

Gypsy moth spraying issue heating up

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SANTA CRUZ — Santa Cruz County is resorting to "below the belt" tactics concerning the gypsy moth spray issue, Deputy Attorney General Charles Getz charged this morning in advance of Wednesday's scheduled hearing in Superior Court.

County officials have denied the charges, saying they are just making a conflict of interest violation by a member of the state Science Advisory Panel known.

Getz made the charges in representing the California Department of Food and Agriculture, which is fighting the county's lawsuit that says the insecticide carbaryl

poses "reasonably possible health risks." The state presently is planning to spray carbaryl over 175 acres in Felton beginning March 18 to eradicate the gypsy moth.

Getz says the county is "resorting to dirty, below the belt tactics" by filing amendments to its lawsuit — amendments that "personally attack" members of the state Science Advisory Panel as having conflicts of interest. That panel was responsible for recommending carbaryl be used by the state.

Fifth (San Lorenzo-Scotts Valley) District Supervisor Joe Cucchiara this morning denied the charge. He said the county's conflict of interest charges simply pertain

to a "distinct violation, according to state laws."

Assistant County Counsel Jonathan Wittwer added that the 1974 Political Reform Act prohibits conflicts of interest. "The fact remains there was a vote on carbaryl spraying by the state Science Advisory Panel," Wittwer said. "We're saying there was a conflict of interest in connection to their vote. What are we supposed to do, ignore it?"

Getz, however, maintains most of those Science Advisory panelists have contracts with the California Department of Food and Agriculture to do such things as pest research.

"They'll always have contracts with the state because that's who wants the research done," he said. "That's what makes them experts in the first place."

Getz adds that if the state used "the squeaky-clean criteria of the county, the state panel would be made up of first-year entomology students who don't know anything."

Getz also protested what he charged was an attempt by the county to exercise "undue influence" on County Agricultural Commissioner Richard Nutter to rescind his action permitting the state to spray carbaryl in Felton.

He said the county has sent a letter to Claire Berryhill, director of the California Department of Food and Agriculture, saying that if he wants carbaryl sprayed in Felton he will have to grant the permit himself.

Cucchiara denied this charge also, saying Nutter has conceded there was no such pressure from the county.

Among the 16 statements by experts who have filed declarations for the state are medical doctors and toxicologists. One of those doctors-toxicologists, Dr. Peter Berteau of the California Department of Health Services, was cited in the county's declarations as saying carbaryl poses "reasonably possible public health risks."

In defense of the state, Berteau is now saying that if carbaryl is properly applied in Felton, "the degree of exposure appears minimal." Additionally, he states, "Currently available information does not indicate carbaryl presents...a hazard to the community."

Getz says the county "twisted Berteau's report so much, that he filed a declaration with us to correct it."

Dr. Edward Smuckler, chairman of the department at the UC Medical Center, says that with the dose rate of carbaryl to be used, "I do not believe the project will pose an unacceptable health risk to the residents of Felton."

Smuckler adds: "To call carbaryl a mutagen capable of causing injury, is speculation."

The state's planned dilution of carbaryl is .12 percent (top 99.88 percent water, Getz said, as opposed to the 5 percent carbaryl to water concentrated in a pet's flea collar.