

# Pesticides and You

News from Beyond Pesticides: Protecting Health and the Environment with Science, Policy & Action

Volume 34, Number 2

Summer 2014

## Ecological Land Management with Goats

Also in this issue:

**Demise of the National Organic Standards Board?**

**Pollinator Photo Contest Winners**



# Letter from Washington

## Voices Rising to Protect Organic Standards

The USDA attack on organic standards continues around the October 2014 National Organic Standards Board (NOSB) meeting. The fall 2013 NOSB meeting raised serious questions about USDA changes in Board procedures that weaken its independent oversight of organic standards. This issue of *Pesticides and You* contains a thoughtful critique by Barry Flamm, Ph.D., the former chair of the NOSB, organic farmer, and deep thinker on organic practices.

### USDA: Weakening Organic Standards

Starting point: Synthetic materials are defined as prohibited substances under federal organic law (*Organic Foods Production Act*), except when they are determined to be exempt by the NOSB in accordance with statutory criteria related to public health and environmental safety, compatibility with organic practices, and the need (or essentiality) in organic systems. As exempt prohibited materials, listed on the National List, the law establishes a five-year sunset process. Up until the reinterpretation of this word “sunset,” no one had questioned its long historical use in public policy and the requirement that laws with sunset provisions be reinstated or expire. And so, the NOSB, since its inception, voted on the question of whether exempt prohibited materials should be reinstated on the National List on a five-year cycle. This required a two-thirds vote of the Board—a high threshold and the same number of votes required to list the material in the first place through the NOSB petition process.

The process implementing sunset created a default assumption that, unless the Board voted the material back on the National List, it would fall off. The law incorporated the understanding that a supermajority is necessary to drive consensus among the organic stakeholders on the Board so that key sectors (consumers, farmers, environmentalists) would not be alienated from the process and turn their back on the organic market. In fact, the supermajority created a unified voice of support for the organic market, established trust in the organic label, and facilitated organic market growth to \$35 billion and climbing. Now, that has all changed with the announcement in September 2013 by USDA of a default assumption that materials stay on the National List unless they are taken off by a supermajority vote of the NOSB. This defies “sunset” as it is understood in policy making circles and by legal experts and raises questions of long-term integrity of the organic food label.

No one disputes that “sunset” is in the organic law. What is disputed is whether it is clearly defined. This isn’t the first time that we’ve seen government officials reinterpret a statute. However, a correct reading of the law requires attention to the context in which the words are read. A “textualist” would say that we just need to interpret the words on the page, without any context. As Jon Stewart pointed out in a bit on an *Affordable Care Act* court decision—in which Congress gave textualists an opening by leaving some words out of the law, these folks must get to a STOP sign on the street and then become immobilized because the word says stop. Of course, we know the meaning of STOP in the context of a stop sign on the street.

The default assumption that synthetic materials come off the National List in the absence of a Board vote (sunset) creates a statutory context requiring the Board to vote on whether to keep synthetic materials on the list, since the Secretary of Agriculture is prohibited from putting synthetic materials on the List without Board authorization. It is this process that gives the organic standards their integrity and the law its unique place among environmental statutes that make it extremely difficult (nearly impossible) to remove chemicals from commerce, despite mountains of scientific data, once they are permitted—and even if there are safer, more effective alternatives. The strong sunset foundation in the organic law is critical to organic growth, and “continuous improvement” in organic production practices.

### Goats Protect the Ecosystem

As we search for effective non-chemical tools in land management, we turn our attention to an ecologically sensitive approach to vegetation management, while restoring, aerating, and fertilizing. This issue contains a talk that our Board member and president of Ewe4ic Ecological Services, Lani Malmberg, gave at the 32nd National Forum in Portland OR this spring. We advocate that this tool be more widely used in rural and urban environments as the threat of toxic herbicides increases daily.

### Remembering Andrea Kidd Taylor, DrPH

Dr. Taylor passed away on September 1, 2014 at the age of 59 from cancer. As occupational and environmental health and safety expert and advocate (whether as an appointee to the U.S. Chemical Safety Board or the U.S. Presidential Advisory Committee on Gulf War Veterans’ Illnesses, or as a leader within the American Public Health Association, or as a professor at Morgan State University), and a member of the Beyond Pesticides Board of Directors for many years, Andrea taught us and reminded us of the purpose of education and action to advance values that protect people’s health, respect the environment, and uphold social and environmental justice. Those who attended Beyond Pesticides’ Forums and worked with Andrea know that her beautiful smile brought us joy, her persistence inspired a belief in change, and her willingness to give of herself taught us the value of collective action for the betterment of people and the planet. Andrea’s friendship and deep perspective and knowledge enabled us to do our best, to bring people of all backgrounds together to find solutions to problems that threaten health and safety at home, in the community, and in the workplace. We are deeply honored to



have worked with Andrea, and as we push ahead—as we know Andrea would want us to do, we gain strength from having worked with her, and feel her spirit urging us on to find answers to problems she so believed need solving. Onward!

*Jay Feldman is executive director of Beyond Pesticides.*

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## Spotting Plants that Harm Bees

*Beyond Pesticides,*

*I've read with great concern about recent studies showing nurseries selling plants pre-treated with neonicotinoids. Are only particular species treated this way or can potentially any plant from a nursery be contaminated? Is there a way of finding out whether the plants are contaminated other than asking?*

*-Marianne*

Marianne,

Unfortunately, it appears that most plant seedlings sold at big box garden centers and nurseries are treated with neonicotinoid insecticides harmful to honey bees and other pollinators. In the study released by Friends of the Earth in spring 2014, 51% of flowers and vegetables from across the country were found to contain residues of concern to pollinators. The amount of neonicotinoids detected varies among the same plant. While African daisies purchased in Colorado contained concentrations of neonicotinoids at 3 µg/kg in its flowers, those purchased in California contained 1644 µg/kg —over ten times the lethal concentration that kills 50% of test bees after feeding.

