

My Moth Wars

The most important least known victory for the environment in recent Northern California history

It all began for me in the summer of 2007, when I got a call from a friend who then lived in Topanga Canyon, the Bolinas of Southern California. "Did you know you are going to be aerially sprayed with pesticides?" I shrieked "What? That can't be true!" (I live in Santa Cruz, part of the larger people's republic of ecotopia). But it was true. And thus began the moth wars, the war of people from Mendocino to Pacific Grove, Sacramento to Berkeley fighting to protect public health, the environment, and organic farming, both taking on and enlisting the powers of the state.

This has been the war to stop the Light Brown Apple Moth (LBAM) eradication program. It has involved the intricacies of international trade, scary stuff about pesticides, citizen activism the like of which most politicians in living memory have never seen --- and uniquely Northern California instantiation of of the "be the change you want to be" (what we -had- been calling the Obama narrative). Yet all most people in Northern California know of it might be whatever they might discern from a spotting of a "Stop the Spray" bumpersticker.

LBAM is a modest little leafroller originally from Tasmania. Leafrollers as caterpillars make little huts on leaves --- they are not voracious defoliators and California has a couple of native leafrollers so similiar in look and feel to LBAM that even the DNA signatures can't entirely distinguish the bug from the Antipodes from the California natives. LBAM has been of the most minor agricultural concern in Australia and New Zealand for centuries --- and has been present in Hawaii for more than 100 years causing no problems at all. But for reasons that still aren't entirely clear, it ended up on a federal list of "bad bugs from elsewhere we don't want here".

Because of how international trade regulations work, it turns out that if a bug is used as a basis to make it harder for Australians and New Zealanders to export fruit (zero tolerance for LBAM), the powers that be can't suddenly say when an LBAM is detected in California "oops! maybe not so bad after all!"

So when a single LBAM was detected purely by accident in the backyard of a retired UC-Berkeley entomologist back in 2006 all hell broke lose. Farmers faced ruinous quarantines and holds on harvests; and the entire greater Bay Area was to be subject to aerial spraying of pesticides, week after week, month after month, year after year --- with no environmental oversight because of the declaration of an emergency. Ground treatments in residential neighborhoods and pesticidal dousing of fields, farms, and plant nurseries were also part of the regimen. Federal and state agencies particularly targeted local, independent, and organic growers, this in the land of Alice Waters and Michael Pollan.

You can imagine the uproar (Monterey County was sprayed twice and Santa Cruz County once before opposition really got into gear). Imagine a 1,000-person march across the Golden Gate Bridge; hundreds of Marin County mothers swarming Maria Shriver when she was doing a book-signing in Marin County --- a zillion different individual, group, and civic actions (yes, we were able to enlist people from different parts of the government to take on other parts of the government) resulting in a singular victory: no aerial pesticide spray program had *ever* been stopped before. The ground-treatment program has also largely been dissolved, and the farmers have been liberated from the oppressions of the state (it was the quarantines, not the moth, that caused farmers millions of dollars of losses). But even more interesting, the link has been made between farmers, growers, and those concerned about the environment and public health --- all joining forces against government agencies.

There was an amazing cast of characters.

Among the Bad Guys were Governor Arnold Schwarzenegger and Linda and Stewart Resnick. The Resnicks are major Democratic party donors and are much into greenwashing, what with the promotion of their POM pomegranate juice for its health benefits; but the Resnicks are actually among the baddest players in all of California agribusiness, snarfing up the water rights to a major California aquifer and suing beekeepers whose bees happen to pollinate the Resnick's crops without authorization.

Among Our Heroes was James Carey, a UC-Davis entomologist and member of the National Academy of Sciences, someone I consider our George Clooney (charismatic and a force for good). Then there was the Silicon Valley refugee turned organic lavender farmer; the beautiful German multimedia artist; the director of the UC-Santa Cruz arboretum; the former Teamster official; the half-French daughter and grand-daughter of diplomats; the Republican insurance-agency owner who organized a coalition of California municipalities (cities and counties) against the spray; the U.S. Airforce major and parent of a young child who became a plaintiff in an LBAM program toxic-tort lawsuit; the fundamentalist Christian moved to act as Scripture dictates and be the Good Samaritan and be the person who compiled the lists of people (through setting up a yahoo address and P.O.Box to send descriptions of their experiences) sickened by the spray; the list goes on.

