

To this point, based on extrapolations of numbers gleaned from plant losses in the moths' native lands, where it has caused damage in monoculture settings, the CDFA is claiming that the moth could potentially be responsible for upwards of \$70 billion in agricultural losses. Taking these numbers, along with the USDA's classification of LBAM as a top tier invasive species, the CDFA has undertaken an eradication program under emergency conditions, which exempts the agency from environmental review and other elements of due process before the nozzles open up.

With more than 200 reported cases of lung, mucus membrane and skin irritation from an earlier Checkmate application in Monterey in September, city leaders are convinced that further study is necessary before the eradication plan moves forward in this county.

To fight the CDFA, the city has enrolled the services of James Moose, a Sacramento CEQA expert who has previously aided the city in its never-ending battle to halt university expansion. Moose says that the basis of the upcoming suit will be that CDFA lacks the proper elements that constitute an emergency under CEQA.

"There's a definition in the statute and there's case law," he says. "That case law disfavors the use of the emergency exemption unless there is a real emergency. When they declare an emergency the practical consequences are that they don't do an environmental review, or have to do real adaptive management if there are negative consequences to their actions. The city believes that a full environmental review will open up a dialogue with the public about how decisions will be made that will affect the environment."

The city council is not alone in its questioning of the "emergency" surrounding LBAM. DK Harder, head of the UC Santa Cruz Arboretum, personally believes that the case for emergency is grossly overstated. A member of the local LBAM task force, Harder believes that "the emergency is all the USDA's doing. They classified this pest as a class one insect that cannot be tolerated, even though they were responsible for not catching it when it was imported. Now they want to eliminate it and are putting pressure on the CDFA to do it as quickly as possible."

Not an enemy of spraying per se, Harder (as an individual, not a representative of UCSC) says, "I could be convinced that the spraying could be safe, but I just don't think that the experimental design makes sense."

Pointing out that there has never been a successful eradication of any species by pheromone dispersal, Harder also believes that the moth's potential damage, when compared to species like the virus-carrying and vine-eating Glassy Winged Sharpshooter, is greatly overstated. LBAM is not treated as an emergency in other areas where it has been introduced including New Zealand and Hawaii. The real economic impacts of the pest in New Zealand are confined to quarantines preventing certain exports, including apples.

Like the city council, Harder worries that if and when pheromone dispersals are ineffective at eradicating the moth, the CDFA will be forced to step up its chemical barrage without the benefits of environmental review.

"Using a pheromone to kill an insect doesn't work," Harder says. "There's no precedent for it, no evidence. It's never going to work. You have to get 95 percent of the animals and you won't with the buffer zones around the [Monterey Bay National Marine] Sanctuary and no spraying over riparian areas. After a really long, three-year spraying program, the CDFA will have to go to the next