

OFFICE OF THE CITY ATTORNEY

2008 FEB 27 PM 5:31

App. Form and Legality
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City Attorney

OAKLAND CITY COUNCIL

RESOLUTION NO. 81096 C.M.S.

Introduced by Councilmember Brunner and Councilmember Reid

A RESOLUTION OPPOSING THE CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE AERIAL SPRAY PROGRAM TO ERADICATE THE LIGHT BROWN APPLE MOTH AND REQUESTING ADDITIONAL INFORMATION ON THE POSSIBLE HEALTH EFFECTS

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

WHEREAS, there is a confirmed presence of Light Brown Apple Moths in Alameda County; and

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

WHEREAS, aerial and other blanket pesticide applications have repeatedly been shown in the past to cause unintended, unpredictable, and often serious human health effects; and

WHEREAS, the State has claimed an emergency exemption under the California Environmental Quality Act (CEQA) in order to begin the LBAM aerial spraying program without conducting environmental review based on an emergency exemption; and

WHEREAS, the State has confirmed that it will begin preparation of an Environmental Impact Report after the aerial spraying program has begun; and

WHEREAS, CDFA has stated that no physical crop damage has been attributed to LBAM; and

WHEREAS, the State has relied almost entirely on its own scientists to address public concerns about the LBAM spray program and has not employed independent outside experts to evaluate and support the program or address issues in a direct and impartial manner; and

WHEREAS, the CDFA LBAM program sprays pesticides in microscopic plastic capsules that pose unknown inhalation risks; and

WHEREAS, according to the United State Department of Agriculture (USDA) the pheromone pesticide poses only minimal risk to human health, but is considered a "slight to moderate dermal irritant" and does present some very low toxicity"; and

WHEREAS, hundreds of reports of health effects such as asthma attacks, headaches, difficulty breathing, stomach pains and skin rashes were reported following the LBAM aerial spraying in Santa Cruz and Monterey counties; and

WHEREAS, other environmental impacts such as the deaths of birds and pets were reported following the LBAM aerial spraying in the Monterey and Santa Cruz areas;

WHEREAS, several State legislators have introduced legislation related to aerial spraying and pest mitigation; now, therefore, be it

RESOLVED: that the Oakland City Council opposes the CDFA aerial spray program to eradicate Light Brown Apple Moth until a reliable independent study has determined that it is safe, and be it

FURTHER RESOLVED: that the Oakland City Council directs the city administrator to return to the Rules Committee at a future date with an analysis and recommendation regarding the following State bills:

- a) AB 2892 (Swanson), which would require the Secretary of Food and Agriculture to obtain the consent of 2/3 of the registered voters of the affected cities and counties before applying a pesticide aerially,
- b) AB 2764 (Hancock), which would prohibit the Secretary of Food and Agriculture from approving the application of a pesticide in an urban area, unless the Governor has proclaimed a state of emergency,
- c) AB 2760 (Leno) which would requires that an Environmental Impact Report be completed before the state Department of Food and Agriculture can apply pesticide in an urban area for the eradication of the light brown apple moth,
- d) AB 2765 (Huffman), which would require a public hearing to receive testimony and examine alternatives to aerial spraying prior to any decision to spray, and
- e) AB 2763 (Laird), which would require the Department of Food and Agriculture to conduct a written assessment on the most appropriate method of eradication of invasive pests including a discussion of the impacts on public health and the environment.

IN COUNCIL, OAKLAND, CALIFORNIA, MAR 4 2008, 20

PASSED BY THE FOLLOWING VOTE:

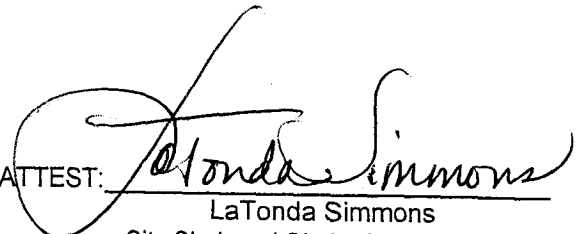
AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:


LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California