

✓ ^{GYPSY Moth} Judge rules against spraying

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SANTA CRUZ — The state was banned today from spraying the pesticide carbaryl to fight gypsy-moth infestation in downtown Felton.

Carbaryl spraying had been due to start Monday, but Visiting Superior Court Judge Ralph M. Drummond ruled at noon today the state may not spray carbaryl.

The judge ruled the state Department of Food and Agriculture has not met the requirement to be "reasonably certain" that no injury will result, or that a non-restricted material might be as effective and as practical.

He ruled instead that the state must use

the non-toxic compound *Bacillus thuringiensis*, or B.t. He ordered the program to be closely monitored to determine the efficiency of the eradication program.

Cucchiara, contacted by telephone in Los Angeles, called Drummond's decision a landmark ruling, the first time the state has been prevented from using carbaryl.

County Counsel Dwight Herr and Chief Deputy Jon Wittwer said at noon today the program "provides the maximum protection for the people and insures the gypsy moth will be taken care of."

Drummond wrote that before the CDFA may use carbaryl on the 175 acres due for spraying in Felton, it must test the substance to show it is "certain not to

cause injury," and that B.t. is not as effective.

No comment was immediately available from the state.

Cucchiara called the decision "a clear victory for the people of Felton. I was growing increasingly confident in merits of our concern of carbaryl as a very dangerous and toxic material."

Cucchiara continued, "The court has absolutely properly ruled there is no proof that carbaryl is safe to be used where there is human exposure in residential and business communities."

One dead egg mass and six moths were found in downtown Felton in the summer. The caterpillars, which hatch from the

eggs and later metamorphose into moths, can defoliate forested areas. The state has declared the area is "infested" by the moths and has ordered spraying.

State Deputy Attorney General Charles Getz defended the plans of the state to spray a combination of carbaryl and a biological control agent, *Bacillus thuringiensis*, or B.t. during hearings on Wednesday and Thursday.

The county and the other parties proposed using only the non-chemical B.t. against the moths.

Getz argued that carbaryl has been used extensively, safely and successfully against the moth larvae in other areas of the state and country for many years.