



City of Albany

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April 28, 2010

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- Environmental Resources
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- Planning

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- Friendship Club/Childcare Program
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- Senior Center
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- Teen Center
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Docket No. APHIS-2009-0101

Regulatory Analysis and Development

PPD, APHIS, Station 3A-03.8, 4700

River Road, Unit 118, Riverdale, MD 20737-1238

Gentlemen:

This comment refers to Docket No. APHIS- 2009-0101, the U. S. Department of Agriculture (USDA) Draft Response to Petitions for the Reclassification of Light Brown Apple Moth as a Non-quarantine Pest.

The City of Albany urges USDA to reconsider its denial of the petitions and to reclassify LBAM as non-quarantinable in order to:

- end the LBAM eradication program, which would create unacceptable and unnecessary pesticide exposures for Albany residents, has been criticized by experts as ineffective and unnecessary, and is a wasteful expenditure of hundreds of millions of dollars of taxpayer funds.
- end LBAM quarantines that cause economic harm to farmers by requiring damaging inspections and lengthy shutdowns, and that unfairly benefit foreign growers as described below.

USDA's response to the reclassification petitions is inadequate and does not justify LBAM's quarantinable status because:

- USDA proposes to continue LBAM's classification as quarantinable even though there is no evidence LBAM has done damage in the U.S. or poses a threat to crops or wild/native plants.
- USDA's response to the petitions does not address significant flaws in the scientific and factual basis for the program that were identified by the National Academy of Sciences (NAS) in its Sept. 2009 evaluation of USDA's responses to the petitions including:
 - USDA's response to the petitions says LBAM is "newly introduced" even though NAS concludes that LBAM surveys/trapping for LBAM prior to 2005 are inadequate to determine whether LBAM was present in the U.S., and independent scientists tell us LBAM has been here for up to 30 years.
 - USDA's response to the petitions continues to rely on the NAPPFAST model of LBAM population expansion even though NAS concluded this model is poorly documented and was not used in a technically correct manner.
 - USDA continues to overestimate potential economic damage from LBAM by including high-cost crops such as almonds for which NAS

The City of Albany is dedicated to maintaining its small town ambience, responding to the needs of the community, and providing a safe, healthy environment now and in the future.



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says there is no evidence that LBAM will be a pest.

- USDA relies on outdated sources and information about the effects of LBAM and the effectiveness of natural controls for LBAM and ignores current experience in Hawaii, New Zealand, and elsewhere indicating that LBAM is not a threat.
- USDA exaggerates alleged damage done by LBAM to 2 California organic berry fields in 2009, which is the *only* example of possible LBAM damage that USDA has been able to produce since LBAM began to be detected at California ports of entry in 1984. USDA also ignores the role of a quarantine shutdown of the farm for several weeks, during which the farmer was prohibited from taking any action to control the larvae present in those fields.
- USDA should be supporting domestic farmers, but the LBAM quarantine puts California farmers at an unfair disadvantage to foreign farmers because USDA requires California farmers to have LBAM-free *fields* while foreign growers only have to provide *shipments* that are LBAM free.

Sincerely,

Joanne Wile, Mayor