



Light Brown Apple Moth (LBAM) Environmental Impact Review

California Senate Food and Agriculture Committee

Testimony of Roy Upton, LBAM Liaison

Citizens For Health

3051 Brown's Lane

Soquel, CA 95073

herbal@got.net 831-461-6317

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Good morning,

My name is Roy Upton. I am the LBAM Liaison for Citizens For Health, a public and environmental health advocacy organization with approximately 90,000 members nationwide and approximately 8,500 members in California. We appreciate being able to present our views about this EIR and the LBAM eradication program.

When we initially opposed the aerial spraying it was based on the philosophical belief that human populations should not be sprayed with untested pesticides for an alleged problem that had not yet been established. Between the various cities that were sprayed, there was a potential exposure to 1.2 million people and CDEA proposed to do this for 3-4 days every month in numerous cities across California, including the entire Bay Area, stating it may take "several years." Within days of the spraying human adverse effects were reported, including the near fatality of an 11-month old Monterey boy named Jack Wilcox from acute reactive airway disease; several other children in Santa Cruz experienced similar, though not as potentially deadly reactions. Seabirds were drowning and dying literally by the droves before people's eyes; dead land birds were strewn throughout various neighborhoods; pets, including dogs, cats, rabbits, and goats, died of unexplained causes; numerous people had fish ponds in their yards which were covered with the spray and in which all the fish died. The same oily material that was found on people's pets, yards, and cars was on the dead seabirds and some of the land birds. The official cause of death of the seabirds—red tide, though it is beyond our imagination how red tide gets into people's backyards. The deaths of other animals went completely uninvestigated. Within a few weeks, more than 450 human adverse events, mostly respiratory in nature, were reported and at least 650 seabirds and dozens of pets died completely unexpectedly and without any other demonstrable cause. I highlight these because contrary to prevailing opinion, according to this EIR, aerial spraying continues to be a strategy that CDEA proposes to use.

Citizens For Health is also a science-based organization so we immediately began reviewing the published literature regarding LBAM and contacting LBAM experts worldwide including in Australia, New Zealand, and the United Kingdom, as well as in Hawaii, where LBAM has been present for more than 100 years. We contacted grape growers, wineries, apple growers, organic farmers, and agriculture officials in those countries. The response we received was almost unanimous; "Why are you asking us about such an insignificant insect?" After reports of alleged LBAM damage to raspberries recently in Watsonville, we contacted numerous cane berry growers in New Zealand; the results were summed up by the first grower contacted who said: "Don't waste your time calling anyone else. Like other leafrollers, LBAM is not an issue for raspberries."



We reviewed all published literature that made any reference to LBAM, going back more than 70 years. It was again consistent, LBAM is a very minor insect that only becomes a pest of significance when pesticides are used excessively and destroy the natural predators that keep LBAM at bay. There was also a relative consensus that even when LBAM populations are high, you rarely see any damage caused by them. This is similar to the many native leafrollers that already exist in California. The damage associated with leafrollers like LBAM is typically rare, often non-existent, generally superficial, transient, and of little economic or biological consequence. Government agriculture officials and representatives of fruit growing organizations in those same countries stated that they neither have any problem managing LBAM nor shipping their products internationally. They noted that USDA quarantines against LBAM were the most significant impediment to their trade with respect to LBAM, and despite strict USDA quarantines, they are able to ship 99.9% of their products to the US completely free of LBAM. This statement is confirmed by USDA import data. There are also formal agriculture reports in New Zealand showing that the agricultural controls utilized for LBAM are at worst cost neutral and, once established, actually save farmers money—these practices are focused on integrated pest management practices—an option completely negated by CDFFA's EIR.

A \$3-million ad campaign right now is telling Californians that LBAM threatens our food supply, our precious redwoods, oaks, and cypresses and even our way of life. We reviewed numerous formal surveys of insects occurring in forests where LBAM is naturalized including Australia, New Zealand, the UK, and the European Union. We contacted horticulture experts and officials in those countries and again the response was unanimous—LBAM presents no threat to any native flora anywhere. CDFFA came to the California legislature and to the USDA and told them they had an emergency of dire proportions that threatened our food supply, California's economy, and our very existence. Two California courts ruled that CDFFA provided no evidence of any such emergency and nowhere in the world where LBAM exists does it cause such a threat.

