now, CDFA will try to dismiss all subsequent suits with "collateral estoppel" claiming that each region's actions are merely part of a single project.

HOPE respectfully invites Santa Cruz County to join our suit on Thursday. We would welcome your intervention to help us stop the aerial spraying until the CEQA suit can be decided.

Thank you,

David Dilworth, Executive Director

¹ Entomologists at University of California of Davis.