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Several groups join in spraying lawsuit

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SANTA CRUZ — Several groups will be joining the county Monday as co-plaintiffs in its lawsuit against the state Department of Food and Agriculture, in hopes of stopping next month's planned insecticide spraying of 250 acres in Felton.

The state has ordered the two-prong spray attack in order to stop what it calls an "infestation" of gypsy moths in Felton. Voracious gypsy moth caterpillars will begin hatching in March, with the potential for widespread defoliation, according to the state.

The county's lawsuit will be filed Monday afternoon in Santa Cruz County Superior Court, Fifth (San Lorenzo-Scotts Valley) District Supervisor Joe Cucchiara told The Sentinel. The county will be joined by several groups, including the Sierra Club and a newly-formed Felton property owner's organization, People for a Safe Felton.

Dr. Isi Siddiqui, assistant director of the state Department of Food and Agriculture, has already said there is "no chance" the state will back off on its plan. The two-prong attack involves the insecticide carbaryl from the ground and the non-chemical compound *Bacillus thuringiensis* by helicopter.

Cucchiara said the jointly-shared lawsuit will include declarations from Felton residents, business owners, employees, customers and even local doctors — all whom believe carbaryl will pose a health threat.

The lawsuit will argue that the state is unnecessarily spraying carbaryl, which foes say is much more hazardous than the malathion used during the state's 1981 spraying against the Mediterranean fruit fly. It contends a "less destructive" alternative exists in the form of *Bacillus thuringiensis*.

In addition, the lawsuit will argue that

the state's yearly pesticide review and permit issue for carbaryl was incorrect and that the insecticide doesn't meet registration criteria. It also cites the dangers of using low-flying helicopters in the mountainous terrain.

Carbaryl's registration as an approved pesticide by the state has been successfully challenged before. That lawsuit, however — filed last spring by Citizens for a Better Environment in San Jose — did not stop the spraying.

Siddiqui also noted that the state successfully defended a court challenge in Santa Barbara in 1982 regarding the use of carbaryl.

Yet, Cucchiara and others are confident.

"We would not be moving forward if we weren't confident," said Cucchiara. "We feel we have an increasingly strong position based on the public health question regarding carbaryl, the impact on the domestic water supply, the impact of spraying on downtown Felton businesses and detrimental effects on children and pregnant women in the area.

"There's no question we had a solid case to begin with," he added. "But it is becoming increasingly stronger as a broader base of concern is coming forth in support of the county's action."

Dave Bockman, spokesman for the local Sierra Club, said he feels the state "bypassed" the environmental quality act in ordering the spraying of carbaryl.

Victor Shear, attorney representing People for a Safe Felton, said the difference between the county's interest and theirs is that they are solely representing Felton residents themselves.

"Many of our members are people who are environmentally sensitive, people with allergies, women of child-bearing age and those with respiratory problems," he said. "We are concerned with the impact of carbaryl, but also support an environmentally safe alternative, the use of B.t."