

# County accuses state of resorting to 'scare tactics'

By **KEITH MURAOKA**  
Sentinel Staff Writer

**SANTA CRUZ** — The county charged this morning that the state is "resorting to scare tactics" in ordering the spraying of 175 acres in Felton with the insecticide carbaryl.

County attorneys opened their arguments on its lawsuit against the California Department of Food and Agriculture to stop the carbaryl spraying. The spraying is scheduled to begin Monday.

The state has declared a gypsy moth

"infestation," and ordered a two-prong spray program to fight the pest. Gypsy moth caterpillars, which hatch this month, have the potential for widespread defoliation, according to the state.

County officials are advocating using a non-chemical compound called *Bacillus thuringiensis* rather than carbaryl.

State attorneys were expected to give their side this afternoon. Superior Court Judge Ralph Drummond will take the evidence under consideration and will make a ruling either Thursday or Friday.

Chief Deputy County Counsel Jonathan Wittwer this morning made the charge concerning "scare tactics" by the state in mandating the use of carbaryl.

"They (the CDFA) has admitted it takes six to eight years of unchecked (gypsy moth) infestation before defoliation occurs," Wittwer testified.

He went on to describe carbaryl as "an economic poison, a restrictive material and environmentally harmful."

He said the CDFA had a "mandatory duty" not to spray carbaryl since it has

not been able to prove it safe "beyond a reasonable doubt."

Wittwer cited studies of carbaryl, which showed it causing possible damage to the kidneys, detrimental reproductive damage, birth defects in dogs and carcinogenicity — the possible cancer-causing effects of carbaryl.

According to Wittwer, "It is reasonably certain that injuries will result to public health, safety, water, property and environment" from the spraying.

The county is not advocating a spraying

prohibition, Wittwer was quick to point out. He maintained *Bacillus thuringiensis* has been an "effective eradicator." That has been proven both in San Diego and Santa Barbara during gypsy moth outbreaks.

The state has ordered ground spraying of carbaryl over 175 acres in Felton in combination with aerial spraying of 250 acres with *Bacillus thuringiensis*. Officials have maintained both are needed to eradicate the pest due to the hilly terrain and tree cover of Felton.

During pre-trial charges and countercharges the case has been referred to as "Gypsy-Gate." The county maintained a "Gypsy-Gate" cover-up of illegal state activity occurred during the Science Advisory Panel's meeting that recommended the carbaryl spraying. Some 63 minutes of that 75-minute meeting reportedly had not been taped by the state.

Deputy Attorney General Charles Getz, representing the state, has already denied the charges, saying county officials were "resorting to dirty, below the belt" tactics.