

County joins many others in suit to stop pesticide use

By GUY LASNIER

Santa Cruz County, joined by the Sierra Club and scores of Felton businesses and residents, filed suit yesterday to prevent the use of carbaryl by the state in its battle against the gypsy moth.

The suit seeks to force the State Department of Food and Agriculture to use in its eradication effort only a pesticide known as B.t. (for *Bacillus thuringiensis*). State officials had planned to use both carbaryl, a strong pesticide, and B.t. in ground and aerial spraying of 250 acres. The state plans to use carbaryl on 175 of the acres.

"This is not a lawsuit to save the gypsy moth," said attorney Vic Sher, of Palo Alto. Sher represents the San Lorenzo Valley Women's Club and People for a Safe Felton. He and the other attorneys involved said all parties agree that the gypsy moth, a pest with a voracious appetite for foliage, must be done away with. The disagreement comes over the form of attack.

"If there is a safer way of doing it the state has a duty to use it," Sher said. Included in the suit are 147 declarations by residents and business owners stating they fear the consequences of the use of carbaryl.

There seems to be some disagreement among the parties to

the lawsuit. San Lorenzo Valley Supervisor Joe Cucchiara indicated during a press conference that the group seeks a court order forbidding aerial spraying because of the mountainous terrain. However, Chief Deputy County Counsel Jonathan Wittwer said a ban on carbaryl was what was sought.

Seven gypsy moths, five live and two dead, were discovered in Felton between July 19 and 31 last year. Cucchiara said an investigation by the state determined a single moth most likely "hitch hiked" into the area on the rain gutter of a vehicle belonging to a family who moved to Felton from out of state two years ago.

Cucchiara said that other moths could just as easily hitch hike into the area in the future after the spraying is complete, which would mean another eradication campaign. The cumulative effects of the pesticide carbaryl, and the potential for kidney damage, reproductive malfunction, birth defects and cancer, the plaintiffs associate with it, are what motivated the various groups to sue to halt its use.

County lawyers and lawyers for the other groups scrambled yesterday to file the suit with the court by 5 p.m. The deadline was set as part of an agreement with the state Attorney General's office, which

will defend the department of Food and Agriculture.

Spraying is scheduled to begin March 16 and 18. By agreement with the court, a hearing date on the challenge has been set for March 13, to avoid disrupting the spray schedule. If it works as planned, the question of carbaryl should be decided in time for spraying to begin on schedule. If the spraying is not started in time, no matter which substance is used, effective eradication efforts could not begin until next spring, Cucchiara said.