Which brings us to 2010, where there's (mostly) been a victory for sustainable ag, populism, and the environment. It's a story of people-doing-it-for-themselves/left+right involved/little guy winning against the big guys --- and while the war has mostly been won, it's not entirely over.

Folks from all over Northern and Central California self-organized like mad and operated without centralized leadership or tactics. An herbalist, chemtrails/negative-population-growth frootbats, small-business owners, a real-estate appraiser working on the legal mechanisms for organizing a recall of Arnold --- the moth wars weren't won by the usual suspects.

The rough timeline

The moth wars can be roughly split into two major campaigns: the high-intensity efforts that went on from September 2007 to June 2008, when aerial spraying was going to proceed no matter what for the greater Bay Area; and the rest of the war, which continues to this day, which step by step has shut down more and more aspects of the program (ground and air treatments; quarantines; wastes of money; bad science) --- and which will continue until the program is dead.

Monterey was aerially sprayed in August and September 2007; as the California Department of Food and Agriculture (CDFA) asserted that Checkmate, the pheromone-based mixture was safe, no reporting mechanisms were put in place for human or environmental harms. First responders; emergency room personnel; primary care providers; veterinarians --- no one was informed about what pesticide-based illnesses might look like (and many medical people aren't trained in recognizing such either).

We in Santa Cruz began to hear very disturbing stories about what had happened in Monterey: dogs and cats left outside sickening and dying; pet rabbits giving birth to stillborns and then dying; people getting sick.

The race was on: to find out what was in Checkmate; to stop the program; and to try to figure out why this was happening.

We mothnutters (that is, people crazed with the moth) quickly found out that CDFA was saying that the moth would cause \$640 million per year in damage --- but what we were hearing from farmers and growers (and this was the beginning of the beautiful relationship between enviros and farmers, as never before) is that the moth wasn't causing them any problems, but state goons "inspecting" their fields and trampling their seedlings and forcing them to spray entire fields with pesticides if there was one *suspected* LBAM or face shut-down for a month in the middle of harvest --- this was the problem. One local nursery owner who lived on her business property closed the enterprise rather than be forced to spray nasty conventional pesticides month after month --- crap which then flowed into Soquel Creek.

A quick use of Mr. Google quickly revealed that Checkmate, manufactured by a nearly-bankrupt Oregon company named Suterra (which had been fairly recently bought by the evil Resnicks) had among its inerts (this is the term use for the excipients in pesticides; these buffers and carriers are often more toxic than the active ingredient) substances classified with skull-and-crossbones markings for "not safe for human consumption". It took 1/2 hour to find a database on toxicity of common chemicals put on the web by Oxford University where this information was listed; CDFA somehow was never able to do something comparable. There was the question of the plastic microcapsules the stuff was processed into, designed to make the substance linger in the environment for up to a year (conventional pesticides break down with time). Finally there was the larger question of whether entire ecosystems should be sprayed with materials that are endocrinally active. Endocrine-disruptors are being found ever more culpable in all kinds of diseases in animals and people; there is also evidence in the scientific literature going back decades that people with longterm exposure to moth pheromones remain *attractive* to moths their entire life. You walk into a grocery store and immediately the moths start following you around.

As was usual during the moth wars, our thinking was "are you CRAZY?" We later found out that the United States Department of Agriculture (USDA) and CDFA were hoping to use the Monterey Bay spraying as a showcase for the new generation of biopesticides; we also know they never bothered to call Hawaii to see how that state felt about LBAM (we did, however. Response: LBAM, not a problem).

The city and county of Santa Cruz tried to get an emergency injunction in San Jose federal court; as would often be the case, lots of convenient fingerprinting took place. The judge said he didn't jurisdiction because it was a state matter; but then the state would assert that it had to do what it was doing because of federal regulations and problems with trading partners.

Anyway, after Santa Cruz was sprayed in November 2007, a lot of bad stuff resulted. Bees disappeared as did songbirds; Santa Cruz experienced the worst red tide in 40 years; the coast was lapped with strange foamy crud and people got sick.

Some people were acutely ill with respiratory issues, skin problems, the telltale “bad metallic taste in the mouth” (almost always a sign of poisoning); some people developed strange chronic problems, including neurological issues and post-menopausal women starting to bleed again. Hundreds of sea birds washed up dead, overwhelming the resources of Native Animal Rescue. And I cannot even enumerate the number of people I ran into who said “yeah, I had this strange scratchy thing in my throat for two weeks” or “hmm, you know, I developed this bronchitis I just couldn’t shake --- and I never get sick”.