The only way to be certain that seedlings don't contain neonicotinoids, beyond doing your own residue testing, is to purchase USDA certified organic plant starts. Organic rules do not allow the use of harmful synthetic pesticides, including neonicotinoids, in the production of organic plants. If the plants are not labeled organic, then asking is your best option. However, make sure to ask about all pesticide use, not just neonicotinoids. Just because the plant wasn't sprayed with neonicotinoids doesn't mean that another bee-toxic pesticide wasn't used in its place.

## Forum Videos

*Beyond Pesticides,*

*Sadly, I was unable to attend the 32nd National Pesticide Forum you all held in Portland. Was the conference filmed? If*

*so, is there any chance to purchase copies of the talks from some of the speakers?*

*Jamie*

Jamie,

No purchase necessary! (Though we do accept tax-deductible donations!) Beyond Pesticides has placed all of the presentations, including keynotes and workshop discussions, on our YouTube channel for viewing free of charge ([www.youtube.com/bpncamp](http://www.youtube.com/bpncamp)). All we ask is that you share the amazing talks given by the distinguished speakers as widely as you can! We hope that you'll be able to make it next year!



*Beyond Pesticides' prepared samples for Friends of the Earth's pilot study.*

## Poison Pole Aesthetics?

*Beyond Pesticides,*

*My local utility has announced that it intends to replace its old wood preser-*

## Share With Us!

Beyond Pesticides welcomes your questions, comments or concerns. Have something you'd like to share or ask us? We'd like to know! If we think something might be particularly useful for others, we will print your comments in this section. Mail will be edited for length and clarity, and we will not publish your contact information. There are many ways you can contact us: Send us an email at [info@beyondpesticides.org](mailto:info@beyondpesticides.org), give us a call at 202-543-5450, or simply send questions and comments to: 701 E Street SE, Washington, DC 20003.

*vative-treated poles with those that are concrete. I'm happy about this; however, many in the community are opposed because they don't like the look of the new poles. I don't think they even know about the health dangers associated with wood preservatives. Do you have any information that will help convince them this is the right move?*

*-Chuck C.*

Chuck,

Beyond Pesticides has worked on issues associated with wood preservatives and "poison poles" since the 1980s. These chemicals, including inorganic arsenicals, creosote, and pentachlorophenol are regulated as pesticides, and are some of the most toxic substances known to humankind. While arsenicals are contaminated with cancer-causing arsenic, creosote and pentachlorophenol are contaminated with forms of dioxin, furans and hexachlorobenzene, which are also carcinogenic. Although numerous restrictions have been put in place for their use in constructing houses, decks, and playground equipment, these chemicals are still commonly applied to utility poles across the country. Beyond Pesticides continues to receive calls from the public identifying preservative-treated poles as a source of serious health concerns, either through inhalation or well water contamination when new poles are installed. Our "Wood Preserva-

tives” program page has information on the history and health effects concerning these chemicals, including two reports, *Poison Poles* ('97) and *Pole Pollution* ('99), which are sadly still relevant today. Steel, concrete, and composite poles, as well as buried power lines are good alternatives to chemicals that continue to pose risks to humans and wildlife. Thank you for educating your community.

## In A Roundup Resistant Future

*Beyond Pesticides Staff,*

*I'm concerned about genetically engineered (GE) herbicide-tolerant grass. We don't need more Roundup [glyphosate] in our neighborhoods and communities. And what if this Roundup Ready grass gets into a farm field? How does the farmer get rid of it? Use Roundup? That won't work!*

*Will*

Will, Beyond Pesticides is concerned as well. USDA claims that because the GE Kentucky bluegrass, co-produced by Scotts-Miracle Grow and Monsanto, is engineered in a way that differs from most GE crops, it isn't subject to federal regulations. Thus, there will be very little oversight to prevent the type of occurrence that you've mentioned. Scotts nearly shut down its biotechnology operation after GE bentgrass escaped from an Oregon test field in 2003. So there's precedent for the type of event you're talking about. Organic farmers are at particular risk, because if their cows consume GE feed, they may lose their organic certification.

Without federal oversight, according to news reports, Scotts announced during a shareholders meeting in January that it would test its GE grass in its employees' front yards. This unscientific approach puts consumers and the public in danger. There could be a repeat of Scotts' 2003 incident – or, worse— herbicide resistant genes could be transferred to other vegetation. Even if these scenarios are avoided, GE turfgrass

will surely result in the increased use of Roundup and other glyphosate-based herbicides in residential areas, and target weeds will eventually develop resistance to the herbicide on their own. Forward looking lawmakers in Connecticut passed a bill in the state Senate that would ban the planting of GE grass, but their efforts

were stymied in the state House. We hope you will contact your local lawmakers and let them know that you oppose the introduction of pesticide-promoting turf grass in your state. For more information on GE turfgrass, see Beyond Pesticides Spring 2012 article, *Will You Lawn Be Genetically Engineered?* [bit.ly/GEgrass](http://bit.ly/GEgrass).

## From the Web

*Beyond Pesticides' Daily News Blog features a post each weekday on the health and environmental hazards of pesticides, pesticide regulation and policy, pesticide alternatives and cutting-edge science, [www.beyondpesticides.org/daily-news-blog](http://www.beyondpesticides.org/daily-news-blog). Want to get in on the conversation? Become a "fan" by "liking" us on Facebook, [www.facebook.com/beyondpesticides](http://www.facebook.com/beyondpesticides), or send us a "tweet" on Twitter, @bpncamp!*

### Community Passes Resolution Banning Neonicotinoids

*Excerpt from Beyond Pesticides original blog post (3/5/14): The City of Eugene, OR, became the first community in the nation to ban from city property the use of neonicotinoid pesticides, which have been scientifically linked to the decline of honey bee colonies.*

#### Kent S. comments:

"I read your blog and as a beekeeper I am very pleased to see that something is being done to eliminate neonicotinoids. I am currently running about 40 hives here in Alberta, Canada. Last year was my worst one, as I lost 9 hives this winter. Since January (we have periods of warm weather here during the winter), I started to see uncommon numbers of dead bees outside my hives. Spring check-up showed the 9 dead hives and several others that were also weak. Canola is being sprayed extensively around here, where we have tens of thousands of acres of it. It did not use to be like this. Thanks for letting me share this information."

