

# The Oregonian

SUNDAY ♦ JANUARY 18, 2004

## Pesticide-makers power questioned

By Joe Rojas-Burke  
THE OREGONIAN

Environmental groups have filed a lawsuit challenging the Environmental Protection Agency's ties to a group of pesticide manufacturers.

The Eugene-based Northwest Coalition for Alternatives to Pesticides and others bringing the lawsuit contend the industry task force is acting as an illegal advisory panel. They say the task force is helping to shape policy on endangered species in violation of federal laws that call for such panels to hold public meetings and maintain a balanced membership.

The suit, filed Thursday, is part of a larger battle over how strictly the Bush administration will regulate pesticides to protect animals and plants listed under the Endangered Species Act. The EPA began developing new endangered species rules for pesticides early last year and is expected to release a draft shortly.

Pesticide and chemical manufacturers formed what is now called the FIFRA Endangered Species Task Force in 1994. The EPA in 2000 recognized the task force as the industry group responsible for gathering and organizing information about pesticide use and endangered species -- data required under the Federal Insecticide, Fungicide, and Rodenticide Act of 1996. Task force members include the global agrochemical companies Bayer CropScience, Dow AgroSciences, DuPont Ag Products, Monsanto, and Syngenta.

Patti Goldman, an attorney with Earthjustice in Seattle, said task force members meet regularly with EPA officials in closed meetings with no public disclosure or representation. Goldman said the EPA is allowing the pesticide industry task force to use "special access" to lobby for weakening endangered species protections. Earthjustice filed the lawsuit in U.S. District Court in Seattle.

An EPA spokesman declined to comment Thursday. But in a letter this week responding to Earthjustice's claims, an EPA official said the agency does not seek advice or recommendations from the industry task force, provides no financial support, and gives no special access to members. The letter said the task force is not an advisory committee, thus the agency's dealings with it are not subject to the open meeting and public representation requirements for federal advisory committees.

Michael Neilson, a lawyer for the industry group, on Thursday said his firm had not seen the court filing and so would not discuss the case. Harold Himmelman, another lawyer for the industry group, dismissed Earthjustice's claims as "utterly without merit," in a letter last month to EPA administrator Michael Leavitt.

Conservation groups are concerned that the EPA may exclude U.S. Fish and Wildlife Service and National Marine Fisheries Service biologists from consultations about the effects of pesticides on wildlife.

The lawsuit asks the court to order the EPA to stop drawing on the industry task force for policy development or to open the group to public involvement as required by the Federal Advisory Committee Act. Other groups behind the lawsuit are the Natural Resources Defense Council, the Center for Biological Diversity, Defenders of Wildlife, and the Washington Toxics Coalition.