

level and then they will say, "This hasn't worked, we'll have to use something stronger." It's not outside the realm of possibility."

In another twist in the developing tale, recent data from San Francisco shows that trappings of LBAM have increased in the metropolis, but this explosion in trapping hasn't been met with any plans by the CDFA to spray pheromones over that highly populated area.

"There's no talk of spraying San Francisco, where the percentages of LBAM found in traps is actually higher than what we have here on the Central Coast," Harder says. "That doesn't make sense if they are going for eradication. You have to go after the numbers. There's another way.

"Look, as a farmer you would never spray because you find an insect. You spray because you're finding damage and you control it." So far, the only economic damage brought on by LBAM has been the consequence of international trade bans, rather than the loss of native fauna or cultivated crops. Some sources contacted for this story believe that that element of the argument, namely trade wrangling, might be driving the process from the federal level rather than concern over damaged oak trees.

Speaking of control and containment, county treasurer and politico Fred Keeley has taken a lead role in facilitating the public communications process surrounding the highly charged issue of aerial pheromone dispersal.

In a series of public meetings held the week of Oct. 22 at the Cocoanut Grove and the UCSC Inn, Keeley stood between concerned citizens and the public servants who wish to eradicate the invasive moth.

Asked in the aftermath about the public relations process, Keeley says that state regulators were able to answer some questions to the audience's satisfaction while others were left hanging.

"One of the questions that they were unable to answer related to the approximately 150 to 200 folks in Monterey County who believe that they have some negative health impacts from the spraying and whether or not that data was enough for CDFA to put this on hold. CDFA hasn't got an answer that satisfies everyone on that account.

"The second question," Keeley continues, "is what would it take for you to stop this? What public health or other metrics would it take where CDFA would need to start analyzing this more?"

On that last tip, one attendee of the Oct. 23 meeting asked the secretary of the CDFA, A.G. Kawamura, whether or not one sick child (like the case of Jack Wilcox whose sudden onset of asthma may possibly be related to pheromone applications in Monterey) was enough to merit more review. Kawamura replied affirmatively. When asked whether or not one sick adult would stop the process, Kawamura did his best interpretation of a deer caught in the headlights.

At press time, it was unclear whether or not the city's suit will find fertile legal ground to grow in.

"The statute of limitations means that we will have to file by early November," Moose says. "The length of these kinds of CEQA suits varies from case to case, but we think we can get it done within the year."

Moose is circumspect on whether or not the suit will be accompanied by a temporary injunction against further spraying. "The filing of the lawsuit doesn't immediately hold them up," he says. "We will have to seek a temporary restraining order or injunction."

The highly skilled CEQA attorney is also aware that the lawsuit can be trumped by *los federales*. CDFA has already told local officials and activists that if their timeline is threatened and they are unable to apply pheromones before the start of serious rains this winter, they might seek relief from the USDA who will overtake the spraying effort over the objections cited in California law.

When asked about this, the attorney simply says, "The supremacy clause [of the Constitution] guarantees that the USDA, like any other federal agency, is not subject to CEQA."