### The Staff at Beyond Pesticides says, Thank you Vermont!

*Excerpt from Beyond Pesticides Facebook post (5/1/2014) Please join us in thanking Vermont for leading the way on GMO labeling! Vermont signed into law a bill in May to label genetically engineered foods and ingredients. This makes Vermont the first state to enact legislation that will require GE labeling beginning July 2016.*

*Similar labeling legislation was passed last year in Maine and Connecticut, however, Vermont differs in that it does not include a "trigger clause," requiring other states in the New England region (including one bordering state) with an aggregate population of 20 million to pass similar laws.*



## EPA Agrees to Greater Protection of Salmon

On August 13, after a two year dispute between the U.S. Environmental Protection Agency (EPA) and a coalition of conservation organizations and fishing groups, an agreement was finally reached to set reasonable no-spray buffer zones to protect salmon and steelhead from five harmful insecticides —diazinon, chlorpyrifos, malathion, carbaryl, and methomyl.

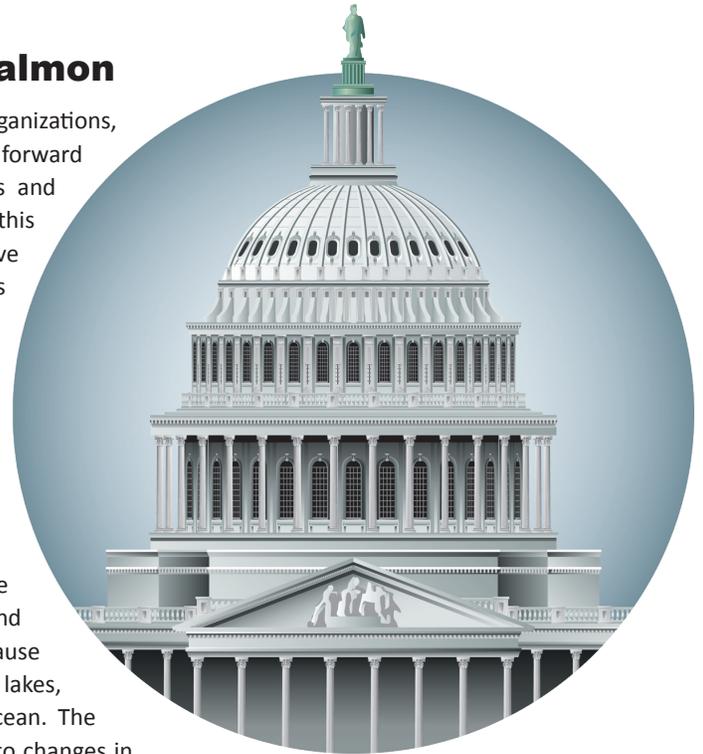
The buffers apply to salmon habitat throughout California, Oregon, and Washington to prohibit aerial spraying of the chemicals within 300 feet of salmon habitat and prohibit ground-based applications within 60 feet. The agreement provides detailed notice to state regulators, pesticide applicators, farmers, and the public about the required no-spray buffer zones. These buffers will remain in place until the National Marine Fisheries Service (NMFS) completes analyses of the impacts of these five pesticides on the fish. Then, EPA must implement permanent protections based on the Fisheries Service's findings.

Steve Mashuda, an Earthjustice attorney representing Northwest Center for Alternatives to Pesticides (NCAP), conserva-

tion groups and fishing organizations, said, "This is a huge step forward for the health of our rivers and salmon fisheries. Before this agreement, we lacked effective ways to keep these poisons from entering our rivers and streams."

EPA is required by law under the *Endangered Species Act* to protect salmon on the Pacific Coast. The fish are an indicator species that shows us how well we are maintaining both marine and terrestrial ecosystems, because their habitats are in streams, lakes, rivers, estuaries, and the ocean. The fish are extremely sensitive to changes in water quality, and the river flow. Declines can lead to drastic effects up the food chain because they are the main food source for numerous animals.

A 2004 court order requires EPA to consult with NMFS on the impacts of these chemicals on salmon. That particular court order had expired when the NMFS completed its



analysis of the chemicals in 2008 and 2009 and required EPA to implement a wider range of protections within a year. EPA failed to do so, leaving the fish exposed and unprotected. The current agreement resolved years of litigation and will force EPA to find permanent solutions that will protect salmon.

## Moms Tell EPA to Ban Glyphosate after Residues in Breast Milk

In May, a group of concerned mothers and environmentalists met with U.S. Environmental Protection Agency (EPA) officials to discuss a recent pilot study that detected glyphosate residues in breast milk.

Organized by Mom's Across of America, which is seeking to stop the sale and use of glyphosate, the meeting underscored the limitations of EPA's pesticide registration program in addressing the real-life impacts of pesticides on children and the concerns of parents. Glyphosate, the active ingredient in the herbicide Roundup, is the most widely applied herbicide in the U.S., with uses in genetically engineered (GE) crops to turf.

The pilot study, supported by Moms Across America, looked at ten breast-milk samples from across the U.S.; three of which reveal high levels of glyphosate. The highest glyphosate level detected in a mother is from Florida (166 ug/l), and the other two mothers with high levels are from Virginia (76 ug/l) and Oregon (99 ug/l). While these levels fall under the EPA drinking water maximum contaminant level (MCL) of 700 ug/l, in Europe this range of exposure is 1,000 higher than what is deemed acceptable.

The pilot study is groundbreaking in contradicting the chemical industry's assertion that glyphosate has little to no po-

tential to bioaccumulate. By showing that this chemical does build up in human bodies, the finding of bioaccumulation raises a critical issue that advocates say, at the least, must be addressed in glyphosate's reregistration and tolerance setting process for the chemical in breast milk. The study sample size is clearly limited, but the groups told EPA during the meeting that a new independent U.S. study of glyphosate levels in breast milk is planned this year.