People fought back. Stopthespray (a website/documentation for the LBAM program; a source of iconography; a focal point of activism) was formed --- and once the greater Bay Area was to be subjected to the same pesticidal onslaught, things got really interesting.

By June 2008, there had been enough outrage and political pressure that the aerial sprayings over cities was called off until the Environmental Impact Report (EIR) was completed. This was a victory unprecedented in the history of the environmental movement: no aerial spraying program has ever been called off. Aerial spray was still on the table for the vaguely-described “rural and forested areas” -- which in the Bay Area could mean Mt. Tam, Tilden Park, or Aptos.

After the EPA, USDA, and CDFA were sued in November 2008 by Oakland enviro-champion law firm of Stephan Volker, the EPA agreed to pull the registration on Checkmate in January 2009. It is no longer legal for use in the United States --- but no apologies have ever been forthcoming to the insults to the cycle of life it has already inflicted.

As we kept beating back the program, the next component to go was the removal of the requirement that growers spray chlorpyrifos on their LBAM-tainted properties. Chlorpyrifos is truly nasty organophosphate major environmental groups from all over the world have been trying to get banned for years. Backpedaling further, CDFA then stipulated it no longer planned to use SPLAT --- a mixture of moth pheromone and permethrin slathered on telephone and utility poles. Permethrin is highly toxic to birds, bees, cats, and fish --- and would obviously wash into Monterey and San Francisco Bays.

There was a major turning point in March 2010; the EIR was certified (a goofball classic “we create the science you pay for” document, where the only negative impact from what CDFA was planning to do was said to be noise from cropdusters disturbing birds). Strangely, within days CDFA said aerial spraying was gone for the program *forever*. And this is when things got really interesting: CDFA said they cannot eradicate LBAM (which is what we had been saying all the time: hundreds of thousands of them have been trapped and who knows how many more are out there) so the program was being changed from eradication to control.

Vindication for us but more lawsuits for them: litigants like EarthJustice and the city of San Francisco pointed out the obvious --- that you cannot do an EIR on one program (eradication) and then suddenly decide to do another (control). These law suits are still in progress.

Try everything

I have always felt the moth war victories unparalleled in the history of the modern environmental movement came from there being no hierarchy, no centrally-dictated strategy, and no leaders in any sense other than some people did well in front of the camera. It worked because mothnuttery was a loose confederation people who just decided to do whatever it took and whatever they felt like when they got up that day: we contained multitudes and at times there were thousands of people involved and at others only a handful. Mothnuttery was a libertarian's fantasy of the self-organizing temporary autonomous zone --- only we were at times enlisting the powers of the state to fight other powers of the state.

Street theater:

* We handed out backyard apples from Soquel and lavender from Bonny Doon Farms (they kindly gave us the last of their harvest taken before the great Bonny Doonfire wildfire of 2008) on the sidewalks in front of Herbst Theater when A.G. Kawamura, California's secretary of agriculture, was part of a panel at Slow Food Nation over Labor Day weekend in 2008. "Our apples from the heart of the heart of LBAM country are fine!" (Santa Cruz county has the highest LBAM counts in the state --- with San Francisco/Golden Gate Park coming in second. Did Strybring Arboretum look ravaged last time you were there?)

* We created a media event, "Flowers for Pelosi", shipping leucodrendrons from Santa Cruz in defiance of the quarantines to Madame Speaker to show "our flowers are fine!"

* A San Francisco mother's group, PlayNotSpray, organized a play-in, where little kids wore T-shirts emblazoned with slogans such as "I eat dirt."

* We organized a two-week "Days of Remembrance" series of events in Santa Cruz to commemorate in fall 2008 the aerial sprayings of fall 2007. The main event downtown in front of city hall included handing out LBAM green ribbons of merit (complete with plaques suitable for framing and moth lapel-pins) for all the politicians (from Santa Cruz city council member Tony Madrigal to Barbara Boxer) who helped --- plus a select number private-sector entities, such as the Sacramento legal research firm Legislative Research Inc. (special shout out to president Carolina Rose!) and Wigt Printing, the Mill Valley print shop which did so much collateral printing pro bono. Other events included a candlelight march, the inevitable panel discussion, creation of new print collateral, and a screening of Santa Cruz resident Laura Vitale's documentary "Weapons of Moth Destruction". Satellite events also took place all over the Bay Area.

