

GYPSEY MOTH

# Local

## SLV supervisor charges state with 'Gypsy-Gate coverup'

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SANTA CRUZ — A "Gypsy-Gate" cover-up of illegal state activity is the latest charge surrounding the gypsy moth spray controversy, which will be heard in Santa Cruz Superior Court Wednesday.

Santa Cruz County officials Tuesday accused the California Department of Food and Agriculture with covering up a tape of a meeting of its Science Advisory Panel. That panel, whose chairman has also been accused of conflict of interest violations, made the recommendation for carbaryl spraying of 175 acres in Felton to eradicate the gypsy moth.

Deputy Attorney General Charles Getz, who will be defending the state's right to order carbaryl spraying, has already denied the charges. He told The Sentinel that

county officials "are resorting to dirty, below the belt tactics."

Deputy County Counsel Jonathan Wittwer, who will be representing the county, maintained that 63 minutes of a 75-minute meeting of the Science Advisory Panel are missing. Fifth (San Lorenzo-Scotts Valley) District Supervisor Joe Cucchiara called the missing tape minutes "clearly a Gypsy-Gate-style cover-up of illegal state activity."

Additionally, Wittwer maintained that the panel had held numerous meetings in closed session — a violation of the Baley-Renee Secret Meeting Act.

This new information, as well as the conflict of interest charges reported by The Sentinel Monday, are included in additional pleadings filed by the county in advance of Wednesday's 9 a.m. hearing.

Superior Court Judge Ralph Drummond will rule whether or not to allow the state to ground spray carbaryl around downtown Felton.

Getz explained the closed meetings, saying they are very common in the academic world, "so they'll have a chance to debate." Wittwer said he has received conflicting accounts as to how the 63-minute gap occurred on the tape.

"One account is that Don Henry (a staff member of the California Department of Food and Agriculture) had only three or four tapes and was worried that he would need them for the open meeting, so he only taped 12 minutes of the closed meeting," Wittwer said. "On the other hand, according to Dr. (Panel Chairwoman Marjory) Hoy the tape malfunctioned."

Wittwer added that the state's conduct in ordering the Felton spraying "is cause for great concern and should be legal grounds for overturning the decision of the California Department of Food and Agriculture."

Reed Flocks, an attorney for the Sierra Club — which has joined the county as plaintiffs against the state along with several other groups and individuals — added, "Gypsy-Gate is another example of the wholly inadequate environmental and public participation in the entire episode."

Getz answered, saying, "I see the county as doing anything it can to stop this project. They don't care if they ruin careers, they just want to stop this project at all costs. I hope the judge will segregate the emotion and personal attacks from the evidence that will be before him."

The "personal attacks" Getz referred to involved the conflict of interest charges by the county against panel chairperson Hoy.

County Counsel Dwight Herr said that Hoy voted for gypsy moth spraying in Felton "at a time when she was under a \$70,000 grant from the U.S. Department of Agriculture to study pest predators." In addition, Hoy received \$150,000 in California Department of Food and Agriculture grants from 1980-82 and has conducted carbaryl-related research for the past eight to nine years, said Herr.

"Since the use of carbaryl in Felton received only four votes at the Oct. 24, 1984 public meeting (two members were absent), it appears certain that there was not a majority of the seven-member panel (without conflict) in favor of carbaryl," Herr added.

Additional state violations, according to the just-filed county declarations, include: failure to insure no injury will result from the proposed spray program; failure to recommend an equally effective, safer alternative such as *Bacillus thuringiensis*; and ignoring the Department of Health Services report that lists kidney dysfunction, possible birth defects and carcinogenicity as possible health effects of carbaryl.

At present, ground spraying of carbaryl is scheduled to begin Monday over 175 acres in Felton. Also, a 250-acre overlapping area will be sprayed from the air with the non-chemical compound known as B.t. The county is advocating the use of B.t. only.

The voracious gypsy moth caterpillar, which hatches this month, has the potential for widespread defoliation. They attack everything from redwood trees to vegetables and fruit trees.

Seven moths were trapped in Felton last summer, prompting the state to call an "infestation" and order the two-prong spray program.