

Moth lawsuit hearing delayed for two months

Light Brown Apple Moth

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A court hearing in a lawsuit filed by Santa Cruz County to stop the state's aerial spraying regimen to eradicate the light brown apple moth has been delayed until April.

The hearing, originally set for March 6 before Santa Cruz County Superior Court Judge Paul Burdick, has been postponed until April 28 because of a delay in getting the appropriate paper-

work together.

"The county just received the administrative record from the state," county spokeswoman Dinah Phillips said Thursday. "We'll be going through that with a fine-tooth comb. We're trying to get everything ready before the spraying begins."

The administrative record is a paper account of the state's decision-making process, Phillips said. In this case, about 80 pounds of paperwork was delivered to the county. Attempts to contact a state Department of Food and Agricul-

ture representative Thursday afternoon were unsuccessful.

Santa Cruz County sued the state Department of Food and Agriculture last fall in an attempt to stop aerial spraying of a synthetic pheromone, CheckMate LBAM-F, over the county.

The pheromone is aimed at confusing the light brown apple moth's mating process, but does not kill the moth.

An emergency declaration enabled the state Department of Food and Agriculture to begin spraying the pheromone last fall

without completing an environmental review.

The county contends an emergency declaration was not warranted and a full environmental review should be completed before the spraying commenced.

Burdick denied a temporary restraining order last year and the spraying proceeded.

Since then, the state has launched an environmental review process and held hearings in the Bay Area on issues that should be included in that report, including one Feb. 22 in

Santa Cruz.

A draft of the environmental report is expected by fall, when more public meetings will be held. Another round of spraying is scheduled in June under emergency provisions of state law unless court action stops it.

No decision has been made on what product would be used in this year's aerial spraying.

The light brown apple moth is an invasive pest that agriculture officials say threatens the state's agricultural industry.

Critics of aerial spraying ques-

tion the safety of the pheromone product used and say the state is exaggerating the threat to crops.

In addition to Monterey and Santa Cruz counties, spraying is scheduled this year in counties around the San Francisco Bay area.

Some 17,019 light brown apple moths have been recorded in the state with 10,944 of them in Santa Cruz County, according to the state Department of Food and Agriculture.

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