The meeting between EPA and Moms Across America came after a five-day phone call campaign urging EPA to recall Roundup. Participants in the campaign made close to 10,000 calls to the agency.

## National Refuges To Ban GE Crops and Bee-Killing Pesticides

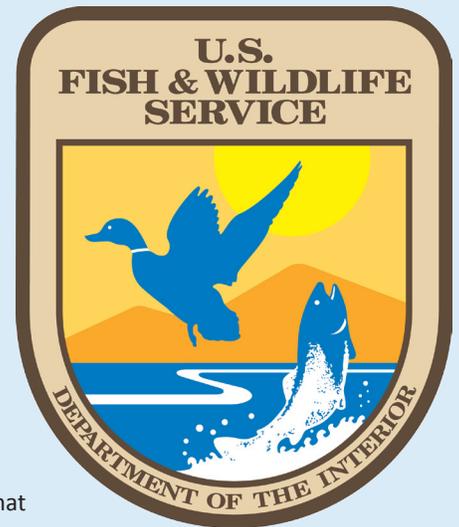
The U.S. Fish and Wildlife Service (FWS) will phase out the use of genetically engineered (GE) crops to feed wildlife and ban neonicotinoid insecticides from all wildlife refuges nationwide by January 2016.

The FWS decision, announced via internal memoranda July 17, follows a July 9 announcement to eliminate neonicotinoid pesticides, linked to the decline of pollinator health, from refuges in the Pacific Region. FWS is the first federal agency to restrict the use of GE crops in farming in the U.S. and the use of neonicotinoids based on a precautionary policy.

“We have demonstrated our ability to successfully accomplish refuge purposes over the past two years without using genetically modified crops, therefore, it is no longer possible to say that their use is essential to meet wildlife management objectives. We will no longer use genetically modified crops to meet wildlife management objectives System-wide,” wrote National Wildlife Refuge System Chief James Kurth in the memorandum.

On the issue of neonicotinoid insecticide use, Mr. Kurth continued, “We have determined that prophylactic use, such as a seed treatment, of the neonicotinoid pesticides that can distribute systemically in a plant and can potentially affect a broad spectrum of non-target species is not consistent with Service policy. We make this decision based on a precautionary approach to our wildlife management practices and not on agricultural practices.”

In the context of an agricultural use of neonicotinoids, FWS notes that it will conduct a review under the *National Environmental Policy Act* (NEPA), which requires an alternatives assessment. Certified organic agriculture does not allow the use of neonicotinoids. Center for Food Safety, along with Public Employees for Environmental Responsibilities (PEER), Sierra Club, and Beyond Pesticides are currently litigating FWS’s allowance of industrial agriculture practices on Midwest Wildlife Refuges. This recent FWS announcement includes a partial GE phase out by January 2016, only allowing GE crops for habitat restoration. The groups maintain that the phase out is not adequately comprehensive and continues to advocate that FWS must take stronger measures.



## President Mandates Pollinator Protection

During the close of National Pollinator Week, on June 20, the White House issued a Presidential Memorandum on pollinator health to the heads of federal agencies requiring action to “reverse pollinator losses and help restore populations to healthy levels.” The President is directing agencies to establish a Pollinator Health Task Force, and to develop a National Pollinator Health Strategy, including a Pollinator Research Action Plan.

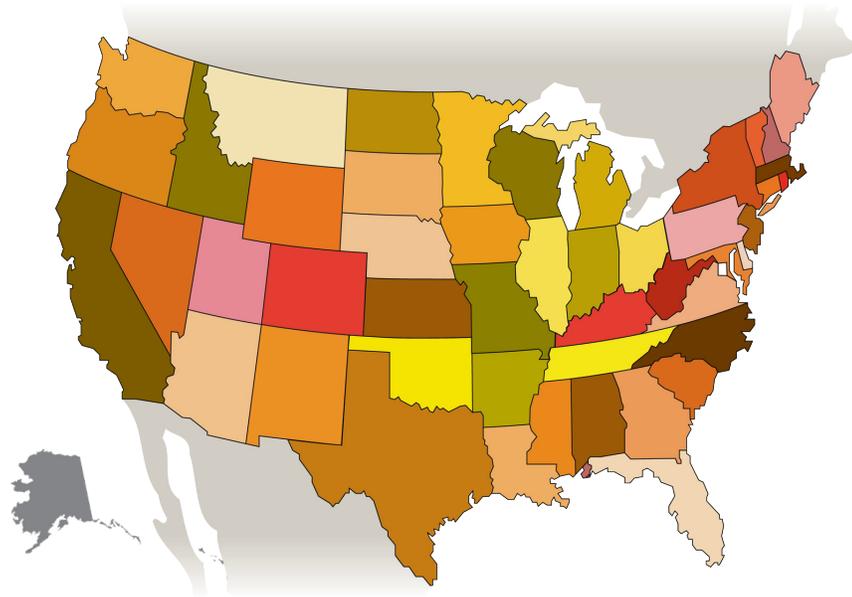
The Memorandum recognizes the severe losses in the populations of the nation’s pollinators, including honey bees, wild bees, monarch butterflies, and others, and acknowledges the importance of pollinators to the agricultural economy.

The Pollinator Health Task Force, to be chaired by U.S. Department of Agriculture (USDA), must develop a pollinator health strategy within 180 days, and support and create pollinator habitat. This federal strategy will include a pollinator research action plan, with a focus on preventing and recovering from pollinator losses, and study how various stressors, like pesticides, pathogens, and management practices, contribute to pollinator losses. The task force will also engage in a public education initiative and develop public-private partnerships with various stakeholders.

The President highlights many factors that contribute to pollinator decline; however,

it is the neonicotinoid class of pesticides that has been receiving the most scrutiny from beekeepers and scientists. These pesticides are not only highly toxic to bees, but studies find that even at low levels neonicotinoids impair foraging ability, navigation, learning behavior, and suppress the immune system, making bees more susceptible to pathogens and disease.

Though the science very clearly points to neonicotinoids as a main culprit behind bee deaths, and while successful organically managed systems prove that these pesticides are not necessary, federal agencies, like USDA and EPA, have yet to take meaningful action to reduce exposure to these harmful chemicals.



