

WHAT ARE MY CONSTITUTIONALLY-PROTECTED RIGHTS AROUND PESTICIDE USE BY OTHERS AROUND ME?

A: CA Code of Regulations 6614 (Protection of persons, animals and property) states: "...no pesticide application shall be made or continued when:

- 1)** There is a reasonable possibility of contamination of the bodies or clothing of persons not involved in the application process (note that if people accept toxic twist ties to put up themselves, they would not be able to invoke 6614)(what about kids climbing trees without parents' knowledge or consent?);
- 2)** There is a reasonable possibility of contamination of non-target public or private property, including the creation of a health hazard, preventing normal use of such property. In determining a health hazard, the amount and toxicity of the pesticide, the type and uses of the property and related factors shall be considered."

WHAT SHOULD I DO IF I OBSERVE PESTICIDES COMING ONTO MY PROPERTY BY AIR OR BY GROUNDWATER?

A: California Code of Regulations 6616 states: "No person shall directly discharge a pesticide onto a property without consent of the owner..."

- 1)** If you feel sick or are having symptoms you might want to call 911 immediately.
- 2)** If you believe 6614 is being violated, call the Sheriff's Department or Police Department. Then, call the Ag Commissioner's Office and demand that their District Deputy come out immediately to investigate and take swab samples (because their standard excuse for not intervening and not prosecuting is that they cannot do so if they haven't witnessed the event in question). Note dates/ times/ names carefully and note their response and plan (or lack of plan) of action. You must document date, time, and location where the incident occurred. Take photographs. Be specific and include as many details as possible. Describe any physical symptoms you or your family may be having, including nausea, difficulty breathing, asthma, heart palpitations, feeling faint, etc. Tell them to wait while you change if you have a change of clothes with you, hand them your clothing in a plastic bag and tell them to sample it. They're likely to try to weasel out suggesting that you don't want your clothes cut up. Remind them that your life trumps your clothes. Insist that the District Deputy file a report and send you a copy, and insist that medical people fill out and file Pesticide Illness Reports. **IMPORTANT:** Do not let the District Deputy or law enforcement minimize, rationalize, or deny your concerns. ****See a medical doctor to try to have diagnosis formally logged, and get healthcare appropriate to your needs immediately.**

WHAT IF THE GOVERNMENT DECLARES MY PROPERTY A PUBLIC NUISANCE BECAUSE OF LIGHT BROWN APPLE MOTHS AND INTENDS TO SPRAY OR OTHERWISE USE TOXIC CHEMICALS?

A: The California Code of Regulations section 3651 states that you have the Right of Appeal for any Pierce's Disease Workplan application (this related to Glassy-winged Sharpshooter). We should assume there is a similar section relating to LBAM, though Alameda County has come up with no workplan as of 2/13/08. Relating to GWSS: The Food and Agriculture Code insures that you must be notified first if your property is harboring a public nuisance they intend to abate. If you appeal the abatement in writing, you are guaranteed a public hearing. At the hearing, why not argue that you will abate the pest yourself without toxic poisoning, within the time specified? (Perhaps you may use a butterfly net or hand pick any suspicious egg sacks and place them in a plastic bag) Preserve your Constitutional right to protect your private property and your family's health. No one has the right to put our families' health at risk or damage our private property for the economic advantage of a few.

Remember: These Are Your Protected Rights. Use Them or Risk Losing Them!