

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

March 1, 2010

Dear Secretary Kawamura:

We are writing to ask you to delay certification of the final Environmental Impact Report (EIR) for the light brown apple moth (LBAM) eradication program until your agency has held public hearings in all communities affected by the program.

We are also requesting assistance from our state and federal representatives in ensuring that this controversial program is not rushed into implementation before the public has had adequate opportunity to obtain and read the final EIR and have its questions and concerns answered.

The citizens of Albany have expressed extreme concern about the safety of, need for, and effectiveness of the proposed LBAM program, and the Albany City Council submitted extensive comments during the designated comment period for the draft EIR. As of the writing of this letter, the city has not received a proposed written response to its comments as required by law [California Resources Code sec. 21092.(a)] although we are informed that other public agencies, including the Santa Cruz County Board of Supervisors, received such notice at least 10 days in advance of your proposed EIR certification date of March 4, 2010.

As you know, the LBAM program has been extremely controversial. Findings of peer-reviewed scientific publications during the last year suggest that the rationale for the program is deeply flawed (Varela et al. 2010; National Academy of Sciences 2009; Gutierrez et al. 2010). The final EIR should be examined in light of this new scientific evidence and the LBAM program's justification should be transparently and objectively evaluated in full view of the public before the EIR is certified and the program goes forward. If the department's science and arguments are sound, there should be no reason why the public should not have sufficient time to read the final EIR, which will no doubt be lengthy as the draft EIR was, and the opportunity to question your agency regarding the final EIR's findings and the adequacy of its response to the many comments that were submitted.

We respectfully request a prompt response to this request for public hearings prior to the EIR's certification.

Sincerely,

Joanne Wile, Mayor

cc: Senator Loni Hancock  
Assemblymember Nancy Skinner  
Representative Barbara Lee  
Senator Barbara Boxer  
Senator Dianne Feinstein  
Governor Arnold Schwarzenegger

#### References

Gutierrez, A., N. Mills, and L. Ponti. 2010. "Limit to the potential distribution of light brown apple moth in Arizona-California based on climate suitability and host plant availability." *Biol. Invasions*. January-February.

National Research Council of the National Academy of Science. 2009. *Review of the U.S. Department of Agriculture's Animal and Plant Health Inspection Service Response to Petitions to Reclassify the Light Brown Apple Moth*. September.

Varela, L. et al. 2010. "New Zealand lessons may aid efforts to control light brown apple moth in California." *California Agriculture*. v. 64, no. 1. January.