## Applicator Sentenced for Cover-up of Illegal Pesticide Use

The U.S. Justice Department sentenced a pesticide operator with Bio-Tech Management in Pelham, Georgia to two years in prison in August as a result of charges related to a cover-up of illegal pesticide applications made at over 100 nursing homes. Steven A. Murray pleaded guilty to one count of conspiracy, three counts of false statements, two counts of mail fraud, and ten counts of unlawful use of a registered pesticide. In addition to his prison sentence, Mr. Murray was fined \$7,500 and his company was fined \$50,000 and placed on three years of probation.

From October 2005 to June 2009, Mr. Murray and Bio-Tech provided monthly pest control services to hundreds of nursing homes in several southern states, including Georgia, South Carolina, North Carolina and Alabama. They routinely applied the pesticide Termidor (active ingredient fipronil) indoors, which violates the manufacturer's label instructions for this formulation, and then created false service reports to conceal the illegal use. After the Georgia Department of Agriculture made inquiries regarding the company's illegal use of Termidor and other pesticides, Mr. Murray directed several Bio-Tech employees to alter service reports. The indictment concludes that Bio-Tech sent invoices through the U.S. Mail to its clients to solicit payment for the unlawful pesticide applications. Before the plea deal, Mr. Murray faced a prison sentence of over 650 years and \$10 million in fines. However, while charges of conspiracy and false statements carry a five year prison term, and mail fraud is punishable by up to 20 years, unlawful use of a pesticide only carries a jail sentence of up to 30 days. If Mr. Murray had not tried to cover-up his illegal applications, he may have only been charged with the 10 counts of unlawful use of a pesticide, which carries the potential for a 300-day jail sentence.

"This case is particularly disturbing because of the defendants' intentional disregard for the well-being of a vulnerable group of victims whose safety was entirely in the defendants' hands," said U.S. Attorney Michael J. Moore for the Middle District of Georgia.

## Minnesota City Passes "Bee-Safe" Policy

Shorewood, Minnesota has become the first city in the state, and the third city in the nation to pass a bee-friendly policy. The city council unanimously approved a "bee-safe" resolution on July 28 that encourages planting bee-friendly flowers and restricts the bee-killing neonicotinoid pesticides. While the city itself has not been using these pesticides, Mayor Scott Zerby says the policy safeguards against future use. The Minneapolis suburb is also planting clover, which can provide nectar and pollen for bees, in three city parks.

"This should be exciting for Minnesota," said Patricia Hauser, a resident who pushed for the policy. "This is a big win for pollinators and bees." Ms. Hauser and her husband, hobby beekeepers were spurred to act after noticing that their bees were dying. In January, they started the group Humming for Bees and have been actively engaging their community on the importance of bees ever since. The group, concerned over reports of bee decline, came together to ensure that bees have access to healthy forage and habitat by urging neighbors to plant pollinator-friendly plants, and to avoid using harmful bee-killing pesticides.

Earlier this year, Shorewood city leaders sent a letter of support to the state legislature to pass the law forbidding nurseries from putting "bee-friendly" labels on plants containing neonicotinoids. In May, the bill – HF 2798 – was passed and signed into law, stipulating that plants may not be labeled as beneficial to pollinators if they have been treated with detectable levels of systemic insecticides. In similar action, beekeepers in Minnesota this year have also called on the state's Department of Agriculture to suspend the use of corn seed treated with neonicotinoid pesticides, citing the contamination of foraged pollen and nearby flowers and plants from field dust, which leads to the poisoning of honey bees.

## Texas Denies Emergency Exemption

On July 18, the U.S. Environmental Protection Agency (EPA) denied an emergency application to use a hazardous pesticide, propazine, on three million acres of Texas cotton fields, after groups representing environmental, public health, and organic farm interests urged the agency to reject the request based on environmental effects and the predictable nature of the weed resistance to currently used chemicals.

Even though the agency denied the emergency use application, it accepted the argument put forth by the Texas Department of Agriculture that glyphosate-resistant weeds in three million acres of herbicide-tolerant cotton constituted an “urgent non-routine situation.” Beyond Pesticides argued to EPA that the weed resistance in herbicide-tolerant cropping systems is very predictable and has become routine, thus disqualifying states from using the emergency exemption provision or Section 18 of the *Federal Insecticide, Fungicide and Rodenticide Act* (FIFRA). Glyphosate-resistant weeds, like *Palmer amaranth*, have ballooned in recent years due to the expansion of herbicide-tolerant genetically engineered (GE) crops, including Roundup Ready soybeans, corn, and cotton. A 2011 study in the journal *Weed Science* found at least 21 different species of weeds to be resistant to applications of Roundup.



EPA’s primary reasons for denying the application focused on health and environmental concerns of the pesticide. Propazine is a toxic herbicide in the triazine class of chemicals that has been linked to developmental and reproductive toxicity. The triazines are highly soluble in water and are the most frequently detected pesticides found at concentrations at or above one or more benchmarks in over half of sites sampled. Allowing propazine use on over three million acres of cotton in Texas would almost certainly have increased propazine movement into waterways, potentially threatening the safety of Texas’ surface and drinking water. EPA also noted that the triazine class of herbicides “have been identified by EPA as having a common mechanism of toxicity” and are currently under registration review where a comprehensive cumulative risk assessment for the entire class has not been completed. EPA also said that, “Currently registered uses already show unacceptable risk levels which must then be incorporated into the aggregate risk estimates in order to make a safety finding for the proposed Section 18 use, as required by the FQPA [*Food Quality Protection Act*].”

## Local Municipality Requires Labeling of Penta-Treated Utility Poles

The Town of North Hempstead on Long Island, New York has passed a new law requiring warning labels on the utility poles that are treated with the hazardous wood preservative pentachlorophenol (also known as PCP or penta). At the town board meeting on September 9, a vote of 7-0 mandated the labeling with the following warning: “This pole contains a hazardous chemical. Avoid prolonged direct contact with this pole. Wash hands or other exposed areas thoroughly if contact is made.”

