

Gypsy Moth: California Department of Food and Agriculture Assaults Ojai Valley Residents



If you are experiencing symptoms that you think may be related to the spraying in the Ojai area please contact:

24 hour Pesticide Poisoning Hotline (805) 633-4640
pesticidefreeojaivalley@gmail.com

Ceremony and Peaceful Declaration Against the CDFA Gypsy Moth Spraying

**Friday April 24th, 2009
8:30 a.m.**

**Lynda's House
806 S. La Luna, Meiners Oaks, California**

Please see [the video](#) about what happened last time the Department of Agriculture "visited" Lynda Rader's home, and violated her safety and civil rights by forcibly exposing her and others to pesticides.

On the morning of Saturday March 28, 2009, thugs from the California Department of Food and Agriculture showed up at the doors of residents in the Ojai Valley with a court order, armed police officers from the Sheriff Department and the California Highway Patrol, county photographers, and frightened and intimidated elders, jumped locked fences, and with a fleet of police cars and TruGreen pesticide trucks lining the road, forcibly hosed down people's homes with the insecticide DiPel.

[See the Court Order HERE](#) The court order, which includes a map of the "eradication area", and which was signed by Judge Henry J. Walsh of the Superior Court of California, County of Ventura, gives the CDFA license to bully and threaten members of this peaceful community as follows: "You are authorized to use such reasonable force as is necessary to gain entry to the exterior premises to which the warrant pertains. For a description of the invasion of the home of a woman with cancer, which involved the government opening a large electric security gate, please see [this video](#) on the [GypsyMoth7 Channel](#).

Residents had previously been led to believe that they could refuse to have their properties sprayed, or that they could cover plants not susceptible to gypsy moths, and were advised to bring their pets inside during the spraying. They were not given adequate notice to do any of this, nor to make arrangements to be elsewhere themselves. Several [residents had already been sickened](#) by the previous round of spraying. Applications are being made every two weeks, over the course of several days, with drift between neighborhoods allowing for no relief.

Ventura County Agricultural Commissioner Henry [Gonzales has since denied](#) that refusal was ever an option, though earlier in the week CDFA spokesperson Steve Lyle avoided questions about possible consequences of refusal, and seemed confused about the agency's intentions, saying "[We're reviewing our options](#)". On March 9, the day of the first round of spraying, Lyle said "There have been several people in the community that for one reason or another have asked us to not treat their property, and we're willing at this point to work with them and do the best we can to [accommodate them](#)."

A [letter](#) delivered to some of the affected residents in the late afternoon of March 26, two days prior to the police action, further confused the issue by asking for consent, without clear definition of the consequences of what "abatement proceedings" might look like: "We respectfully request that you contact our project office at 800-491-1899 no later than 5:00 p.m., March 26, 2009 and let us know if we have your consent to treat your property. If we do not hear from you by that date, we intend to initiate abatement proceedings because treatment is only effective if all properties in the area receive the treatment."

"Working with" and "accommodating" people and "respectfully" asking for "consent" is not usually understood as involving court orders and armed forces storming into a neighborhood on a Saturday morning, and climbing over people's fences.

At CDFA's poorly advertised [public meeting](#) on February 17 the scientists CDFA brought to the meeting cautioned people to protect vulnerable populations and pets by staying away from treated areas: Discussing people with compromised immune systems, Dr. Carrie Jones, of the California EPA, who was among the officials who delivered notices to residents on March 26, is quoted as saying "it would be a good idea to have those people leave, or at least be careful", and about Btk she admits "It's not without risk". John Hartford, a veterinarian, is quoted as telling people who are concerned about their pets, to keep them away from sprayed areas for "a minimum of four hours, but recommended eight. Old, infirm and pregnant animals should be removed from the area, he said."

People who did not want their homes sprayed were obviously among those concerned people advised to protect themselves, and this police action did not allow them to do so.

Their civil rights have been violated!

The Ojai Gypsy Moth "Infestation"

The supposed "emergency", that is being used as an excuse to hose down 577 homes and surrounding neighborhoods with toxic chemicals, is based on [finding](#) a very small number of gypsy moths. Their "infestation" is comprised of 4 moths two years ago and 7 moths last year, and a couple of egg masses. Those "free inspections" CDFA "offers" could have been used to conduct manual controls as necessary, which is one of the prerequisites for USDA-NOP's regulations that determine whether the specific use of Btk is considered an "organic" use. Please see our [main gypsy moth page](#) for simple manual controls, and deeper analysis of the threat of the gypsy moth to our ecology.

In fact, the court order itself specifies that "The purpose of this Inspection/Abatement will be to inspect the exterior areas of said properties for any evidence of an infestation or any areas in which gypsy moth might be in existence, and to eradicate gypsy moth." There were no actual inspections of whether gypsy moths were present on the residences involved in the CDFA's police action. There was only indiscriminate spraying of pesticides against the will of the residents.

What is Being Sprayed?

The pesticide being sprayed from high pressure hoses is called DiPel Pro DF, it contains *Bacillus thuringiensis* var. *kurstaki* (Btk), in a 46% mix of undisclosed, proprietary chemicals. Pesticide information from the manufacturer, which is obviously not as reliable information as [independent science](#), downplays the risk of harm of their product. But even their Material Safety Data Sheet, label, and Organic Certificate from the Organic Materials Review Institute, don't deny that there are serious risks:

According to the manufacturer's MSDS: "MEDICAL CONDITION AGGRAVATED BY EXPOSURE: Impaired respiratory function."

[DiPel Pro DF Material Safety Data Sheet \(MSDS\)](#)

In 2005, the [U.S. Surgeon General](#) reported that in the U.S. 1 in every 8 children has asthma, and the number of asthma sufferers had tripled to 20 million over the 25 years prior, that every day 12 people die and 5,000 emergency room visits are due to asthma. In 2007 a California Health Interview Survey estimated that as much as [13.6% of the Ventura County population](#) was at some time diagnosed with asthma.