Three years ago, USDA's LBAM Technical Working Group believed LBAM could be eradicated from California. Their opinion was predicated on three basic points:

- 1) That LBAM was a recent introduction and that the current populations were very small and localized.
- 2) Eradication was justified based on projected crop damage and restriction of markets due to trade quarantines.
- 3) Establishment of LBAM would result in increased use of pesticides in agriculture and home use.

Three years later there is no support for any of these points. What CDFFA has not told this Legislature is that LBAM is not a recent introduction to the US. USDA has been intercepting LBAM at points of entry into the US since 1984. What they also have not told you is that at the time of the TWG meeting, according to CDFFA trapping data, there was only a single (1) confirmed LBAM found in 1441 traps in a few select locations. The TWG members did not know that, in reality, millions of LBAM occupied an area spanning 23,000



square miles. CDFA will tell you that LBAM populations are increasing and are spreading but what is really spreading is their trapping program. The more traps they put in more places the more LBAM is found. The TWG specifically noted that the feasibility and probability of a successful eradication was lessened if there were a significant expansion in the known infested areas. Thus, the original premise that eradication can succeed because LBAM was a “recent introduction” or based on the existence of only very small and localized populations is no longer supported.

As evidenced by international trade of produce from Australia, the European Union, Hawaii, New Zealand, and the UK, LBAM is easily and cost-effectively managed as a crop quality issue and it is USDA quarantines that are hurting California -farmers not LBAM. Regarding home use of pesticides, before the USDA started their \$3 million marketing campaign, people at home did not know they had to be afraid of the moths flitting around their porch light. If home pesticide use against LBAM increases it will be because CDFA and USDA have provided the basis of fear for people to spray any moth they see.

Everything I have told you today are not points of scientific debate, controversy, or interpretation. These are real world facts that are undisputed, fully documented in the scientific literature, and have been confirmed by LBAM experts worldwide. I am happy to provide any documentation you would like.

There are many specific criticisms we can highlight with the EIR itself. We will do this in written comments as part of the EIR process. However, the fact that the very premise for the LBAM eradication program is lacking, makes all else meaningless. One thing this Committee should know is that the company hired to conduct this “independent” environmental review, Entrix, publicly stated they would get most of their information for this EIR from CDFA. Thus, there is no independence to this review whatsoever. In conclusion, Citizens For Health would like to formally ask this Legislature to do the following:

1. Convene an oversight hearing to give the public and independent scientists a forum to present a broader representation of the science than has been allowed thus far.
2. Have the California legislature commission its own independent review of LBAM and eradication feasibility through the University of California system. If we have to raise funds from the public to get it done we will.
3. Request from the USDA LBAM Technical Working Group their formal opinion of whether they continue to believe that LBAM can be biologically eradicated from California, considering its occupation over more than 23,000 square miles, and to provide documentation of such an opinion.
4. Request from CDFA precise numbers of how much actual economically significant crop damage has occurred in California, not by the USDA quarantines, but directly and conclusively linked to LBAM damage itself. You will find none.
5. Lastly, direct CDFA to cease all participation in the LBAM eradication program; no labor; no general funds; no infrastructure; not even another photocopy. They are



wasting funds that should be going to our schools and children. If the LBAM eradication program is that important to USDA, let them take over the program and we will take the fight to them at the Federal level.

Thank you for the opportunity to present our views here today, I am happy to field any questions you may have and will readily defend any point I have made today should anyone from CDFA or USDA wish to challenge anything I have said.

Enclosures:

LBAM Reclassification Petition Summary

Testimony of Major Tim Wilcox

LBAM Fact Sheet SB 1.0: Dead Seabirds

LBAM Fact Sheet A&P 1.3: Dead Animals and Pets

Pipfruit Letter to Speier

Eradication Programs of CDFA