

July 2, 2009

Public comment Re: USDA 2009 EA for LBAM SIT in Sonoma/Napa, California

To: lbamenvirodocs@aphis.usda.gov

Dear Carole Johnson:

The May 2009 Environmental Assessment for the release of sterilized LBAM in Sonoma and Napa Counties, California (http://www.aphis.usda.gov/plant_health/ea/downloads/lbam-sit-ea.pdf), leaves many important concerns unaddressed. Among them:

The environmental impact of this proposed action was not fully evaluated. The EA does not detail the impact a large number of introduced LBAM will have on other insects, especially on the foraging resources of other pollinators, particularly the increasingly endangered bee population. Nor does it detail the impact chemically treated insect releases have on soil organisms that are needed to balance and maintain soil and overall ecological health, which organic gardens in the area and the surrounding natural ecology rely on for survival.

In the EA's complex mathematical equations of how much Calco Red dye will be released into the environment, the simple fact is ignored that such measurements of toxicity are almost entirely meaningless. Some chemicals can kill or injure in very small doses. Endocrine disruptors for example have a nonmonotonic dose response, where reducing the amount of the chemical does not result in a reduction, but an increase in toxic effects. The EA does not take into account such nonmonotonic dose responses of each of the chemicals involved, nor in combination with each other, nor the synergism and cumulative effects of all chemicals involved in interaction with chemicals already accumulating onsite or in the equipment being used in the releases.

In fact, the EA does not disclose the ingredients of the dye at all, nor the name of the exact product to be used. An MSDS of the dye mentioned in the EA's references, Calco Oil Red N-1700, indicates that it is mixed with mineral spirits (<http://www.vwrsp.com/msds/10/820/82021-206.pdf>). The MSDS for the dye lists no ingredients, but seems to indicate that toxic metals may be present. These substances may include endocrine disruptors and other public health and environmental hazards, which the EA does not in any way acknowledge.

While this EA is for a specific place and time frame, it is clear that this research is not merely an exercise in intellectual curiosity, but operates with the specific goal to implement more such releases in the future and in other places. The specifics of such possible future releases must also be taken into account in determining the safety, value, and necessity of such an experiment.

This expensive LBAM program is being justified with number of trap finds. But these numbers don't reflect that increased finds are preceded by increased trapping. Such consistent finds would be expected in any naturalized population of insects, such as LBAM. In any case, trap finds are irrelevant, as they determine the presence of an insect in the environment, but not whether the insect is doing any damage, likely to do any damage in the future, or whether it is being kept in check by the local ecology.

While USDA representative Hawkins has been quoted in the media, claiming that LBAM larvae have caused recent damage in berry fields, the USDA continues to fund CDFA research to improve the reliability of identifying LBAM. The CDFA's annual Report to the Legislature on LBAM for 2008 (<http://www.cdfa.ca.gov/phpps/PDEP/lbam/pdfs/Reports/2008LBAMLegRep.pdf>) (which was released more than half a year after it was required to be submitted by the LBAM Act of 2007) states that "The Department has developed a research plan with the following objectives: ... Develop an effective DNA fingerprint and identification technology for LBAM". This research clearly implies that there is not currently a reliable way to identify all LBAM. Specifically about LBAM larvae, the alleged cause of the damage, USDA documents agree that "Absolute certainty is not possible because there are still many California tortricids whose DNA has not been sequenced so the reference database is incomplete" (http://www.aphis.usda.gov/plant_health/plant_pest_info/lba_moth/downloads/LBAM_IPM_UCDavis.pdf, page 8), and "Positive identification of LBAM can be made with certainty **only** by examining an adult" (http://www.aphis.usda.gov/plant_health/cphst/downloads/newsletterfall2007.pdf, page 2).

Two California courts have challenged the unsubstantiated claims of LBAM damage, and require that the CDFA conduct a full EIR before proceeding with the LBAM program. The requirement of a full EIS should be extended to the USDA as

well. Such environmental reviews should be based on the precautionary principle, which in a nut shell states "better safe than sorry", with a particular view towards protecting vulnerable species and populations, and not on a theoretical risk assessment approach, which determines how much risk to the lives of others is acceptable to those who theorize about the potential impact of an action.

This SIT EA, which appears to be an already decided upon action plan, and the aggressive continuation of the LBAM program, also put in question the USDA's honest intention to consider the LBAM reclassification petition, which was submitted to the agency in 2008 (<http://lbamspray.com/Reports/Reclassification%20Petition%20Final%201.0.pdf>), and which represents the biggest question environmental documents must answer: whether LBAM does damage that warrants any action other than learning to live with nature's cycles and to share some of the abundance of the harvest with other creatures. The insistence that everything grown in a field must go to market is not only unrealistic, but does more damage to a natural, healthy ecology than any insect ever could.

We oppose the USDA's plan to move forward with the LBAM program.

Isis Feral
for East Bay Pesticide Alert/Don't Spray California
<http://www.dontspraycalifornia.org>