



TOWN OF FAIRFAX

142 BOLINAS ROAD, FAIRFAX, CALIFORNIA 94930

February 7, 2008

Secretary A. G. Kawamura
California Department of Food and Agriculture
Executive Offices
1220 'N' Street
Sacramento, CA 95814

Mayor
Mary Ann Maggiore

Council
Larry Bragman
Susan Brandborg
Lew Tremaine
David Weinsoff

Dear Secretary Kawamura:

I am writing on behalf of the Fairfax Town Council in regard to the proposed aerial spraying by your department for the Light Brown Apple Moth.

We were recently advised that the DFA has proposed the aerial spraying of "checkmate" brand pesticide to eradicate an alleged infestation of Light Brown Apple Moth in our area. We understand that this spraying will be accomplished by fixed wing aircraft from relatively high altitude. We are very concerned about this proposal, especially in light of the reports of hundreds of health complaints that were made after this material was applied in Monterey and Santa Cruz Counties.

The Town of Fairfax has two ordinances which are intended to protect the health and safety of our residents which we believe your agency is legally obligated to obey. First, under Fairfax Municipal ordinance 8.52.030, the use of pesticides on Fairfax parks, open space parcels and public rights of way and buildings owned and maintained by the Town of Fairfax, is prohibited. Under the code, both aerial and ground spraying and or dusting are specifically prohibited. Secondly, under 8.52.060, neighbors of the affected properties shall receive a minimum of 48 hours notice prior to the application. The type of notification required is specified under section 8.52.070. All of these ordinances may be reviewed online at: www.townoffairfax.org.

By way of this letter, the Fairfax Town Council hereby requests that if your department intends to begin LBAM aerial spraying in Marin County that you provide a plan under which our residents receive proper notice and which protects our parks, open space parcels and other public lands from direct or indirect application of the pesticide.

Please contact our Town Manager Michael Rock if you have any questions or would like to communicate further about the matter. Thank you for your time and consideration.

Respectfully yours,

Mary Ann Maggiore, Mayor
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cc: Senator Carole Migden; Assemblyman Jared Huffman