

**BARBARA LEE**

9TH DISTRICT, CALIFORNIA

COMMITTEE ON  
APPROPRIATIONS

Subcommittee on  
Labor, Health and Human Services,  
Education and Related Agencies

Subcommittee on  
State, Foreign Operations and Related Programs

Vice Chair  
Subcommittee on  
Legislative Branch



**Congress of the United States**  
**House of Representatives**  
**Washington, D.C. 20515-0509**

May 13, 2008

REPLY TO OFFICE CHECKED

WASHINGTON OFFICE  
JULIE LITTLE NICKSON  
CHIEF OF STAFF  
2444 RAYBURN H.O.B.  
WASHINGTON, D.C. 20515  
Phone: (202) 225-2661  
Fax: (202) 225-9817

DISTRICT OFFICE  
1301 CLAY STREET, SUITE 1000N  
OAKLAND, CA 94612  
Phone: (510) 763-0370  
Fax: (510) 763-6538

website: lee.house.gov

Administrator Cindy Smith  
United States Department of Agriculture  
Animal and Plant Health Inspection Service  
1400 Independence Ave., S.W.  
Washington, DC 20250

Dear Administrator Smith,

I am writing to express the concern of my constituents regarding the light brown apple moth (LBAM). It has come to my attention that the United States Department of Agriculture (USDA) has given the State of California a mandate to address the spread of the LBAM population. It is my understanding that the USDA has pledged close to \$90 million dollars in emergency funding for LBAM eradication efforts devised in a collaborative effort between the California Department of Food and Agriculture (CDFA) and the USDA. I respectfully request that USDA encourage CDFA to postpone any further aerial application of pheromones until the appropriate scientific studies have been completed, and reviewed in conjunction with sufficient public participation.

Over the course of the last few months, the State's decision to spray a form of pheromone pesticide over several cities in Northern California, including in my district, has sparked controversy and alarm from my constituents. A growing number of students, school faculty, and citizen groups, such as Stop the Spray, have voiced formal concern or opposition to the aerial spraying of a pheromone pesticide above their communities. In my district alone, the cities of Albany, Berkeley, Oakland, Emeryville, and Piedmont have all formally voted to oppose the aerial spraying, and have decided to pursue court action, requesting an indefinite suspension of the spraying.

On April 24, 2008, the Superior Court of Santa Cruz ruled that the state did not prove that the LBAM poses an immediate threat to life or property and that an environmental review must be completed before resuming spraying in Santa Cruz County. Also on April 24, 2008, Governor Schwarzenegger announced the postponement of aerial treatment across California pending the results of acute toxicity tests, expected to be completed by August 17, 2008. I applaud the Governor's action to wait for further testing and believe these tests should be independent, as well as examine both the short and long-term affects that repeated aerial applications over several years may have on the residents of the State of California.

Several State Senators and Assembly Members have introduced resolutions in the California Legislature to block or delay the spraying, directly as a result of the overwhelming concern voiced by our shared constituencies. In addition, both the East Bay Municipal Utilities District (EBMUD) Board and the East Bay Regional Park District Board passed resolutions opposing the spraying pending a full environmental review, voicing concern over the repercussions and environmental impact of this approach. Specifically, EBMUD expressed explicit concerns about the risk a pheromone pesticide poses to the water supply.

It is my understanding that CDFA is planning to release the environmental impact report for the long-term eradication program developed by USDA and CDFA sometime between the months of August and October. This environmental impact report will provide much needed answers to the many questions and widespread environmental concerns being voiced by the public, environmental organizations, and elected officials at the local, state, and federal level. However, the timeline for this report is inconsistent with the CDFA/USDA LBAM Action Plan which calls for aerial spraying within the greater Bay Area beginning August 1, 2008.

On April 10, 2008, the California Office of Environmental Health Hazard Assessment, with the Department of Pesticide Regulation and the California Department of Public Health, released a report that summarizes health symptom reports received in the areas of Monterey and Santa Cruz County during and after the aerial spraying of pheromones to control the LBAM in 2007. These offices declared "this report should not be considered a thorough epidemiological exploration" and were unable to determine whether or not there is a link between the reported symptoms and the aerial spraying, largely due to "numerous data and study design limitations." In light of this report, it is clear that any continuation of this program should be coupled with a comprehensive plan for measuring the ongoing public health impacts that will yield accurate, quantifiable results which are necessary to make serious decisions regarding the future aerial application of pheromones in California.

In light of the ambiguity and widespread concern surrounding the potential impact of pheromone pesticides on both public health and the environment, I have serious reservations regarding continued aerial spraying. I also question the launch of new aerial spraying programs when we lack critical environmental impact data and comprehensive studies on the potential impact of the aerial spraying on public health.

Incredible opposition and discomfort has been voiced by my constituents and their local representation to the Governor's Office, CDFA, USDA, and directly through written and verbal correspondence to my office. It seems clear that the USDA's decision to mandate this situation as a State of Emergency, and the pursuant CDFA decision to continue to move forward with the aerial application of pheromones under the CDFA/USDA LBAM Action Plan, should both be carefully reviewed.

The demand for serious answers from my constituents calls for the utmost clarity on these issues. To that end, I respectfully request that USDA strongly encourage the CDFA to freeze plans for the aerial spraying in California pending the completion of an environmental impact report, a rigorous scientific study of alternative solutions for addressing the LBAM population, and comprehensive toxicity tests that account for both the short and long-term impacts of the entire pheromone pesticide compound. It is imperative that the people of California are not subjected to unknown risks of aerial pheromone treatments without proper scientific review and consideration of public participation and comment.

I look forward to your timely response regarding this issue of vital importance to my constituents, and to the entire State of California.

Sincerely,

A handwritten signature in black ink that reads "Barbara Lee". The signature is written in a cursive, flowing style.

Barbara Lee, M.C.

CC: Secretary A.G. Kawamura, California Department of Food and Agriculture  
CC: Governor Arnold Schwarzenegger