

**Glassy-Winged Sharpshooter  
Environmental Protection Task Force  
November 14, 2000**

**Meeting Summary**

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**Task Force Attendees:** Dr. Rick Kreutzer/CDHS, Dr. Les Ehler/UC Davis, Linda McElver/Central Coast Canaries, Brian Finlayson/CDFG, Mike Reid/SWRCB, Jessica Hamburger/Pesticide Action Network, Richard Greek/CACASA/SLO Ag Commission, Ann Maurice/Ad Hoc Committee for Clean Water, Tess Dunham/California Farm Bureau, John McCaull/Audubon Society-California

**CDFA and Facilitation Support Team:** Gerry Miller/CDFA, Aurelio Posadas/CDFA, Dr. Peter Kurtz/CDFA, Bob Dowell/CDFA, Dale Flowers/Facilitation Team, Tanya Matson/Facilitation Team

**Other Attendees:** James Stratton/OEHHA, Lorianne Fought/Bayer Corporation, Martha Guzman/United Farm Workers, William Herms/Legislative Analyst's Office, Yvonne Williams/Wine Institute

**Welcome and Consideration of Recommendations:** Dale Flowers/Facilitation Team

Dale welcomed the task force to the last meeting. He noted that there had been a lot of discussion regarding the scope of the task force; whether it should address only the \$6.9 million dollar eradication program, or take a broader approach to include issues such as research topics and allocations. Dale noted that the primary charge of the task force was to provide input concerning the potential adverse impacts to public health and the environment of the eradication program, and then suggest measures that would reduce those potential adverse impacts. Dale stated that the task force could have varying interpretations of the breadth of the scope; however, the range of ideas presented could become crystallized in the recommendations. Dale pointed out that in consensus-building exercises, it is best to begin with those areas where there is agreement. Dale stated that agreement builds good will that can be useful when tackling more difficult issues where there may be less agreement. Dale mentioned that all the recommendations received to date had been compiled into one packet and passed out to the group for review. He suggested the group begin with reviewing the recommendations regarding the emergency conditions. He proposed that the individual who drafted the recommendation could explain it, then the group could elaborate on the recommendation, revise it if desired, and come to agreement. He noted that full agreement would not be necessary and those who had differing opinions would be able to include minority opinions. He emphasized that discussions would be open to all ideas and opinions.

**Questions/Comments:**

- The group should begin with the findings made to date and spend more time critiquing the Department's program.
- Findings may set the stage for development of recommendations but the group has a limited amount of time. Recommendations are more important than findings.

- Recent questions have arisen with respect to the county plans. Many people are asking questions about how the emergency declaration applies to the county plans.
- The group may not be able to find agreement on findings. Discussing findings could be a waste of time.

Dale indicated that the group would spend a half hour discussing any potential findings. *Ann Maurice, Ad Hoc Committee for Clean Water* explained the findings of her organization to the group. They were as follows:

- The feared devastation has not materialized. Production is actually up.
- GWSS is not the determining factor for the disease.
- There is no evidence that the GWSS is new or just beginning to spread.
- There is a faulty definition of infestation.
- There is no consistent widespread panic in the wine industry.
- There is no rapid response pesticide eradication plan in "infested areas," no resultant collapse of the grape industry.
- Pesticides proposed and being used for the Rapid Response Plan endanger public health and safety, endangered species and pollinators.
- Genetic engineering projects pose grave risks to the environment and the public.

Dale asked the group if there were any findings mentioned that the group could agree upon. No overall agreement was found. Following are comments regarding the findings presented by Ad Hoc Committee for Clean Water:

- The group may be becoming embroiled in details that may or may not present well. The primary concerns are: (1) Has CDFA made a case that GWSS is truly a problem and threat? (2) Are pesticides the best choice to address the problem? and (3) Has the decision-making process included appropriate public involvement? In most matters, risk is weighed against benefit. This group could reach agreement on some of the broader issues.
- The statements and findings presented – some are opinions, not necessarily fact. Although those statements may have some validity, this group will have to craft more general findings and recommendations. If not, the group will not get anywhere.

*Suggested Finding:*

- There is a lack of certainty that GWSS is a determining factor of Pierce's disease.

