

Spray bill worries Valley supervisor

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SANTA CRUZ — A bill is making its way through the state Legislature that would make it much easier for the California Department of Food and Agriculture in its "spray wars" against the gypsy moth.

In March, the county won a court ruling prohibiting the state from spraying the insecticide carbaryl in Felton to fight the tree-eating moth.

The new bill takes out the language that was the basis for that court ruling — language which requires the state to be "reasonably certain" no injury would result from the use of carbaryl. Instead, the state only would be required to follow "label instructions" while spraying.

Fifth (San Lorenzo-Scotts Valley) District Supervisor Joe Cucchiara says the bill is being pushed by the California Department of Food and Agriculture in order to "stop losing lawsuits." He called the bill a "major infringement on an individual's constitutional right to have their day in court."

Cucchiara said the bill is on a "greased track" toward the governor's desk and could become law within a week. Cucchiara is pushing

for the bill to go to the Assembly and Senate judiciary committees for amendment. The Senate Agricultural Committee is fighting that action.

Both Cucchiara and Assemblyman Henry Mello, D-Watsonville, were unsuccessful in gaining major amendments to the bill Wednesday in Sacramento. Cucchiara called the bill an "outrageous attempt" by the California Department of Food and Agriculture to avoid public health protections in pest eradication projects.

Assemblyman Norm Waters, D-Sacramento/San Joaquin counties, wrote the bill, AB 1525, in March. The original bill, however, dealt with tolerance levels of pesticides. The controversial amendments were made Monday.

The county successfully fought the state in March, eventually gaining a court ruling prohibiting the use of carbaryl on 175 acres in Felton. Instead, the state used a non-chemical called *Bacillus thuringiensis*.

A gypsy moth infestation was called when six moths were trapped near downtown. The voracious moth's caterpillar has the potential for widespread defoliation of forested areas. No new moths have been found locally this summer.