Asthma is just one of many conditions that impair respiratory function.

According to the label's First Aid instructions, on inhalation of the product, "if person is not breathing", call an ambulance and "give artificial respiration", and skin contact requires rinsing "immediately with plenty of water for 15-20 minutes".

[DiPel Pro DF Label](#)

The label clearly states:

"Do not apply this product in a way that will contact workers or other persons, either directly or through drift."

[Chilling footage of applicators disregarding manufacturer's warning labels](#) as witnessed by neighbors

[More footage of applicators disregarding warning labels](#) as witnessed by the media

Oversight of workers' and residents' safety is woefully lacking, as can be seen in these pictures from the videos from March 9:



What goes up, must come down - in showers and drift





While one common safety claim for Btk, the active ingredient of DiPel, is that it is a naturally occurring bacteria, and that it is "approved" for use in organic agriculture, all Btk products contain undisclosed, synthetic ingredients. 46% of DiPel are ingredients other than Btk, kept secret by trade secret laws.

The status of DiPel's Organic Certificate, issued by OMRI, the Organic Materials Review Institute, is "Restricted". According to the certificate, the product "May be used as a pesticide if the requirements of 205.206(e) are met, which requires the use of preventative, mechanical, physical, and other pest, weed, and disease management practices".

OMRI Organic Certificate for DiPel Pro DF

The National Organic Program regulation [§205.206](#) requires that various other preventative and management practices must be observed before such chemical use is permitted. Under those guidelines "Pest problems may be controlled through mechanical or physical methods". §205.206(e) states that only:

"When the practices provided for in paragraphs (a) through (d) of this section are insufficient to prevent or control crop pests, weeds, and diseases, a biological or botanical substance or a substance included on the National List of synthetic substances allowed for use in organic crop production may be applied to prevent, suppress, or control pests, weeds, or diseases: Provided, That, the conditions for using the substance are documented in the organic system plan."

While we do not want to suggest that Btk products are in fact organic, or acceptable for use

in any setting, and we find that the USDA National Organic Program has actively diluted organic standards, from a legal standpoint the use of DiPel in neighborhoods does not constitute organic use even by the USDA-NOP's own misguided allowances of these products. The prior required management practices have not been met, nor is there an [organic system plan](#) in place for Ojai neighborhoods, at least not by the agencies perpetrating the forcible spraying. Many residents are however observing their own, much more stringent organic standards than those of the USDA, and their food crops have been decimated by the chemicals, and the mob of cops, pesticide applicators, county photographers, and representatives of various agencies stomping through their gardens.

The mob that took over the neighborhood on March 9:



The CDFA oversees the spraying of DiPel in a neighborhood in Meiners Oaks, Ca



The court ordered spraying on March 28 added several cop cars and armed officers to the intrusive and intimidating mob.

Residents also observed damage to their plants that would be considered unlikely to be the result of Bt, but resembles more the damage common from other pesticides. TruGreen uses a [wide variety of pesticides](#), residues of which could have contaminated the containers, hoses, and nozzles, and mixed with the DiPel. And there is a history of TruGreen [damaging plants](#) in gardens they were not even spraying. This wisteria was in healthy bloom, but parts of it wilted dramatically immediately following the spraying (click photos for larger views):



TruGreen is no stranger to applying [chemicals without permission](#), and has a long [history of complaints](#) from consumers, [employees](#), and [government](#) agencies alike. The president of [US Youth Soccer](#), along with many others, even demanded they stop the [commercial exploitation of children](#) a few years ago, when they peddled their business to young athletes. Whether accidental spills, or accusations of deliberate [dumping of chemicals](#), [some lawyers](#) may be itching for class action (search google with the following search terms for many examples of chemical contamination caused by TruGreen: **trugreen chemlawn dumping site:gis.mda.state.mn.us**)

Can This Happen To Me?

While it may seem that the gypsy moth programs are limited to the Northeast of the U.S., such a program has in fact arrived in California some time ago. Just last September, under a "Finding of Emergency" resulting from one trapped moth, Alameda County was added to the list of counties that have already been established as "Eradication Areas": Marin, Santa Clara, San Mateo, Santa Cruz, Ventura, Santa Barbara, Los Angeles, Riverside, San Diego, Orange, and Nevada Counties. This regulation gives the State the "authority to perform detection, control and eradication activities against gypsy moth" in these counties at the drop of a hat.

This kind of assault can happen to all of us! In fact, from the beginning of the [Light Brown Apple Moth program](#), the CDFA and USDA have used threats to intimidate people out of protesting pesticide applications. Their standard threat is that if we don't allow them to apply one kind of poison, they'll apply a "worse" one, or if we refuse them access to our homes, that they'll get a court order to force access. They try to bully us out of defending our civil rights, because they know that their toxic gravy train can be terminated when "sociopolitical opposition prevents emergency action" (page 91 of the USDA's own [Emergency Programs Manual](#)).

For more detailed information about the gypsy moth program in California, as well as in other parts of the country, including toxicology of all the pesticides approved for this program, and nontoxic alternatives, please see our [main gypsy moth page](#).

To Organize in the Ojai area, please contact

Pesticide Free Ojai Valley
(805) 646-4772 pesticidefreeojaivalley@gmail.com

PFOV meets the 1st and 3rd Monday of every month at 7:45pm
at Sacred Space Studio, 410 Bryant Circle, Suite A, in Ojai, California



CDFA sprays everything green in sight...



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Posted at: <http://www.dontspraycalifornia.org/ojaigypsymoth.html>