

Don't spray first and ask questions later

MY WORD by City Attorney John Russo



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In California, something as innocuous as trimming a tree or putting a new façade on a commercial building can trigger a state Environmental Quality Act review.

But state officials are poised to launch a fleet of airplanes to blanket Oakland and the Bay Area with pest-control chemicals – and they want to do it before completing a California Environmental Quality Act review. In other words: spray first and ask questions later.

This is not only ridiculous on its face, it is an unnecessary risk to public health.

Despite growing opposition from cities, legislators and the public, the state seems determined to spray a new pesticide called CheckMate this summer to get rid of the light brown apple moth, a species that farmers consider a threat to crops.

The state says it will conduct an environmental impact report, but only *after* planes have rained tons of the spray on our homes, schools, businesses and reservoirs. Meanwhile, the Department of Food and Agriculture is silent on some of the most basic questions surrounding the plan. The Department can't tell us how much of the chemical it will take to rid the state of apple moths, or how many years the state will continue to spray.

CheckMate, a synthetic pheromone designed to confuse the moths' mating behavior, has already been sprayed in Monterey and Santa Cruz counties. Afterwards, hundreds of people reported respiratory problems and other health issues.

State officials insist that CheckMate is completely safe for humans, and say the health complaints are probably just a coincidence. They claim there is no evidence that spraying caused people to become ill.

Of course, without an appropriate environmental review, there is also no assurance that it didn't. As the Oakland City Council noted in its resolution against the state's plan, spraying pesticide has often caused unintended, unpredictable and serious human health effects.

As it happens, the company that makes CheckMate is owned by a wealthy agri-business tycoon who has contributed hundreds of thousands of dollars to the campaigns of state officials. But that's probably just another coincidence.

Many Californians clearly remember helicopters spraying Malathion to get rid of the Mediterranean Fruit Fly in previous decades. Unfortunately, that fiasco damaged the state's credibility on the issue of pesticides and public health. It's not enough for state officials to say, "Trust us, it's safe," when it comes to spraying massive amounts of chemicals into our air, water and food.

Oakland and other Bay Area cities are now working on an aggressive legal strategy to postpone the aerial spray program until the state does a real environmental impact study.

The concerns of our state's agriculture industry are real and ought to be considered seriously. This is not about opposing all pesticide use. This is simply about expecting the state to live up to its most basic responsibilities – protecting public health, conducting the public's business openly and transparently, and acting in a manner that prudently balances all of the interests at stake.

We deserve more than just platitudes and colorful brochures. Without an environmental review, Governor Schwarzenegger and Agriculture Secretary Kawamura should put CheckMate back on the shelf. When they do so, let's hope they consider the warning label: "Keep out of reach of children... Avoid contact with skin, eyes or clothing... Potentially harmful if swallowed... or inhaled."
