

File No. 080409

Committee Item No. 4

Board Item No. **17**

# COMMITTEE/BOARD OF SUPERVISORS

## AGENDA PACKET CONTENTS LIST

Government Audit and Oversight Committee

Date: April 7, 2008

Board of Supervisors Meeting

Date: **4/15/08**

### Cmte Board

- |                                     |                                     |                                              |
|-------------------------------------|-------------------------------------|----------------------------------------------|
| <input type="checkbox"/>            | <input type="checkbox"/>            | Motion                                       |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution                                   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Ordinance                                    |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Budget Analyst Report                        |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Legislative Analyst Report                   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Introduction Form (for hearings)             |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/>            | MOU                                          |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Public Correspondence                        |
| <input type="checkbox"/>            | <input type="checkbox"/>            | _____                                        |
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Completed by: Annette Lonich

Date: April 3, 2008

Completed by: Annette Lonich

Date: **4/9/08**

An asterisked item represents the cover sheet to a document that exceeds 20 pages. The complete document is in the file.

71

1 [Urging safe approach to controlling Light Brown Apple Moth]

2  
3 **Resolution urging the State of California to make maximum use of safe and tested**  
4 **ground-based approaches to control the Light Brown Apple Moth; complete an**  
5 **environmental impact report prior to the inception of any aerial spray program; and**  
6 **ensure that the California EPA Office of Environmental Health Hazard Assessment**  
7 **conducts an independent human health risk assessment of any LBAM aerial spray**  
8 **program prior to its inception.**

9  
10 WHEREAS, the Light Brown Apple Moth (LBAM) is an exotic plant pest native to the  
11 Country of Australia that feeds on hundreds of California plants and agricultural crops; and

12 WHEREAS, the Light Brown Apple Moth was recently discovered in the United States;  
13 and

14 WHEREAS, the LBAM has potential to cause significant economic and environmental  
15 damage in California and the Nation; and

16 WHEREAS, the LBAM is an invasive species with a substantial presence in California;  
17 and in San Francisco County; and

18 WHEREAS, CDFA has established a quarantine of areas in California with LBAM  
19 infestation; and

20 WHEREAS, LBAM and similar pests, if not controlled, could require the extension of  
21 quarantines; and

22 WHEREAS, the LBAM quarantine affects the viability of farms and livelihood of farmers  
23 including organic farms and farmers; and

24 WHEREAS, San Franciscans depend on the State's food crops as a source of  
25 nutritious food, particularly fresh fruits and vegetables; and

1           WHEREAS, the spread of LBAM into California may result in the increased application  
2 of hazardous synthetic pesticides to control this pest on economically valuable plants and  
3 crops; and

4           WHEREAS the increased application of hazardous synthetic pesticides to control  
5 LBAM would increase pesticide exposure hazards to pesticide applicators, farm workers, rural  
6 communities, and food consumers; and

7           WHEREAS, the policy of the City and County of San Francisco requires the City to use  
8 and support Integrated Pest Management (IPM) approaches to control pests in San  
9 Francisco; and

10           WHEREAS, IPM utilizes comprehensive information on the life cycles of pests and their  
11 interaction with the environment to take the most environmentally sensitive and responsive  
12 approach to pest management; and

13           WHEREAS, integrated pest management (IPM) includes mating disruption  
14 technologies such as pheromones which, by themselves, are not believed to pose a threat to  
15 environmental or human health; and

16           WHEREAS, on February 15<sup>th</sup>, 2008, CDFA released a "2008-2009 LBAM Action Plan"  
17 to control the spread of LBAM that relies on aerial dissemination of a synthetic version of a  
18 naturally occurring pheromone to disrupt the LBAM mating cycle along with ground-level  
19 programs including pheromone "twist ties" and the Trichogramma parasitic wasp; and

20           WHEREAS, the California Department of Food and Agriculture (CDFA) anticipates  
21 beginning an LBAM aerial spraying of pheromones in San Francisco and surrounding areas in  
22 summer of 2008 as part of its action plan; and

23           WHEREAS, any decision to use a pesticide, particularly in urban populations, should  
24 be based on a careful, comprehensive, and transparent evaluation of all costs, benefits and  
25 alternatives; and

1           WHEREAS, the Precautionary Principle Policy involves anticipatory action to prevent  
2 harm; a transparent decision making process; and the use of the best available science; and

3           WHEREAS, there exists limited practical experience and human health hazard  
4 information on the aerial application of pheromone-based products in urban areas; and

