

times when you expose people to this, it can cause asthma. We can't be exposed to this chemical again."

Before learning of the temporary injunction, Wilcox drove Jack and his mother up to Travis Air Force Base to avoid Checkmate in the planned sprayings during the week of Oct. 8.

Addressing the intellectual property and exposure concerns, Dr. Peter Kurtz, the senior medical coordinator with the CDFA, notes that people are under the misconception that no one knows what the ingredients are.

"Those inert ingredients are known," he says. "They are provided to the EPA, and the toxicology data is held not only by our government, but also the EU. All of the Checkmate products utilized the technology of the microcapsule and it has been in use for several years. The total amount [of the debated chemicals] are .07 to .08 percent of the total formula. They are not a significant risk."

With so much rancor, and fundamental disagreement on the tenets of the debate, it seems appropriate to echo one of Assemblymember John Laird's questions to the CDFA verbatim:

**"Then they told us the precautions, like you have to close up the house at night. My son started getting sick the first night after the spraying, severe congestions, the incessant rubbing of the eyes, he wouldn't eat, and this is a kid who loves to eat."**

—MAJ. TIM WILCOX

"Why is the eradication process being done on an emergency basis and therefore exempt from CEQA?"

Is the need to destroy this moth so pressing that the CDFA can sidestep some environmental review that citizens are crying out for?

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) authorizes the EPA to allow states to use a pesticide for an unregistered use for a limited time if the agency determines that emergency conditions exist. Title 18 of the act requires that the pesticide application be carried out "within a limited period of time, no longer than one year, to address the emergency situation."

But CDFA's plan to eradicate the apple moth are much more open-ended. While the EPA granted the quarantine on July 24, the sunset isn't set to expire until June 12, 2010. Speaking before the Santa Cruz City Council, A.G. Kawamura told the audience in city hall that his agency "will begin with aerial applications for suppression through the fall, [and] come back in 2008 through two more life cycles, maybe longer, depending on trapping results. We will be doing trap monitoring and post treatment. If there are hot spots, we'll do mop-up operations. We'll be trapping and monitoring out to 2009 to 2010."

This apparent disconnect between the strictures of Title 18 of FIFRA and CDFA's three-year plan haven't been part of the political debate to date, but organizations like HOPE, the Santa Cruz City Council and Laird's office are all intent on getting a little more scientific evidence into the discussion before the nozzles open up again.

"Residents and curious experts have raised a variety of questions that should be adequately answered," Laird wrote the CDFA. "The current spraying plan does not allow enough time for that to happen, therefore, the CDFA should delay its plan to allow more time to investigate the important questions that have been raised."