Recently, the Long Island Power Authority (LIPA), operated by Public Service Enter-

prise Group (PSEG), installed thousands of new hurricane-resistant utility poles that are thicker and taller. Of the 324,000 utility poles on Long Island, about 95,000 have been treated with PCP. “People need to know that the poles have this hazardous chemical in them,” Town Supervisor Judi Bosworth said in a statement to *Newsday*.

Even though penta is prohibited for residential uses within the U.S., it still can be used on utility poles, railroad ties, and other industrial uses under federal law. The U.S. Environmental Protection Agency (EPA) defines penta as “extremely toxic” to humans, even from short-term exposure,

and is listed as a “probable human carcinogen.” The inhalation or ingestion can lead to cancer, Hodgkin’s disease, soft tissue sarcoma, and acute leukemia. Penta is neurotoxic, contains a mixture of volatile polycyclic aromatic hydrocarbons (PAHs), and is contaminated with dioxin, furans, and hexachlorobenzene.

Taking the lead from North Hempstead, legislation was introduced September 24 in the New York legislature to prohibit the future use of utility poles treated with penta, as well as posting of warnings to inform people about the dangers of contact with penta on existing poles.

# First Annual Pollinator Photo Contest Winners



**Grand Prize Winner: Delbert Contival  
Kauai, HI: "Bee Loves Lotus Flower"**

**B**eyond Pesticides is pleased to announce the winners of our first 2014 National Pollinator Photo Contest! The much anticipated three grand prize winners are (pictured above and on next page):

- Delbert Contival, Kauai, HI, with his photo "Bee loves Lotus Flower;"
- Darla Young, Sheridan, AR with her photo: "Sitting pretty on a cone flower," and;
- Pierre Mineau, Salt Spring Island, BC, Canada, with his photo, "Bumble bees at St. John's wort flowers in my backyard."

Winners were chosen by guest judge Deborah Jones, art director for National Geographic Society. Because there were so many excellent shots, Ms. Jones remarked that it took much longer than she anticipated to judge the contest. "During my career at National Geographic as an art director, I have been privileged to

work with the best photographs in the world. I am a lifetime gardener and photographer, and I am happy to be a judge for such an important organization, and to help promote the beauty and importance of pollinators," said Ms. Jones, "This was quite a challenge, because there were so many outstanding photographs. I thought in terms of choosing an image that illustrates a story on pollinators. I looked for composition, focus on the subject, color and technical quality."

Beyond Pesticides would like to congratulate and thank all those who submitted their photos, and making this first annual pollinator photo contest a wild success! Because the choice was so difficult, there is a montage of runner ups featured on page 10. To see more beautiful pollinator photos, and Beyond Pesticides staff picks (just because there are so many beautiful photographs), see our Facebook Photo Album at <http://bit.ly/PollinatorPhotoContestBP>.

**Grand Prize Winner: Darla Young  
Sheridan, AR: "Sitting pretty on a cone flower"**



*DY*  
Photography

**Grand Prize Winner: Pierre Mineau  
Salt Spring Island, BC, Canada, "Bumble bees at St. John's wort flowers in my backyard."**





**Runner Ups:**

1. Angela Coday, Nashville, TN: "Swallowtail butterfly in our garden"
2. Devin Manky, North Vancouver, BC, Canada: "Three Honey Bees work with propolis at the top of a hive on Grouse Mountain, BC"
3. Kim Clymer-Kelley, Sierra Madre, CA: "Bee is for Bishop"
4. Polly Pitsker, Gardnerville, NV: "Butterfly feasting on a blossom in my garden, Gardnerville NV"
5. Art Jacobson, Denver, CO: "A bee's favorite place to bee!"
6. Diane St. John, Durham, CT: "Sphinx moth photo on phlox"
7. Gina Howe, Kent, WA: "Bees and chives in Kent WA"
8. Brian Stewart, Middletown, CT: "Soldier beetle, Chauliognathus marines, on fleabane in my urban/suburban backyard lawn. A pest-eating pollinator!"
9. David Inouye, Crested Butte, CO: "A male Broad-tailed Hummingbird (Selasphorus platycercus) visiting a larkspur flower (Delphinium nuttallianum)"
10. Susan Jergens, Elkhorn, WI: "These were taken at a bank in Elkhorn"
11. Ed Szymanski, Franklin, MA: "Black swallowtail on bee balm, backyard garden"
12. Nancy Mcilroy, Irving, TX: "Eastern Tiger Swallowtail on Buttonbush – beauty in the wild"
13. Sierra Castillo, Santa Rosa, CA: "A safe return to Pink Palace Honeybee retreat, Santa Rosa CA"
14. Susan Qualls, Algood, TN: "Black swallowtail butterfly on a thistle flower"

# Ecological Land Management with Goats



Lani's goats put to work on Homeowner's Association land outside of Denver. Photo by Stephanie Davio.

## By Lani Malmberg

*Eds Note. Lani Malmberg, with a ranching background and Masters in Weed Science from Colorado State University, manages land restoration projects with herds of goats, restoring soil health and eliminating unwanted vegetation, typically referred to as weeds. She is a board member of Beyond Pesticides. What follows are excerpts of the talk that she delivered at Advancing Sustainable Communities: People, Pollinators and Practices, the 32nd National Pesticide Forum, Portland, OR, April, 2014. In her talk, Ms. Malmberg provides critical context for her work to restore living systems with animals, as opposed to machines and toxic synthetic chemicals. You can view Ms. Malmberg's talk on the Beyond Pesticides' YouTube channel at <http://bit.ly/32npfLaniGoats>.*

**H**ow did you get here? I'm going to go back about 10,000 years. Do you all know what the first domesticated animals were? Yes, goats. During the 18th and 19th century, it was the Industrial Revolution. During the 1930s and the Great Depression, the people who lived through that period, my grandparents and my folks, were affected in a powerful way and they never forgot it. I didn't live in the Great Depression, but I was taught so many lessons from then that you would have thought I did. Then, we got the Green Revolution, starting in the 1940s in Mexico. We had to grow more calories per acre and we did that

really well. And we did that with bigger, and bigger, and bigger machinery, force and destruction, more chemicals, more technology and then genetic engineering.

