

 **NEWS RELEASE**

United States Department of Agriculture • Animal and Plant Health Inspection Service • Legislative and Public Affairs
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APHIS SEEKS COMMENT ON RESPONSE TO PETITIONS TO DEREGULATE LIGHT BROWN APPLE MOTH

WASHINGTON, March 15, 2010--The U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) today published its draft response to two petitions requesting that the agency reclassify the light brown apple moth (LBAM) as a nonactionable pest. Based on a thorough evaluation of the petitions, including an independent review of the agency's evaluation by the National Academy of Sciences' National Research Council (NRC), APHIS will continue to regulate LBAM as a quarantine pest.

In February 2009, APHIS developed a draft response to the petitions and subsequently commissioned the NRC for an objective technical evaluation of the agency's response. On Sept. 14, 2009, the NRC released its report and recommendations, which concluded that APHIS met the necessary scientific standards within its broad regulatory authority to classify LBAM as an exotic pest that has the potential to spread further within the United States and cause economic damage to agriculture and natural resources. In addition, the NRC also offered a variety of recommendations to APHIS, including the further development of the economic and scientific evidence to support its position.

Acting on the NRC's recommendations, APHIS reviewed additional economic and scientific information and reevaluated its analysis on LBAM. Following this additional review and analysis, APHIS reached the same conclusion and will continue to regulate LBAM as a quarantine pest.

Since LBAM was detected in California in 2007, APHIS has worked cooperatively with the California Department of Food and Agriculture to prevent the pest from spreading and becoming established. However, since the pest was detected, LBAM has spread to such an extent in California that eradication in the state is not feasible until new tools, such as sterile insect technology, are fully developed and ready for widespread use in concert with currently available methods. Therefore, APHIS is shifting to a control and suppression strategy and will maintain its survey and regulatory framework, including enforcement of phytosanitary measures, to ensure that LBAM is not spread to other states or trading partners.

To review the draft petition response and supplemental information, please visit http://www.aphis.usda.gov/plant_health/plant_pest_info/lba_moth/index.shtml/.

This notice is published in today's March 15 *Federal Register*.

Consideration will be given to comments received on or before May 14. You may submit comments by either of the following methods:

- Federal eRulemaking Portal: Go to <http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2009-0101> to submit or view comments and to view supporting and related materials available electronically.
- Postal Mail/Commercial Delivery: please 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. Please state that your comment refers to Docket No. APHIS-2009-0101.

Comments are posted on the Regulations.gov Web site and may also be reviewed at USDA, Room 1141, South Building, 14th St. and Independence Ave., S.W., Washington, D.C., between 8 a.m. and 4:30 p.m., Monday through Friday, excluding holidays. To facilitate entry into the comment reading room, please call (202) 690-2817.

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