5           WHEREAS, there is limited public awareness about the ecologic and economic  
6 problems posed by the LBAM and the costs and consequences of alternative courses of  
7 action; and

8           WHEREAS, public controversy exists regarding the costs and benefits of the aerial  
9 applications of pheromone products over urban areas; and

10          WHEREAS, the purpose of the California Environmental Quality Act (CEQA) is to  
11 regulate activities of private individuals, corporations, and public agencies so that major  
12 consideration is given to preventing environmental damage, while providing a decent home  
13 and satisfying living environment for every Californian; and

14          WHEREAS, the CEQA requires a lead agency to prepare and certify an environmental  
15 impact report on any project that it proposes to carry out or approve that may have a  
16 significant effect on the environment in order to identify the significant effects on the  
17 environment of a project, to identify alternatives to the project, and to indicate the manner in  
18 which those significant effects can be mitigated or avoided; and

19          WHEREAS, the State has claimed an emergency exemption under the California  
20 Environmental Quality Act (CEQA) to expedite the LBAM aerial spraying program; and

21          WHEREAS, a completed environmental impact report that includes independent,  
22 impartial scientific review of comparative health risks of all program alternatives would  
23 increase public confidence and trust in the State of California's efforts to control LBAM; and

24          WHEREAS, it is possible for CDFA to expedite the preparation of an EIR; and  
25

1           WHEREAS, it is the responsibility of governmental agencies to demonstrate that their  
2 actions are necessary, appropriate, and safe; now, therefore, be it

3           RESOLVED that The City and County of San Francisco supports the State of California  
4 goal of controlling the spread of the Light Brown Apple Moth in California; and be it

5           FURTHER RESOLVED that the City and County of San Francisco urges the State of  
6 California Department of Food and Agriculture to emphasize the use of tested, safe ground  
7 based approaches, including pheromone twist ties and the Trichogramma parasitic wasp, to  
8 control the LBAM and limit the necessity for aerial applications of pheromone agents in  
9 California; and be it

10          FURTHER RESOLVED that the City and County of San Francisco urges the State of  
11 California CDFA to expeditiously prepare and certify an Environmental Impact Report (EIR) on  
12 the 2008-09 LBAM action plan prior to the inception of using any aerial approach in an urban  
13 area; the EIR should, at a minimum, consider an alternative program of control that limits  
14 aerial application in urban areas defined on the basis of population density; and be it

15          FURTHER RESOLVED that the City and County of San Francisco urges CDFA to  
16 include in its EIR an assessment of anticipated damage, including the likely distribution of  
17 risks, harms and benefits across different groups and individuals based on implementing a  
18 variety of control measures or of taking no action; and be it

19          FURTHER RESOLVED that the City and County of San Francisco urges CDFA to  
20 document the efficacy of all proposed LBAM control methods; and be it

21          FURTHER RESOLVED that the City and County of San Francisco urges the State of  
22 California Environmental Protection Agency Office of Environmental Health Hazard  
23 Assessment (OEHHA), to immediately conduct an independent risk assessment of all LBAM  
24 control modalities proposed in the action plan, utilizing oversight by experts in relevant  
25

1 disciplines and considering how human health hazards may vary depending on individual  
2 vulnerabilities and geographic context; and be it

3 FURTHER RESOLVED that the City and County of San Francisco supports the following  
4 legislation regarding LBAM in the California legislature:

- 5 • SCR 87 (Migden) requesting a moratorium on aerial spraying of pheromones in  
6 connection with LBAM
- 7 • AB2760 (Leno) requiring the preparation of an environmental impact report under the  
8 requirements of CEQA before CDFA could apply pesticides in urban areas for the  
9 eradication of the light brown apple moth.
- 10 • AB 2763 (Laird) requiring the CDFA to conduct invasive pest planning, including the  
11 preparation of a list of invasive species that might enter the state and pesticides that  
12 might be used in eradication of those pests.
- 13 • AB2765 (Huffman), requiring prior to an aerial application of pesticide for a pest  
14 eradication project, public notification; a hearing to consider alternatives; a full  
15 disclosure of all substances in the products and the certification of the safety of all  
16 elements of any proposed pesticide by an appropriate state department or agency that  
17 is independent of CDFA.
- 18 • AB2764 (Hancock) prohibiting the California Secretary of Food and Agriculture from  
19 approving the application of a pesticide in an urban area as part of an eradication  
20 project unless the governor has proclaimed a state of emergency.

