

Gypsy moth lawsuit hearing March 13

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SANTA CRUZ — A lawsuit to stop the spraying of a pesticide to eradicate the voracious gypsy moth in Felton was filed late Monday by the county and several citizens' groups and individuals.

The suit charges that the pesticide Carbaryl poses "reasonably possible public health risks," including kidney and reproductive damage, birth defects and cancer.

The suit asks that a naturally occurring disease which attacks gypsy moth caterpillars, *Bacillus Thuringiensis* or B.t., be used exclusively, rather than in tandem with Carbaryl on the 250 acres slated for spraying by the state Department of Food and Agriculture.

The spraying is scheduled to start March 16. The spray area is a rectangle encompassing much of downtown Felton, with one axis stretching from Laurel Street to near Cooper Street and Highway 9, and the other axis reaching from near the intersection of Graham Hill and Mount Hermon roads to near the intersection of Love Street and Felton Empire Grade.

The entire area will be treated with four to six aerial applications of B.t. Ground sprayers will treat 175 of those acres with three Carbaryl applications as well, under the state plan.

A court hearing has been set for March 13, after the state responds to the suit through the Attorney General's Office.

The suit alleges that the Food and Agriculture department, in charge of the state's eight-year-old gypsy moth eradication program, cannot be "reasonably certain that no injuries will result from the use of Carbaryl. To the contrary, it is reasonably certain that injuries will result to public health, safety, water, property and environment."

In a press conference Monday amid workers scurrying to meet a 5 p.m. filing deadline, Fifth District Supervisor Joe Cucchiara charged the state was disseminating "propaganda," which promises Carbaryl is safe. At the same time, he said, the advertisements for spray workers warn those with pesticide allergies not to apply for work.

John Connells, the area spray manager, said the unemployment office in Santa Cruz added the part about allergies to the advertisement. His department did not include that warning any ads, he said.

Don Henry, the state's chief of pest detection emergency projects, said he knows of no reported or documented injuries to humans, animals or the environment connected with Carbaryl in California since the state began using it in 1977.

Henry said the gypsy moth can "explode" in numbers, and denude large areas of forest.

"Left alone, the moth can become established, and the infestation will grow. It can spread and can become much bigger.

"This year, we can treat 250 acres, and according to our track record we have always been successful in eradicating the moth. If we don't do anything, or we come up with a program that is inadequate to eradicate the moth, we're going to be faced with

treating a larger area in 1986. We'd much rather treat 250 acres, get in and get out, than come back for a long period of time and treat and ever-increasing area," Henry said. He said Carbaryl is a much more effective pesticide than B.t.

Cucchiara, who is one of the plaintiffs in the suit, represents residents in the San Lorenzo Valley. He has led the fight against Carbaryl spraying. Monday, he said Carbaryl never has been adequately reviewed or tested, and said B.t. would work as well.

Also joining the suit are the Sierra Club; the Valley Women's Club, a grassroots organization called People for a Safe Felton which sprang up around the spraying issue; a medical doctor; several Felton businesses and residents, and at least two people who live in the Live Oak area, which draws its water from San Lorenzo River downstream from the spray area.

Other agencies which oppose the spraying but which are not listed as plaintiffs in the complaint include the city of Santa Cruz, which draws its water supply from the San Lorenzo River, the San Lorenzo Valley Water District and the Citizens Utility Co. of California, which supplies water to 1,300 customers in the Felton area, according to the suit.

Henry said Carbaryl will not be sprayed in the river. He said any possible runoff into the river will be in concentrations of "zero to a few parts per billion."

The suit contains declarations from 147 groups, businesses and citizens, including doctors, optometrists and ophthalmologists, Cucchiara said.

Dr. Peter Kurtz, medical coordinator with the Food and Agriculture Department, said this morning "there is absolutely no evidence in all of the (Carbaryl application) programs that anyone has received any poisoning or damage from this substance."

He said the Carbaryl, which also is commonly available in garden stores and is known as Sevin, breaks down rapidly and is excreted from the human body within a day if it is ingested. He said that after 10 days in the environment, Carbaryl has broken down to the point "it will no longer harm even the gypsy moth caterpillars.

In a brief interview this morning, he said he did not want to try the suit in the press. He said he would answer all the suit's allegations in court, and said it was the plaintiff's burden to prove their allegations in the face of contrary evidence.

He said the state Department of Health Services has reviewed the spray program for Felton, and had found no indication that, as applied, Carbaryl will be dangerous.

But Cucchiara and Wittwer said they distrust the tests on which such information is based. They said the studies on the chemical were done years ago, under different restrictions than would be used now. Wittwer referred to a statement by the federal Occupational Health and Safety Administration which cites a study indicating Carbaryl can cause cancer.

Along with environmental attorney Vic Sher of Palo Alto and Santa Cruz Attorney Reed Flocks, Cucchiara and Wittwer cited a Department of Health Services Study they said showed Carbaryl to cause birth defects in dogs.