

# Environmental Review

The Glassy-winged Sharpshooter Environmental Protection Task Force is composed of state agency representatives, environmental and public health and non-governmental organizations and advocacy groups, grower organizations, a university researcher and a county agricultural commissioner. In the Fall of 2000, the Environmental Protection Task Force met to suggest measures to the California Department of Food and Agriculture (CDFA) that would reduce possible harm to public health and the environment in its implementation of a statewide program to eradicate and prevent glassy-winged sharpshooter and Pierce's disease.

The task force met on four different occasions and received extensive amounts of information on the statewide program including: CDFA's strategic alliances, public outreach and education, eradication and prevention methods, biology of the glassy-winged sharpshooter and the program's compliance with the California Environmental Quality Act.

Task force members engaged in candid discussion regarding concerns with the program elements and potential impacts to public health and the environment. Their principal concerns were the emergency nature of the program, the selection of treatments for the pest, public information, and environmental and health impacts from residential spray programs.

Task force members conducted intensive research regarding public

health and environmental issues. The meetings culminated with the development of one finding, three consensus recommendations and two minority recommendations issued to the CDFA by the task force. The varying opinions and interests of the task force members led to the incorporation of individual/organization recommendations. Overall, task force members expressed appreciation of the opportunity to participate on the task force and convey perspectives on the important environmental and public health issues facing the Pierce's Disease Control Program.

During each meeting, the task force members asked questions and provided feedback regarding the program and its approach to public health and environmental issues. At regular intervals, task force members outlined issues or concerns that arose in light of the information presented. Eight primary categories of concern were identified, as follows:

## *Emergency Conditions/Legal Issues/Problem Identification*

The task force discussed the legitimacy of the emergency declaration. Research and review conducted by a few task force members generated questions with respect to the magnitude of the problem. One panel member stated that the Legislature was presented with testimony from the agricultural community regarding projected losses based upon the approximate 300-acre devastation experienced in Temecula. This led to an estimate of con

tinuing losses of \$6.5 million. In spite of this fact, task force members presented current photos of vineyards in Temecula that depicted recent plantings adjacent to citrus groves. Since the glassy-winged sharpshooter can have heavy populations in citrus groves, the young grapevines depicted in the photos appeared to present a contradictory picture to the contention that sharpshooters pose a significant threat. Grower representatives noted that there are a number of different factors to be considered when analyzing the situation and the limited sample, as presented, could skew the overall data. However, it was acknowledged that these facts generated questions as to the true magnitude of the problem, and whether or not the Legislature's declaration of an emergency situation was well founded.

Some task force members asserted that the answers to many questions could have been provided to the public through the preparation of a full environmental impact report under the provisions of the California Environmental Quality Act. These members contended that the emergency declaration and subsequent Notice of Exemption effectively short-circuited the review of potential environmental impacts of the overall program. Conversely, other members noted that it was not the role of the task force to question the legitimacy of the emergency declaration and the decisions that well-qualified, informed CDFA staff had made. Rather, the role of the task force was to provide recommendations that would reduce the potential, harmful effects of pesticide use on public health and the environment.

### *Pesticide Selection and Application*

Primary concerns noted were the choice to apply pesticides as part of the program and the selection of particular pesticides such as carbaryl, imidacloprid and baythroid.

The task force noted a lack of transparency in the decision-making process that led to the choice of these pesticides, as well as the apparent elimination of non-pesticide alternatives that in their opinion, could have been as effective as pesticides. Some felt that the peripheral, temporal effects of pesticides, such as non-target loss of beneficial insects and pollinators, as well as potential harmful human health impacts, were not sufficiently considered during the selection process.

Concern was also expressed about whether or not an aggressive pesticide application campaign was justified when the Science Advisory Panel (SAP) had noted that eradication measures in Kern County would not likely be successful because the sharpshooter had been deemed an established population. In light of these facts, concern was expressed with pesticide application as a short-term answer that may not ultimately be effective. The CDFG representative did state that, based upon 25 years of CDFG incident records and a review of its fish and wildlife toxicology, carbaryl has not been a problem to fish and wildlife in California.

Other task force members felt that the task force should not be second-guessing decisions made by CDFA and the advice of Science Advisory Panel regarding the choice to use

pesticides. Rather, the task force should make prudent recommendations regarding program refinements that could minimize adverse public health and environmental effects, and enhance public knowledge.

### *Consideration of Alternatives*

The task force expressed concerns regarding the consideration of alternative methods in the decision-making process. The SAP was responsible for making recommendations to CDFA for effective control and eradication methods. Whether or not the SAP considered alternative methods was uncertain to task force members. Methods such as soaps, botanical insecticides, repellents, and bug vacuuming, while not efficacious for the purpose of eradication, in their opinion, slow the progress of the sharpshooter.