* We staged an action at the last Sonoma farmer's market of the season in 2009, saying "We support our farmers! End the program!"

Data gathering

* We raised money to send a nursery owner/farm bureau-member from Santa Cruz county and the PhD botanist/director of the UCSC arboretum on a fact-finding mission to New Zealand (which just like us grows Monterey Pines and chardonnay grapes), where they met with growers, scientists, and state agencies. Our pilgrims wrote a report which basically summarized the New Zealanders experience with LBAM "Why are you Yanks so freaky about the moth? It exists here with about as much population-density as it does your way --- and honest, we can manage it in the fields. In fact, we care about it so little no one has done much research on it for decades because it just is not a factor".

* We also called New Zealand winegrowers on our own just to hear what they had to say: LBAM aint nothing, except for the onerous demand for LBAM-free produce USDA places on fruit exported from New Zealand bound for the U.S.

* A few people worked together to create an official request to have LBAM reclassified from Class A (actionable/of major concern) to Class C (we no longer track and we don't care). The petition was a major assessment of the scientific literature on LBAM, concluding that LBAM is a minor pest at worst, and only acts up when poor agricultural practices are in play. In fact, LBAM serves as a poster-child for sustainable agriculture: its populations only spike when, for example, conventional pesticides kill off beneficials, such as spiders, birds, parasitic wasps, and other predators.

LBAM also presents an argument against monoculture: planting buckwheat hedgerows every seven rows or so fosters an environment for the right beneficials. Because we brought tremendous pressure to bear on congressman Sam Farr to bring the reclassification petition to the National Academy of Science, that august mainstream body weighed in to say “USDA, you have no science. But these citizen-petitioners do.”

* A few mothnutters had PhDs in quantitative disciplines: based on data publically available, our warrior-quants did the math and found major errors in CFDA claims. For one, the size of the microcapsules in Checkmate did turn out to be small enough to lodge in the deep lung forever; for another, the computations of the concentrations of Checkmate turned out to be very off, with concentrations in some areas hundreds of times greater than had been stated. And the rate of sicknesses in Santa Cruz (again, way underreported because there was no official reporting mechanism in place) after the spray was much much higher than background levels of flu would indicate.

Community organizing and working the system

* We did everything. There were townhall meetings in Berkeley, Sonoma, Santa Cruz (multiples), San Francisco (multiples), Oakland, Piedmont, and elsewhere. We met with members of the state assembly and senate; showed up at city council meetings; videotaped these meetings and got them on community TV; got multiple hearings held by electeds in Sacramento (the ag committee had never seen hundreds of young mothers, accompanied by offspring, sit in on one of their sessions before). Then state-senate majority leader Dean Florez and Marin representative Jared Huffman held hearings where CDFA had to show up and had to account for themselves and got our testimony onto the record. Congresswoman Jackie Speier, with the power of being a federal representative, held a hearing where USDA staffers from Back East had to show up (we all wanted to be her when we grew up. So smart! So diplomatic! So BS-proof!). We were constantly talking with Boxer's staff in San Francisco, with Feinstein's staff in San Francisco and Washington; with that of Barbara Lee and Andree Swanson and Joe Simitian and John Laird. We met with Pelosi's deputy district chief.

* Multiple websites were set up; a zillion youtubes (some were even witty); EON Network, the West Marin documentarians of progressive outrage, took up the cause; 30,000+plus signatures were gathered from an online petition to stop the spray in a matter of a few months. Blogs blogs blogs; LBAM-exclusive blogs or bloggers on other matters blogging about the program. It got to the point where CFFA's Bob Dowell, a PhD scientist associated with the program, rather wearily said at one public hearing “please don't make me look bad on Youtube”. We never ever gave up.

* We showed up at every CDFA-initiated hearing, whether in Sacramento, Watsonville, Alameda, or Oakland. We made sure all our comments were part of the public record for all aspects of the EIR.

