

3-14-85 EXP

# Irregularities Surround Carbaryl Spraying

■ BOB JOHNSON

**A**llegations that state officials held illegal secret meetings, failed to tape those sessions, and violated conflict of interest laws added last minute controversy to the court case over a plan to spray the pesticide Carbaryl on 175 acres of Felton.

County Supervisor Joe Cucchiara, whose district includes Felton, said this week the irregularities add up to "a Gypsy Gate-type cover-up of illegal state activity."

Deputy Attorney General Charles Getz, who is defending the state's right to spray Carbaryl on Felton, dismissed that charge and accused Santa Cruz county of "unethically convoluting the facts."

The California Department of Food and Agriculture (CDFA) announced plans to spray Carbaryl last year after seven Gypsy moths were discovered in the Felton area. The county filed suit to stop the spraying after hundreds of San Lorenzo Valley residents signed petitions protesting that the possible health hazards of Carbaryl make its use unacceptable. The county is joined in the suit by People for a Safe Felton, the Sierra Club and a group of Felton businesses and homeowners.

In the suit, the county charges there is a reasonable chance that Carbaryl leads to cancer, birth

defects, reproductive dysfunctions and kidney ailments. The suit asks that only the alternative *Bacillus thuringiensis* be used in Felton.

The state countered those charges by filing an eight inch-high pile of evidence supporting the claim that Carbaryl does not pose a danger to human health.

The dispute took an angry turn this week when county attorneys filed pleadings charging the state with illegal actions in the process leading to the decision to spray Carbaryl.

On October 24 California's Food and Agriculture Department's Science Advisory Panel approved the recommendation to use Carbaryl and that recommendation was accepted by CDFA head Clare Berryhill.

The county has charged that the head of the advisory panel, Dr. Marjory Hoy, had a financial conflict of interest and should have refrained from voting on the Carbaryl issue. "Dr. Hoy received \$150,000 in CDFA grants from 1980-82 and has conducted Carbaryl related research for the past eight to nine years," the county counsel's office claimed in a release announcing the new pleading. "Currently Dr. Hoy is conducting such research, which, according to papers filed with the court, would facilitate continued use of Carbaryl, under a \$70,000 grant

from the US Department of Agriculture."

Chief Deputy County Counsel Jonathon Wittwer, who is handling the suit, said Monday that Dr. Hoy's deposition in the case indicates that other members on the seven member advisory panel are also receiving money for Carbaryl-related research.

Getz said the grants in question do not go directly to Dr. Hoy but, rather, to the University of California. And, Getz said, Hoy's primary work is the study of predators to control pests and she only studies Carbaryl and other pesticides insofar as they effect these natural predators.

In addition to the conflict of interest charges, the county also claims that numerous secret and untaped meetings by the advisory panel were in violation of the law.

On August 30 of last year, the panel held its first closed session on Carbaryl and forgot to bring a tape recorder. Another closed session on September 12, and an open meeting that same day, were also unrecorded.

There is a recording of the October 24 open meeting when the panel voted to approve the use of Carbaryl. But the tape of a closed session earlier that day is only 12 minutes long, even though the meeting lasted 75 minutes. ■