

✓ Locals Pull Plug on State Pesticide Plan

The court decision barring spraying the pesticide carbaryl on 175 acres of the Felton area was appealed by the State Attorney General's office Tuesday morning. Visiting Monterey Superior Court Judge Ralph Drummond ruled Friday that the state has failed to show that carbaryl is safe and that alternative methods of eradicating Gypsy Moths will not work.

The California Department of Food and Agriculture (CDFA) has hoped to use the controversial pesticide since six gypsy moths were discovered in Felton last summer.

Hundreds of valley residents and the county government, however, protested that carbaryl might lead to health hazards including birth defects and cancer and that the gypsy moths could be eradicated using the safer *Bacillus Thuringiensis* (Bt).

"Usage of restricted materials shall be limited to those situations in which it is reasonably certain that no injury will result or no non-restricted material is equally effective and practical," Drummond wrote in his decision. "CDFA has not demonstrated to a reasonable certainty that no injury will result from the application of carbaryl in the Felton Gypsy Moth Eradication Area."

Under Drummond's ruling, the state is required to try using Bt this year and also to demonstrate that carbaryl is safe before going ahead with the controversial pesticide in future years.

State Deputy Attorney General Charles Getz, however, has protested that the decision amounts to a Superior Court Judge ordering the state to conduct an experiment in gypsy moth eradication. And, Getz said, Drummond's decision overstates the CDFA's burden to prove the safety of Carbaryl.

No date has been set for a hearing on the appeal, which was filed in the State Court of Appeals in San Jose on Tuesday morning. But Getz has said that some spraying, either carbaryl or Bt, must begin by next Monday, which would suggest an early decision on the appeal.

Meanwhile, the Santa Cruz decision has had no effect on the spraying of carbaryl to eliminate the gypsy moth threat in the Fremont area of Santa Clara County. Getz said he asked for and received

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confirmation from the court that last week's decision applies only to the proposed Felton spraying.

The Fremont carbaryl spraying, which began as scheduled on Monday, was apparently not met with resistance.

Numerous local groups in the San Lorenzo Valley, however, have protested carbaryl spraying for months and participated in the suit that has at least temporarily banned that spraying. The People for a Safe Felton, the Valley Women's Club, a group of Felton businesses and homeowners, the San Lorenzo Valley County Water District and the Sierra Club all joined the county's suit that was approved by Drummond.