* We wrote letters to the editor everywhere and op-eds in both mainstream and lefty publications. Thanks to Google alerts, every time a news story came out on LBAM, one or more of us commented on the toxic fraudulence of the LBAM program and wrote a polite letter to the reporter explaining what he or she got wrong i.e. where she or he had been a credulous dupe of the state. And we kept up the press releases, never mind that MSM is dying; we were in front of TV cameras all the time and KGO's Joanie Greggains was our constant friend.

* And we wrote letters and letters and letters. To USDA secretary Tom Vilsack and muckymucks at California's Department of Pesticide Regulation (DPR) and Office of Environmental Health Hazard Assessment (OEHHA). We wrote to California's constitutional officers saying "as fiduciaries for the state, isn't it your responsibility to see that money isn't wasted and thus far \$200 million has been spent on a program that isn't safe, effective, or necessary and hurts farmers?"

And amazingly, treasurer Bill Lockyer wrote back saying in effect "I am sympathetic but can't do anything" and controller John Chiang even more amazingly wrote back and said in effect "you aren't crazy and I suggest you ask for a program audit."

Supporting the farmers

From the summer of 2008, moth wars have been increasingly focused on the farmers; figuring that business and economic harms would register more with decision-makers than environmental or public-health ones. Farmers and growers were the early victims of the moth wars, owing in no small measure to the CDFA mistrust/lack of comprehension about organic agriculture, independent nursery owners, and small holdings. Big ag and commodity growers --- CDFA and they are all in this together. But CDFA goons caused millions of dollars of economic harm to growers --- and inspired fear and loathing you only expect to hear about in espionage novels written about police states.

We set about creating a petition *farmers* could sign, saying they wanted the program ended and the trade problems resolved.

More than 100 farmers, both conventional and organic, signed. There was a companion petition that more than 100 businesses signed in support of the farmers, with signatories ranging from the foofy L'Auberge du Soleil to Sloat Nurseries to a Berkeley toy-inventor.

The farmer-related action which has finally pushed the LBAM program into operational default involved a tricky bit of regulatory finagling; through the good offices of assemblyman Bill Monning the idea was floated to create a two-tier regulatory system. This means within a state interior quarantine i.e. the greater Bay Area, no inspections no quarantines no nothin. Product is free to be shipped --- so the small growers and farmers (the kind that sell at farmers' markets and to foodie restaurants) who weren't shipping internationally *anyway* would no longer be harassed. The farmers and growers shipping out of the zone --- had to make sure their produce was spanking LBAM-free, as inspected at the packing sheds and coolers.

It's a kind of akido move where everyone declares victory and go home.

There is still work left to be done; the trade restrictions still apply and every time a single moth is trapped in San Diego or Sacramento the apocalyptic language starts all over again and eradication measures are applied.

So the war isn't entirely won.

The end game

We have in some small way permanently changed the course of agriculture in California and the U.S. The USDA is now asking for our input and what's more, has admitted they made mistakes with the LBAM program. The link between farmers and consumers has been made as never before and not just in the better-known sense of farm-to-table.

In September 2010 I attended an invitation-only "Future of Agriculture" meeting put on by the USDA in Fresno --- and it was amazing to hear how they have learned from what they termed "the disaster of the LBAM program" and how much they are beginning to sense that they need to change. This doesn't mean USDA is now totally on the side of sustainable agriculture and phasing out its supports for agribusiness: simply, because of the moth wars, they are now beginning to listen and modify their behaviors. I was told by one USDA staffer that they have learned never to start a program without farmer buy-in; to see what other countries are doing; to offer mechanical and or organic alternatives; to make the program voluntary.

All of which we now see with the appearance of European Grapevine moth in California: no planes are flying. Ag commissioners are suggesting techniques farmers can use --- but punitive quarantines aren't in place.

Principles of self-organization and creativity were paramount in winning the moth wars: from lawsuits to street theater to meetings with electeds to protest marches to whatever else it took, no one thing pulled off the victory. But everything altogether, with different people contributing different ideas and skillsets, made it happen. At times I felt I was participating in one of those World War II movies where a guy from Brooklyn and a farm kid from Iowa and a Southern boy all pull together, contribute their unique talents, and overcome the evil Nazis. The cause spoke to a remarkable variety of individuals who truly became the change they wanted to be.

