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ENDANGERED SPECIES: TASK FORCE INFLUENCE OVER EPA POLICYMAKING; VIOLATES LAW, ENVIROS SAY

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PORTLAND, Ore. -- Five environmental groups filed suit against the U.S. EPA yesterday, charging that an EPA task force on endangered species violated federal law by allowing pesticide manufacturers undue influence over policy decisions.

According to the complaint filed in U.S. District Court for the Western District of Washington, the task force's original function, to collect technical data with the help of outside parties, was a legal activity, said Earthjustice attorney Patti Goldman. But for the past year, EPA regulators allowed those private sector interests to direct policy recommendations on the endangered species program, violating the Federal Advisory Committee Act.

Among the task force's more egregious actions, according to environmentalists, was a recommendation that wildlife officials be removed from the process of determining whether certain pesticides pose harm to endangered species (Greenwire, Sept. 18, 2003). EPA included the recommendation in a proposed rulemaking in January 2003, but has yet to issue a formal proposal.

The lawsuit was brought by Earthjustice on behalf of Defenders of Wildlife, the Natural Resources Defense Council, the [Center for Biological Diversity](#), the Washington Toxics Coalition and the Northwest Coalition for Alternatives to Pesticides.

The EPA task force includes representatives from 14 large agribusiness and chemical conglomerates, including Monsanto, Dow AgroSciences LLC, DuPont Ag Products, Nissan Chemical Industries Ltd. and Bayer CropScience, among others. An attorney for the task force, Harold Himmelman, maintains the group does not serve in an advisory role to EPA and therefore is not subject to Federal Advisory Committee Act, according to a letter he wrote to EPA in December.

The task force was launched in 1994 to develop a database that would help EPA determine how certain pesticides affect threatened or endangered species, as required under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). The group reorganized in 1997 as a limited liability company, according to Himmelman's letter.

Himmelman said the task force operates independently of EPA and is not funded by the agency. Moreover, any direct contact between task force members and EPA officials is limited to matters of FIFRA data requirements. Himmelman acknowledged the group has commented on policy, but only through open correspondence, just as other organizations, companies and citizens do, according to the letter.

But Earthjustice's Goldman maintains the task force's interactions with EPA officials are more suspect. Among other things, Goldman said the group's meetings occur in closed session and no public record is kept. This veil of secrecy, combined with EPA policy positions that are consistent with the task force's recommendations, has raised suspicion that the group wields undue influence over endangered species policy decisions.

For its part, EPA maintains the task force is not an advisory committee as defined by federal law, and that the agency has no input into the group's agenda, membership or open-meetings policies. Such distancing statements have not satisfied the environmental groups, however. They want EPA to stop taking advice from the group on endangered species issues, at least until the group changes its way of doing business.

Environmentalists say the EPA could settle the matter by formally chartering the task force, opening its meetings to the public, give the public fair notice of upcoming meetings and allow representatives with environmental perspectives to become members.