It was also uncertain to some members of the task force whether or not the SAP evaluated long-term alternative methods for control and eradication of the sharpshooter and Pierce's disease, such as trimming, planting of varieties that demonstrate higher resistance to diseases and improving cultivation practices.

### *Public Information, Notice, Disclosure and Involvement*

In order to properly assess the potential environmental and public health effects of CDFA's statewide program, the task force expressed a desire to have a better understanding of the entirety of the program, including the county-based rapid response plans and future research topics. Task force members were concerned with the level of public input into the program.

The CDFA program contains a public information forum prior to pesticide application in urban areas. That forum is intended to allow the public to ask questions and receive feedback. However, some members felt that the public meetings do not adequately discuss the potential ecological and health impacts of the pesticides.

### *Public Health and Safety*

The chosen pesticides have been registered by the U.S. Environmental Protection Agency (USEPA) and the California Department of Pesticide Regulation for use in home and garden settings. However, task force members who represented human health advocacy groups pointed out that the CDFA cannot provide 100 percent assurance that no adverse health effects will occur, particularly for the percentage of the population that is chemically sensitive.

Other task force members expressed concern for the chemically sensitive population and asked the public health advocacy groups to suggest practical measures to the CDFA that would reduce the risks to these persons while balancing all interests, beliefs and positions. These members felt that a coordinated effort through the CDFA and county agricultural commissioners, who are properly informed and aware of the statewide situation, would prevent unnecessary use of pesticides by homeowners concerned about the glassy-winged sharpshooter on their properties. Without a coordinated effort, the public could use pesticides without concern for general public health, without reading label requirements, and without warning to nearby

neighbors that could result in greater impacts to sensitive populations.

### *Pollinators*

Some task force members felt that pesticide application could result in unintentional non-target kill of beneficial insects, disrupting the balance of the pollinator community. A few members expressed concern that there was no formal program to address pollinators, other than following label instructions to avoid application when plants are blooming or when wind conditions were high. These members felt that pesticide application in urban settings could also negatively impact backyard organic gardens or disrupt privately operated biological control activities. Some members expressed concern that there was no program element that analyzed or monitored the potential cumulative impacts on the food chain that could result from pesticide application.

Other members rebutted some of those concerns. Many melon farmers, who rely heavily on pollinators for crop development, use imidacloprid, one of the pesticides applied by the CDFA as part of the program. When applied according to the label requirements, non-target losses can be controlled and should not represent a significant threat.

### *Endangered and Threatened Species*

Endangered and threatened species were of great concern to some of the task force members. These members indicated a perception that the implementation of the program could have adverse impacts on endangered and threatened species,

and expressed concern for what was considered to be a lack of input from the appropriate resource agencies such as the California Department of Fish and Game, United States Fish and Wildlife Service, and National Marine Fisheries Service. Pesticides could enter waterways and have unknown impacts on aquatic organisms at the base of the food chain causing cumulative impacts. These members also noted concern with pesticide application near urban creeks, which may contain spawning grounds for endangered fish species, such as salmon and steelhead. It was the opinion of some task force members that the CDFA did not choose a pesticide with the least harmful effects (i.e., low toxicity and persistence) that would adequately protect endangered and threatened species.

Final discussion about recommendations focused on the emergency status and California Environmental Quality Act (CEQA) review. Suggested recommendations varied from the discontinuance of the emergency condition as well as cessation of all eradication efforts and release of any research monies until a full CEQA review was completed, to the continuance of the program with the most efficacious and least toxic chemical available for use. Others noted that there was not enough information disclosed to the public to support the determination of an emergency, yet an emergency could still exist and the CDFA actions should not cease. However, it was acknowledged that increased public disclosure and review would have given the emergency status a greater degree of validity in the eyes of the public. Still others noted that the emergency status had short-

circuited the CEQA process that would have opened up avenues for discussion of alternatives with the public. Ultimately, the task force arrived at consensus on three recommendations.

### *Consensus*

#### *Recommendations*

- The CDFA establish and adequately document, within 45 days of receipt of the report, the basis for the emergency declaration and conduct and document regular review of the status of sharpshooter 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*)
- The CDFA conduct full review, evaluation, and disclosure of the program, alternatives, and mitigation of potential adverse im-

pacts pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code. - (*Unanimous of those task force members present*)

- The 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 Agricultural 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*)

The balance of the recommendations made originated from three or less of the panel members. A full copy of the panel's report, including minority and individual recommendations is available from the California Department of Food and Agriculture. (2001 Glassy-winged Sharpshooter Environmental Task Force Recommendations.)