## The culture of control and war

We are a culture of controlling everything. War. Chemicals were developed as warfare agents, used in World War II (WWII), the Korean War, and the Vietnam War. The defoliant Agent Orange, used in the Vietnam War, is half 2, 4-D and 2, 4, 5-T. In 1945 when WWII was over, the chemicals were being distributed, sold or marketed to farmers. Also at that time, they started feeding corn to cattle. There was no such thing as corn-fed beef before that. I took this picture (See slide 1, page 12) in southern Nebraska where I got a job to manage Eastern Red Cedar trees. Every day the farmer of the land would have some sort of implement going up and down all over these fields and spraying the heck out of it. You see signs everywhere that say, "Mix this with your herbicide and bump your yield." It's amazing.

## Environmental warning

In 1962, Rachel Carson wrote *Silent Spring*. She is the first one to say wait a minute, here we need to say something. Around 1972, EPA was formed. In that period, the *Clean Water Act* and other environmental protection laws were adopted. In 1975, the *Fed-*

eral Noxious Weed Act passed. Then, in 1981, Jay Feldman created the National Coalition Against the Misuse of Pesticides (NCAMP), now Beyond Pesticides. In 1990, Lani goes to college. On one side, in the 1900s, we have huge corporations, government agencies, gigantic money and power. On the other side, it's Rachel Carson, one person, Jay, one person and me, one person.

### Asking the correct question

I went to college because I thought that was the only way I could get out of being a ranch manager. What was I going to do when I was 50? Now, I am 56 and I am a goat herder. But, when I was in college at Colorado State University (CSU), I called around trying to find information on Russian knapweed and couldn't find anything. I got a hold of George Beck, Ph.D. and I asked him, "Is there a program of study on knapweed where I can get a Masters?" He said, "I can't believe you asked me that. I have a program, a stipend and no student. Do you want it?" I said, "Yeah, I'll take it." I said, "What do I get?" He said, "You get a Masters in weed science." And I said, "I've never heard of it, but I really need that stipend." Because I had two little boys to raise as a single mother and I needed that stipend, I took it. And that's how I got a Masters in weed science. I was a ranch girl and a cowgirl, 36 years old, and the oldest student in the department. While I was there, everybody else was 20-something, really smart, and funded by a chemical company—everyone except me. I got a stipend of \$1,000 a month. I had to pay for my own books, tuition fees—everything. All the industry-funded students got everything paid for and a stipend of \$30,000 a year. They all had DuPont caps and coats, were wined and dined, and had three boxes of donuts every Monday morning in the lab.

That was when I first noticed chemical company influence of the academic research agenda. What do you research? You research the question that the industry gives you. So, what is the question? The question was, "How much should we use?" It was not,

"Is this the best way to control Russian knapweed?" That wasn't the question. It was, "How much should we use—pint or quart to the acre?" Should we spray in the spring or fall, or both? So, the answer was one of those.

On the other hand, I was off doing my own thing. In 1996, I took a class, *Ethics in Agriculture*, taught by Robert Zimdahl, Ph.D. There was only one other class like it at Cornell University. We used to sit around and talk. "Well OK, chemical companies fund you guys, what do you do?" If you don't take their money, then nobody is in school. What do we do? Take their money and go to school or nobody goes to school. Then, back to the timeline, we get into genetic engineering (GE) and the seed companies are all bought up by the giant chemical companies. Then we start getting patents on the hybrid seeds.

### Being told what and how much to use?

When the land owner/land manager calls for help, the question may be, "I've got this Russian knapweed in my horse patch, what do I do?" They call consultants, experts, county extension agents, and the county weed person and those guys pull from the research and the knowledge that's out there. The response then is about spraying, not about the best thing to do to manage Russian knapweed. It's about how much to spray and which chemical to use. The information gets misconstrued going through to these people. A lot of them don't know how research is done and never thought about the research question driving the answer. They don't think about that. They just get the information and, boy, it is really skewed by the time it gets to the people on the ground.

### War on weeds

In 1999, President Bill Clinton signed an executive order on weeds. The executive order contained various statements, including, "This is an all-out battle" and "serious threat," "major economic and environmental damage," "the cost is high," "this is an on-going fight," "28.8 million in funding to combat invasive weeds." "This is war. We are going to declare war on weeds. And to protect the natives, we have to kill all the aliens."

So now, the 2000s. We have GE "Roundup



Slide 1. Lani shows a picture of her goats in Southern Nebraska at the 32nd National Pesticide Forum in Portland, OR.



Photo by: Larry Crist, USFWS Photo Contest Entry #152

### “Craneberries”

I was so lucky to get to go see the Sandhill Crane migration at Kearney Nebraska. 600,000 Sandhill Cranes, 60% of the world’s population, comes right through that little area on the North Platt River. And they stop, eat, and rest so they can fly on to Wisconsin and Canada. And they’re eating all GE corn.

Cranes stand about almost five feet tall. They have red on their head. At some point in time I suppose, the natives up in Wisconsin, with the cranes coming to the fields to eat berries off these plants with blooms of little red berries that looked just like a crane’s head, named the berries “craneberries.” They dropped the “e,” and now they’re cranberries.

Ready” crops, which are banned in Europe. Ethanol starts being made from corn. There is suppression of science and activist scientists. And then Jay gets on the National Organic Standards Board (NOSB). We have brilliant people like, Terry Shistar, Ph.D., my dear friend who is a brilliant scientist and Beyond Pesticides board member helping Jay get all this information where it’s supposed to be. The Farm Bill gets signed and they are no longer giving subsidies to the farmer. Now, it’s going to insurance companies. Then, I looked up a few facts on Nebraska because I was there with my goats. In Nebraska, they produce about a trillion bushels of corn and 98% of it is GE. Nebraska just passed Texas as the number one cattle feeding state. That shocked me. In 1900, Nebraska grew corn at 26 bushels to an acre and in 2009 it was 178 bushels. Corn hit \$7.00 a bushel a couple years ago. And they plowed everything a tractor could get to. Remember this from the 1930s? Remember?

