



Press Release: March 24, 2010

**Re: California Senate Committee on Food and Agriculture: Citizens For Health
Testimony Regarding LBAM Eradication program**

To: Senate Committee on Food and Agriculture

Regarding: CDFA's Light Brown Apple Moth (LBAM) eradication program

March 24, 2010

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Dear Committee Members,

On behalf of Citizens For Health, a national health and environmental advocacy organization with 97,000 members nationwide, I respectfully submit the attached comments to you for your consideration regarding the LBAM eradication program.

Citizens for Health co-authored a review of the scientific literature on all aspects of LBAM and submitted a formal petition to USDA calling for the reclassification of LBAM based on the premise that LBAM does not constitute the destructive pest as alleged by USDA. USDA responded to this Reclassification Petition and denied Reclassification. USDA submitted its response to the Petition to an independent scientific review by the National Academy of Sciences (NAS). Many within the agriculture community and the California and Federal legislatures were awaiting this review. The NAS review found the following:

1. USDA did not fully consider and address specific arguments calling for the reclassification of LBAM and did not “conduct a thorough and balanced analysis” supporting the conclusions in two LBAM Reclassification Petitions.
2. USDA requires more robust science to support its position in denying the Reclassification Petitions and continuing the LBAM program.
3. USDA’s biological predictions used in the risk analysis that form the economic justification for the LBAM eradication program do not accurately reflect the inherent uncertainty associated with such projections and are described by NAS as “problematic and in some cases not based on sound, rigorous science.”
4. NAS reviewed unpublished genetic data of LBAM conducted by USDA and noted that, due to the genetic diversity expressed in California’s LBAM population, that it is unlikely that LBAM is a new introduction to California.

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5. USDA's assertions that trapping data shows a progressively increasing population is "misleading" as the increasing numbers of LBAM alleged by USDA could equally be associate with increased trapping efficiency.
6. USDA assertions that LBAM has adapted to new host plants, in great part the basis of alleged economic losses justifying the LBAM program, should be omitted because their arguments are "not well founded".
7. The committee expressed "substantial concerns" regarding the economic component of USDA's justification for the LBAM program "based primarily on the ambiguous foundation of the analysis for the predicted geographic distribution of LBAM and the inconsistent and sometimes incomprehensible analytic techniques used...and provides no sources to substantiate damage estimates."
8. NAS noted that USDA did not consider other, potentially realistic scenarios by which LBAM could be cost-effectively managed and considered USDA's projections of crop damage to be "unlikely".
9. USDA implies that previous literature provides evidence that the potential for "environmental damage" to forest plantations is substantial. NAS agreed with the Reclassification Petition in noting that the scientific literature does not support that LBAM is a significant threat to trees and native flora as is continued to be alleged by USDA.

The Federal Act that gives USDA its authority to impose programs such as the LBAM eradication and control program is the Plant Protection Act (PL 106-224). The Plant Protection Act requires for such programs to be based on "sound science". The NAS review and the two LBAM Reclassification Petitions show clearly that USDA has not provided a foundation of sound science for virtually all aspects of USDA's LBAM program. The NAS review, more than any other documentation provided to date, strongly criticizes the very justification used by USDA in classifying LBAM as a quarantine pest, in estimating its potential threat to crops and native flora, and in clearly stating its justification to the public. Lacking a basis of sound science, the only logical course is to reclassify LBAM as a non-quarantinable insect in a manner similar to other insignificant insects such as orange tortrix, and allow agriculture to manage LBAM as it does other similar insects, such as orange tortrix, as a crop quality issue. Other nations where LBAM is naturalized are able to successfully and cost-effectively trade agriculture commodities and meet LBAM restrictions. Given the will to do so, the US can do the same.