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COMMENTS for USDA Draft Denial of Apple Moth Reclassification Petitions

1) I urge USDA to reconsider its denial of the petitions and to reclassify LBAM as nonquarantinable in order to:

- end LBAM quarantines that cause economic harm to farmers and unfairly benefit foreign growers
- end the unnecessary, ineffective, unsafe, and wasteful LBAM eradication program

2) USDA’s response to the 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 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 relies 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 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 - USDA relies on outdated sources and information about the effects of LBAM and the effectiveness of natural controls for LBAM and ignores current experience in Hawaii, New Zealand, and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 that LBAM is not a threat
 - USDA exaggerates alleged damage done by LBAM to two organic berry fields in 2009, which is the only example of possible LBAM damage since LBAM was began to be detected at entry ports in 1984
 - 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,

Please sign above and print below.

Name:

Phone Number:

Address:

City:

State:

Zip code:

Email address:

Please check here if you are interested in receiving more information about this and similar issues.

Please see reverse for deadlines and submission information

Comments are due **MAY 14, 2010** on the U.S. Department of Agriculture's (USDA's) proposed denial of 2 petitions requesting reclassification of the light brown apple moth (LBAM) to non-quarantinable status and can be submitted by either of the following methods:

ELECTRONICALLY: Go to <http://www.regulations.gov/search/Regs/home.html#home> & follow these steps:

- Check the box that says "open for comment" on the left; enter this number on the right: 2009-0101
- On the next page, find the entry: "Availability of a Draft Response to Petitions: Reclassification of Light Brown Apple Moth as a Nonquarantinable Pest"; choose "submit a comment" on the right of this entry
- Fill out your contact information on the next screen & paste/type your comment in the window. The window limits comments to 2000 letters; if yours is longer, upload it as a Word file using the "attach" button

BY U.S. MAIL: Send two copies of your comment to:

Docket No. APHIS-2009-0101

Regulatory Analysis and Development

PPD, APHIS, Station 3A-03.8, 4700

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

State in your comment that your comment refers to Docket No. APHIS- 2009-0101