There were many rude surprises, among them that mainstream environmental organizations were mostly useless. The Monterey Bay Aquarium, National Resources Defense Council (NRDC), and the Sierra Club either said nothing, or seemed to indicate that because pheromones were involved, whatever was to be used in the LBAM program wasn't nearly as bad as other toxics so who cares? Mainstream anti-pesticide groups also weren't that great. Mainline liberal churches were aggressively not interested. In other words, the usual suspects for liberal causes didn't help, including many of the sustainable and organic agriculture organizations. In fact, during the first year of the program California Coalition of Organic Farms (CCOF), the first and best of organic certifiers in the country, was fine with the program because it allowed their farmers to keep their official USDA National Organic Program label.

Leadership matters. Without the civic responsibility of members of the government such as Santa Cruz City Council and county supervisors (who authorized the \$750,000 spent on legal fees to challenge the emergency exemption) and the city attorneys in Oakland, Berkeley, and San Francisco --- we could not have succeeded. On the other hand, if we in California had had a secretary of agriculture who hadn't been phobic about invasive species; who hadn't been appointed as political payback for being a contributor to the Southern California socially-moderate/fiscally conservative Republican cabal (The New Majority) which helped to recall Gray Davis; who wasn't an anointed golden boy of agribiz (that is, a former recipient of the California Leadership Foundation fellowship, sort of the Rhodes scholarship for people who think J.G.Boswell is a fine company); who understood that what might fly in the Central Valley will not fly on the Coast; who actually was willing to say to California farmers "I am on your side. I will work with you while we get this trade mess sorted out, and advocate for you with the federal government. California is the leading agricultural state and is historically the progressive leader --- so we should be the state to finally bring science and fairness to international trade. My job is to protect California farmers --- and I'll do it." --- the moth wars would never have happened.

Moth wonkery for poets

Most of us mothnutters initially knew nothing about anything. But we had to get up to speed on bureaucratic arcana and learn about the way things Actually work.

Some key concepts:

* Emergencies. When the governor of the state declares an emergency, normal environmental safeguards and processes, such as observance of California Environmental Quality Act (CEQA) review, are abrogated.

Emergencies -ought- to be declared when, say, yellow fever breaks out in Tule County and the National Guard has to be called in dressed up in hazmat suits to carry away the bodies. But it turns out that a CDFA bureaucrat was perfectly within protocol to declare an emergency once that Berkeley LBAM was identified (an agricultural trade dispute somehow equates as an emergency) with a pro forma signature from the governor, all environmental safeguards can be suspended. The person who signed off on the emergency for the LBAM program has since retired.

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Grist for conspiracy theorists

There were many WTF moments where we could feel background machinations of the powers that be --- but what exactly they signified remain occulted to this day.

* When a low-level employee of one of the commercial entities associated with Checkmate accidentally released product information to the "Santa Cruz Sentinel", the newspaper was sued for violating intellectual property protections (that's another thing we learned: manufacturers of pesticides do not have to reveal information about their products because of trade secrecy concerns). The Governor stepped in and told the company filing the suit to drop it -- but that the spraying would go forward. As the Governor had been remarkably silent during the desperate efforts to stop the aerial spraying in 2007, it seemed strange that an elected official would have the power to tell an entity in the -private sector- to drop litigation --- and his direction to stop the lawsuit was his only response to the planned spraying.

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In practice, this meant that Checkmate, the gloop sprayed over Monterey Bay twice and Santa Cruz once --- had never been tested for human or environmental safety. In fact, its label originally stated that it was not to be used near bodies of water --- last time I looked, there were many of those in coastal Central California.

Challenging the declaration of emergency turned out to be the most effective legal strategy: lawsuits filed successfully by the city and county of Santa Cruz, with a copy-cat second one filed in Monterey County by a local environmental non-profit --- challenged the state to show there was an emergency. As there was no documented damage from LBAM (no surprise: LBAM has been detected in the UK since the 1930s and her majesty's gardener at Kew has told us that LBAM is just no big whoop), we won both suits. No aerial spraying until the EIR was completed --- and the state decided not to appeal these two verdicts (given by Republican judges, I might add.)

* Pre-emption. This nasty bit of agricultural code was inserted by Willie Brown (yes, that Willie Brown, always ready to stand up for industry) back in the 1980s which said that the state overrides local control on pesticides. Which means an earth-muffin place like Santa Cruz is not allowed to say "we won't tolerate state use of pesticides in our city"; state authority overwhelms local control. Local control over toxics is becoming an issue for eco-nuts, with the desire to make Santa Cruz the test case. A new organization, People Against Chemical Trespass (PACT), has sprung up.

