

Hey Alec,

As a followup to the communication I sent you regarding our concerns about the NAS review process, I send a communication from NAS to a reporter. When we initially spoke, it seemed you and Sam were under the impression that NAS would be reviewing the scientific merits of the LBAM Reclassification Petitions and whether or not there was scientific justification for reclassification and whether eradication could succeed. As my last communication intimated, it seems clear from the NAS communication below, that is not what they have done. Rather, they have only reviewed USDA's response to our Petition to see if their classification has scientific merit, not if there is scientific justification for reclassification and eradication; which should be at the very heart of the question.

Please review this NAS communication and then compare it to the NAS project description, which I pasted in below. To me these are vastly different and exemplifies the manner in which the mandate has been represented to the legislature and public and what the report actually encompasses. I can't tell you how much this irritates me. Everyone in the Federal and State legislatures has been told NAS would review the scientific merits of the Petition and the project description suggests this. This communication clearly states that what they reviewed was the basis used by USDA in classifying LBAM and USDA's response to our Petition. In my opinion, this is a blatant disregard for process and transparency?

Please pass this communication on to Sam and I would appreciate any thoughts your office would have on this. I have also attached a communication sent from Assemblyman Huffman and Monning and Senators Leno and Simitian regarding these concerns. It would be nice if Sam would consider generating any communication you feel is appropriate based on what you thought the NAS review was going to be and what this communication seems to imply.

All the best.-Roy

From: Kathleen Wentz
Sent: Thursday, September 10, 2009 3:26 PM
To: Robert Gammon
Subject: FW: APHIS Response to Petitions Regarding Moth Classification Examined in New Report

From: The National Academies [mailto:news@nas.edu]
Sent: Thursday, September 10, 2009 12:42 PM
To: news@nas.edu
Subject: APHIS Response to Petitions Regarding Moth Classification Examined in New Report

Whether the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) was within its regulatory authority to classify the Light Brown Apple Moth (LBAM) as a pest that qualifies for quarantine and eradication is examined in a new report from the National Research Council to be released on Sept. 14.

APHIS classified the light brown apple moth -- originally from Australia and confirmed in California in 2007 -- an "actionable quarantine significant pest," and has applied its authority to implement a program of quarantine restrictions and eradication, which has been met with some public resistance. Research in other countries where the moth has invaded shows it can damage seedling plants in nurseries; inflict aesthetic damage on ornamental plants; and injure tree fruit, citrus, and grapes. In late 2008 and early 2009, the secretary of agriculture received two petitions to reclassify the moth as a "non-actionable pest," based on the argument that it is not a significant economic pest and can be controlled by means other than eradication. APHIS asked the Research Council to evaluate the scientific justification of a draft response to the two petitions. (underline my emphasis)

Reporters can obtain copies of **Review of U.S. Department of Agriculture's Animal and Plant Health Inspection Service Response to Petitions to Reclassify the Light Brown Apple Moth as a Non-Actionable Pest** by contacting the Office of News and Public Information; tel. 202-334-2138 or e-mail news@nas.edu. Advance copies will be available to reporters only starting at noon EDT (9 a.m. PDT) on Monday, Sept. 14. THE REPORT IS EMBARGOED AND NOT FOR PUBLIC RELEASE BEFORE 4 P.M. EDT (1 P.M. PDT) ON MONDAY, SEPT. 14.

NAS LBAM Project Description

Project Scope

To evaluate the ability of policy and regulatory decisions to be supported by sound, scientific evidence and effectively communicated in a transparent fashion, an NRC committee will examine the scientific bases of two competing opinions about the classification of the Light-Brown Apple Moth (LBAM) as an actionable pest, based on petitions from various parties in California to reclassify the pest, and on federal documents that justify and defend the rationale for the current pest classification. The committee will focus on the comprehensiveness and credibility of the federal justification in light of arguments to the contrary. The committee will prepare a letter report evaluating whether the justification:

-- fully considers and addresses the specific arguments for reclassification raised in the petitions and their accompanying documentation; and

--clearly articulates a thorough and balanced analysis that justifies and adequately supports its conclusions in response to the petition.

This project is sponsored by the USDA Animal and Plant Health Inspective Service.

The approximate start date for the project is June 1, 2009.

A letter report will be issued at the end of the project in approximately 3 months.