**Questions/Comments:**

- The Scientific Advisory Panel is evaluating Pierce's disease.
- GWSS has devastated the grape industry in Temecula. Experts in the field of Pierce's disease have said that it can take years to manifest itself. There may be more cases of Pierce's disease occurring right now. This group is not qualified to make those kinds of statements.
- There has been no examination of any pre-existing disease in plants currently available for purchase. This group could at least agree, without being scientists, that there are many other variables that could be reviewed.

*There was no consensus regarding the suggested finding.*

Further discussion ensued regarding findings.

*Suggested Finding:*

- This task force questions the need and justification for the emergency declaration.

**Comments:**

- It is not the role of this task force to question the Department's emergency declaration. It is the role of this task force to discuss the potential adverse environmental and public health impacts and suggest alternatives to pesticide use.
- The findings of this group would need to be in context and associated with a recommendation. For example, the group could recommend ongoing review of the basis for continuing the emergency.
- This group does not have enough information to know whether or not the emergency is justified. This task force could recommend that CDFA make that information available to the public. This would be providing a true public service and avoid the legal "train wreck" that could result.
- The emergency status short-circuited the CEQA process. That process would have opened up avenues for discussion of alternatives with the public.

*The majority of the group agreed with the finding; however, full consensus did not occur.*

Dale asked that the group begin to focus on drafting recommendations. He provided the group with a Draft Reorganized and Combined list of Task Force Issues. Dale explained that this was a compilation of the issues that had arisen in the meetings thus far. Dale noted that some task force members had provided individual recommendations, which were presented on individual sheets of paper for the group to review and comment. Dale presented and requested feedback on the first recommendation regarding emergency conditions:

- Conduct and document regular reviews of the basis for maintaining the Emergency and factors used to determine when local control programs will or will not occur while expeditiously moving through a full CEQA review.

**Comments:**

- CEQA review is not necessarily the only answer. CEQA is flawed in the eyes of industry, regulators, and activists. The issue is public process. CDFA's decision-making process should have been more transparent to the public.
- CEQA is just a disclosure process. CDFA can still carry out the program elements. The focus should be a recommendation for a more transparent process.
- Based upon the presentation given by John Dyer, CDFA is moving toward the full CEQA review process. Since CEQA is a process that most are familiar with, this group could recommend that the Department continue moving forward with a full CEQA review.
- This group should focus its discussion on providing recommendations that will guide CDFA.

Some task force members suggested that the emergency condition should be discontinued and all eradication efforts and release of any research monies should be stopped until a full CEQA review is completed. Others noted that there was not enough information disclosed to the public to establish an emergency; however, an emergency could still exist. Some task force members stated that it was not their intent to have all CDFA actions cease. Moreover, some noted that the government has a lot of latitude during emergency situations. Task force members commented that further public disclosure and review would give the emergency status a greater degree of validity in the eyes of the public. After further discussion and comment regarding the CEQA process, the group crafted the following recommendation:

- CDFA establish and adequately document, within 45 days of receipt of the EPTF report, the basis for the emergency declaration and conduct and document regular review of the status of GWSS and Pierce's disease in the state of California to determine if an emergency exists and if local control programs are necessary while effectively and expeditiously managing the occurrence and preventing the spread of Pierce's disease using the guiding principle of least possible harm to public health and the environment. *(Unanimous consensus of those task force members present).*

**Comments:**

- CDFA currently asserts that the program is in compliance with CEQA without adequately documenting the emergency. Requiring CDFA to conduct and document regular review will not require anything more than is currently being done. A full disclosure, review and evaluation of impacts and potential alternatives should be conducted pursuant to CEQA guidelines.

Some task force members felt strongly about recommending an end to the emergency status and drafted the following recommendation:

- CDFA declare an end to the emergency status and develop a new program using the guiding principle of least possible harm to public health and the environment while effectively and expeditiously managing the occurrence and preventing the spread of Pierce's disease. – *(3 in favor of those task force members present).*

**Comments:**

- Lifting the emergency status would result in the discontinuation of regulations relating to bulk grape, citrus and nursery shipments.
- The emergency regulations are only valid for another six months. Perhaps the group should provide recommendations that would be useful while the CEQA analysis (which could take over a year) is being accomplished.
- The state has to evaluate its risk with the application of pesticides. It cannot ensure the safety of the public.
- Spraying pesticides on the public violates individual Constitutional rights. Containment and eradication efforts should be left up to individuals, as it is in Kern County.
- This group should develop interim recommendations that include non-toxic control options for residential and organic farming areas. These could be useful to CDFA while the full environmental review is underway.