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* A notorious PR firm, Porter Novelli, was given a no-bid \$1 million contract to do spin and outreach for the LBAM program. Not only did Porter Novelli get its start with CREEP (Committee to Re-Elect the President i.e. Nixon during Watergate) but one of its principals was part of Arnold's inner circle. There was enough public outcry that the contract was cancelled half-way through.

* When researching at UC-Berkeley, I was pointed to someone I'll call Madame X ("oh, right, you're the woman looking into the LBAM program. You should talk with Madame X.") Madame X told me great pressure had been brought to bear on her from high up in state government to help in the effort to make the case that all the post-spray health complaints from the Monterey Bay were the fantasies of hysterics. She felt she couldn't come forward publically as she had kids to put through college and couldn't lose her job --- she had already been chastised for writing a letter to the editor in an academic journal which suggested that maybe it wasn't entirely insane to have questions about the LBAM program and its toolkit. I heard something a bit less sinister but along the same lines from someone in the state public health apparatus: that he/they were being asked to support one state agency (i.e. CDFG) yet had their own agency's mission (of public health). What to do?

* Back when aerial spraying of urban areas was still on the table, after much badgering and harassing of Arnold by residents of Pacific Heights (or at least that's how it seemed to cynical ex-San Franciscan me: no one much minded when it was the hicks from provinces of Santa Cruz and Monterey getting sprayed, but once the residents of Tiburon and the restauranteurs of San Francisco and the realtors! The Marin Board of Realtors! They were irked and came out against the spray!) got apprised of their being in the spray zone, I knew things would change.

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* Eradication. We didn't realize that CDFA-world is a different more Newspeaky place than the one the rest of us live in. To CDFA, "eradication" means "we nuke some insects and we still term it a successful eradication even if the same bugs come back in a year". The same ten or so insects have been the subject of "eradication" programs for decades in California, because they keep coming back; for example, 1/2 billion dollars has been spent to "eradicate" 1/2 cup of Mediterranean fruit flies. And guess what, the medfly is still with us. The Santa Cruz Checkmate application was considered a "successful eradication" --- even though moth counts were higher in Santa Cruz after the spraying than before.

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Money, media-savvy, and political influence congregate in cities. The Governor agreed to have some acute toxicology tests performed on the spray. Later checking of the administrative record seemed to indicate that the results (which were NOT pretty; the kidneys, lungs, spleens, and skins of those lab rats were not happy) were known as early as May 2008; the aerial spraying was called off in June 2008. And these were just tests of acute toxicity, not of long-term effects. The results of the six-packs were made public on election night, 2008 --- when attention was focused elsewhere.

* When researching whether the impact on endangered species would be a way to stop the program (short answer: between the gutting of the Endangered Species Act and the lack of funds for tracking populations of such = no) I discovered that the U.S Geological Survey (USGS) is the government agency tasked with tracking wildlife kills. According to USGS, in the fall of 2007 the only unusual morbidity and mortality incident along the coast was associated with the Cosco Busan oil spill. The countless birds that washed up shivering and dying on Santa Cruz beaches hadn't been counted by any agency of the state (faith-based State of California -believed- a la M.Night Shyamalan that because they wanted the spray was safe, it was. Tree/forest/fall/no one listening: the epistemologies of the state aren't like those of ordinary people) --- so they never happened. No one will ever know how many birds died, at sea or on land.

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* Then there was the strange case of Jane Kay, former environmental reporter for the San Francisco Chronicle. Kay took her job seriously, and in her writing and reporting in the spring of 2008 she suggested that there might be some credence to the claims coming from the Monterey Bay Area that the aerial spraying made people and animals sick and that the moth may not be the fierce destructor of redwoods and live oaks as depicted by CDFG/USDA. In the summer of 2008, there was an odd (at least to my mind) hit job on Kay's environmental reporting in the Columbia Journalism Review (maybe the most authoritative old-school venue for journalists to talk about journalism) where a young man fresh out of UC-Berkeley's J-school went after Kay for considering that the government might not be telling the truth and that maybe people outside the employ of government agencies might have something valid to say. Kay never wrote on LBAM again, and left the Chron soon afterwards. Why did he care? Since when do young people take the word of the government over the word everyone else?