

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0006
(916) 319-2006
FAX (916) 319-2106

DISTRICT OFFICE
3501 CIVIC CENTER DRIVE, SUITE 412
SAN RAFAEL, CA 94903
(415) 479-4920
FAX (415) 479-2123

Assembly California Legislature



JARED HUFFMAN
ASSEMBLYMEMBER, SIXTH DISTRICT

COMMITTEES
CHAIR, WATER, PARKS AND
WILDLIFE
NATURAL RESOURCES
UTILITIES AND COMMERCE

SUBCOMMITTEE NO.3
ON RESOURCES

September 8, 2009

Kara Laney
Division on Earth and Life Studies
Board on Agriculture and Natural Resources
Natural Resources Council, National Academy of Science
500 Fifth St. N.W.,
Washington, D.C. 20001

Dear Ms. Laney:

We are writing to request clarification of the mandate, scope and composition of the National Academy of Sciences (NAS) committee that is currently reviewing the U.S. Department of Agriculture (USDA) classification status of the Light Brown Apple Moth (LBAM). Input from NAS will be very important in shaping our opinions on whether reclassification of the pest is or is not justified, and it is our expectation that NAS will provide an independent assessment based on a scientific review of the classification of the LBAM as a pest warranting eradication.

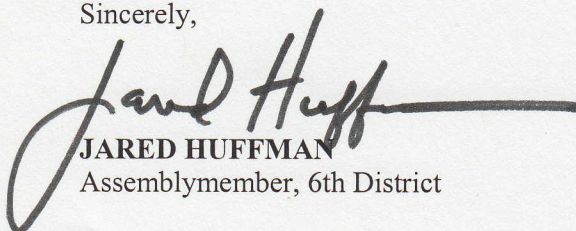
With respect to the mandate set by USDA, please confirm the committee's charge, and if it will be limited to determining if the process utilized by USDA to review the petition for reclassification was scientifically based. Your response should address the questions that have been raised by the petitioners, as attached, concerning assessment of the scientific basis for reclassification of the pest, and whether the Reclassification Petition of Harder, et al.(2007), provides a scientific basis for reclassifying the pest as a minor pest.


In terms of the composition of the committee charged with this review, please identify the individuals and their related expertise that comprise the committee as well as the process that was used to select these members.

The LBAM infestations in our collective districts are significant and have raised serious concerns in our communities ranging from impact on public health to the environment from proposed eradication programs, including aerial spray of pesticides in urban areas. Your role in determining whether the classification of this pest warrants quarantines and eradication programs is very important to us and the public we represent.

Thank you in advance for your significant work and your prompt response to this inquiry.

Sincerely,


JARED HUFFMAN
Assemblymember, 6th District


MARK LENO
Senator, 3rd District

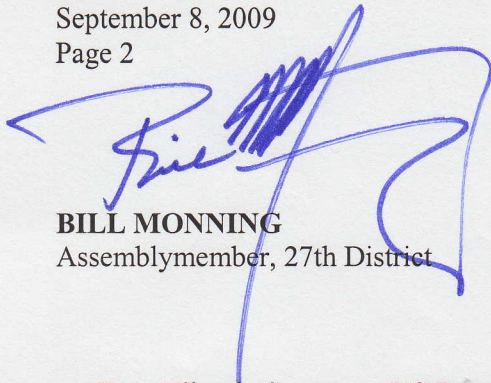


Printed on Recycled Paper

Kara Laney, Division on Earth and Life Studies

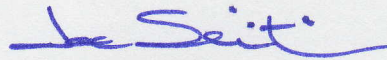
September 8, 2009

Page 2



BILL MONNING

Assemblymember, 27th District



JOE SIMITIAN

Senator, 11th District

cc: Tom Vilsack, Secretary, US Department of Agriculture
Congressman Mike Thompson, 1st District
Congresswoman Lynn Woolsey, 6th District
Congressman George Miller, 7th District
Congresswoman Nancy Pelosi, 8th District
Congressman Barbara Lee, 9th District
Congresswoman Jackie Speier, 12th District
Congresswoman Anna Eshoo, 14th District
Congressman Sam Farr, 17th District
US Senator Barbara Boxer
US Senator Diane Feinstein



September 8, 2009

Kara Laney
Division on Earth and Life Studies
Board on Agriculture and Natural Resources
Natural Resources Council, National Academy of Science

Dear Ms. Laney,

As a follow-up to the concerns I outlined in my previous communication to you, I would appreciate if you could address for us the following questions regarding the scope and limitations of the NAS/NRC review you were hired by USDA to conduct. As I previously stated, there are many representatives within the California and Federal Legislatures and also with the agriculture community who believe the NAS review will be an independent review of the scientific merits of the LBAM Reclassification Petitions submitted by Harder et al. 2008 and PANNA 2008. They believe NAS will broadly address whether LBAM should or should not be reclassified and whether or not eradication can be achieved. I feel it is important for the actual scope and limitations to be clearly articulated.

We see that the makeup of your Review Committee did not change despite the concerns we and PANNA raised regarding its composition. I would appreciate greatly if you provide as detailed answers as you can to the following questions. We feel these are important issues to clarify if there is going to be any trust given to the findings of the NAS/NRC review.

My sincere regards.

Roy Upton, LBAM Liaison
3051 Brown's Lane
Soquel, CA 95073
herbal@got.net 831-461-6317



Please clarify for us the scope and limitations of the NAS review of LBAM? Specifically we are interested in knowing if NAS/NRC will be conducting an independent scientific evaluation of the following:

1. What is the most appropriate classification for LBAM?
2. Does the LBAM Reclassification Petition of Harder et al. (2008) provide a scientific basis for reclassifying LBAM as a minor pest?
3. Does the LBAM reclassification Petition of Harder et al. (2008) provide a scientific basis that LBAM constitutes a minor insect and need not be eradicated?
4. Is eradication of LBAM feasible?
5. Have the products that are proposed to be used in the LBAM eradication program been thoroughly tested to ensure they will not present a public or environmental health hazard and will be effective at eradicating LBAM?
6. Is LBAM easily and cost-effectively managed in agriculture systems as alleged by the Petitioners?
7. Is there scientific support or evidence that indicates that California residents will use more pesticides around their homes if LBAM is not eradicated?
8. How can the objectivity of the NAS/NRC review be assured when there appears to be at least two Committee members representing the position of USDA and none representing the position of the Petitioners?
9. How will you make clear to the public the breadth of scope and limitations of the NAS/NRC review?