The discussion led to the spraying of pesticides on the public in general without notification or the option to refuse spraying. CDFA staff indicated that people are notified prior to initial application regarding the precautions to take and are provided with the label and the MSDS (in English and in Spanish), for the substance to be used. In addition, public meetings are held to answer questions.

*Suggested Recommendation:*

- There should be an end to any CDFA GWSS/Pierce's disease pesticide spray (aerial, backyard, home, soil, etc.).

**Comments:**

- In the Sonoma County Work Plan, there are no time frame requirements for providing advance notification of application of pesticides. Moreover, if an individual wants to refuse application of pesticides on their property, they would have to file an appeal. The cost to appeal is \$700. This is unfair to the public who may be unable to afford the cost of the appeal.
- The global application of pesticides to private property on an involuntary basis is an undesirable aspect of the program. If there is good justification for such application, CDFA should provide that justification to the public.
- There should be a lot of flexibility to accommodate those who do not want their properties sprayed. The Scientific Advisory Panel recommended a chemical approach because there is nothing else available that has undergone sufficient study. This group could recommend that funds be allocated to research that will find effective alternative methods.
- CDFA cannot assert that there will be no adverse health effects to the sensitive population as a result of pesticide spraying. The County Work Plans do not discuss CDFA's liability. CDFA has risk associated with the application of pesticides.
- There may be some risk associated with pesticide spraying; however, there is no literature that establishes that pesticides will trigger a life-threatening asthma attack.
- Agricultural risks should not be transferred to the backyards of the public. This group cannot recommend that absolutely no spraying occur; however, it could recommend that the public be fully informed and afforded the opportunity to comment on the Plans.
- Spraying of pesticides should be stopped because impacts to nontarget species are unknown.
- Before and after any spraying is conducted, Central Coast Canaries will be on hand to monitor health effects with testing devices for the chemically-sensitive disabled.

*Consensus was not reached regarding this recommendation.*

After further discussion and comment, the task force arrived at the following recommendations:

### **Consensus Recommendations**

- ➔ CDFA establish and adequately document, within 45 days of receipt of report, the basis for the emergency declaration and conduct and document regular review of the status of GWSS and Pierce's disease in the state of California to determine if an emergency exists and if local control programs are necessary while effectively and expeditiously managing the occurrence and preventing the spread of Pierce's disease using the guiding principle of least possible harm to public health and the environment. *(Unanimous of those task force members present)*
- ➔ CDFA conduct full review, evaluation, and disclosure of the program, alternatives, and mitigation of potential adverse impacts pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code. - *(Unanimous of those task force members present)*
- ➔ CDFA should set the stage for statewide dialogue on the issue of transference of agricultural risk to backyards and private property, beginning with a review of the Food and Agriculture Code, Chapter 6, Abatement Generally, Section 5401, which gives the right to the Secretary of Agriculture and County Agricultural Commissioners to spray private property against the will of the property owner. - *(Unanimous of those task force members present)*

### **Minority Recommendations**

- ➔ CDFA declare an end to the emergency status and develop a new program using the guiding principle of least possible harm to public health and the environment while effectively and expeditiously managing the occurrence and preventing the spread of Pierce's disease. - *(2 in favor of those task force members present)*.
- ➔ No spraying of public or private properties by CDFA. - *(3 in favor of those task force members present)*.

**Conclusion:** Gerry Miller, CDFA and Dale Flowers, Facilitator

Gerry Miller thanked the task force members for their attendance, time and effort. He indicated that a report would be prepared that outlined their work and resulting recommendations. Gerry stated that each person could forward written comments regarding their organization's position or recommendations and those comments would be added to the appendix of the report.

Dale Flowers asked the task force members to make some concluding remarks:

- CDHS will not have sufficient time to develop comments for the report in the time frame allocated. This was a good forum for meaningful dialogue. The task force was made up of a diverse group with differing opinions. The results could help CDFA in its future efforts. This group even found areas of common opinion that may not have seemed possible at the beginning.

- This group unearthed a lot of information and shed some light on the concerns and issues surrounding the overall program. The group could have offered more concrete, specific recommendations such as alternatives to pesticides. Hopefully, this group will be provided the opportunity to have future meetings.
- This group accomplished a lot given the short time frame.