So I am in Nebraska with my goats and I am standing in a corn field with everything plowed to the edges of property lines with a pivot on it. There are plowed rolling fields that shouldn’t be plowed.

### Holistic perspective

I took a class with some of Brett Ramey’s elders [Brett is an out-

reach worker for the University of Washington medical school and Beyond Pesticides board member] this past summer and they told me that Mother Earth is not happy. One elder predicted at the beginning of last spring, a year ago, that Mother Earth is pushing back and we’re going to see violence with fire, water, air, and the earth, including earthquakes, fires, floods, tornadoes, and hurricanes. And, boy, did I see that. The goats and I outran the fires and floods all year and during our summer work. We were right on the front edge of the black forest fire in Colorado. We were two days out when we left Estes Park, Colorado, a couple of days before the thousand year flood hit and wiped out the Thompson Canyon. So, we were just right in front of these disasters, thank goodness.

### Contrasting the old and new culture

The old in our culture is based on things, how to control things, and monoculture farms. A wonderful girl worked for me for a couple of years, someone I found in Washington D.C. where she worked for Beyond Pesticides. She worked for me for two years and once said, “The biggest thing that I learned from you and these goats is that control is an illusion.” There’s nothing like a herd of goats to teach you that. Then, there’s the new culture. Now, we are moving into a culture based on people and holistic understanding. We’re going to work with nature, and we want biodiversity, not monocultures. With the rising awareness, everybody is looking to the future. The young staff of Beyond Pesticides, I applaud you. These are the most wonderful young people and they do great work. They are fabulous. And they are, at this point of the rising awareness, the future, and thank goodness we have them.

When I got out of college, I did the same thing all you guys would do, I went out and bought a 100 goats and started a business. I manage these goats to achieve a goal on whatever land I’m working. I thought this was great, when I got out of school in 1997. This is great as an alternative to chemicals and machinery. It works where you can’t get machinery and you don’t want to spray chemicals, or can’t because it’s illegal near waterways. I started this business because I’m a ranch girl and the only thing I knew how to do really well was manage animals and be outside. So, I got 100 goats, went to work and I bought a portable electric fence.

### Land restoration

I do land restoration. This is a huge paradigm shift from trying to control everything to trying to bolster the system, nurture and build the nutrition of the soil. It’s all about soil. I have to feed the system and I have to recycle this stuff. I don’t care if they’re weeds. I want the goats to eat the vegetation, recycle it, and release all those nutrients to build the soil organic matter, and hold the water in place. I’m going to add to the soil. I’m not going to kill anything.



Slide 2. Goats reaching high.

I'm going to add, add, and add —vitality, vigor, and joy. There's nothing like a bunch of baby goats playing on a rock or whatever they find to stand on. That is really joyful, that is pure joy. A border collie chasing a stick is pure joy. So I'm just going to recycle these natural resources and get this energy flow going. I'm going to recycle this problem to cash. Solar energy's free, and I'm going to recycle my knowledge of being an old cowgirl to cowboy up and take these goats wherever I can go.

### Experience shows it works

For 18 years, I have with my goats done weed management, brush control, fire fuel load reduction, erosion mitigation, flood control, reclamation, and re-seeding. I have contracts with federal, state, county, city governments, private people, local groups, homeowner associations, and giant corporations. My work balances science and art. I got the science when I went to college. The art is managing the animals to get them to do exactly what you want, where you want, how you want, when you want, and keeping them out of trouble.

On a Chevron oil field job in western Wyoming, they had 60 acres to the north with a 80,000 pound earth moving machine, and I had 60 acres to the south. My herd weighs over 150,000 pounds, it's alive, and recycling everything it eats, as it poops and pees. There are about 1,500 goats. That's 6,000 hooves working the earth as they go, and they're self-propelled. That's it, one stop shopping. We do it all. I'm doing twelve things at the same time. I just hate it when people say, "You're too expensive," and I say, "Well no I'm not." They say, "Well I can buy a quart of Tordon for \$70.00." And then I say, "Well first of all, you can't compare what I do. I am doing twelve things. I am healing the system. You're doing only one step and you're causing about a billion dollars' per acre worth of damage that might take 50 or 100 years to correct. I'm doing it all at the same time."

Goats are so fascinating. First of all, they're really smart. They have all these skills that no other grazing animals do. I always say that the weeds are really smart, smarter than the desired plants

usually, and goats are the only thing smarter than a weed. The only thing smarter than a goat is a Border Collie. People are about eighth on a good day, right under bacteria. Goats climb trees, they run up and down these steps and play. Every goat will be on his own step. I work where there are endangered species, such as the Western Sage Grouse and their babies, which were seen for the first time in ten years in an oil field where I work. It's also where the cattle have been kept out because there has been no water for three years. The goats have been in trouble because they always go to this place where we aren't supposed to be. The cattle rancher was furious and he went to the Bureau of Land Management (BLM) and tried to get the environmental assessments pulled so we couldn't work there anymore.

Goats stand on their hind legs. When I do fire fuel load mitigation, my big wethers (a neutered male), stand on their hind legs and can reach about nine feet up. So I want these big boys. They strip everything, nine feet all the way to the ground and it's all recycled right in place. That's the best fire mitigation.

Goats are easy to move. You can put them onto a semi, but I prefer walking across the country, but I haven't done that yet. I do walk 20 or 30 miles, but, if I have to go 600 miles, we use four deck semis. One time in Boulder, Colorado the trucker forgot to bring his portable chute and we stacked five coolers up and we loaded 1,000 goats onto trucks on five coolers. You can't do that with any other animal. When you get to where you're going, a lot of places where I go, you can't get a semi off the road and you can't get them turned around. So you just get close, open all the doors and all the goats jump off. You get the Border Collie to go put them where you want them.

We worked at the golf course right under Teton Village in Jackson Hole, Wyoming. This year they called us. They had two budgets, one was for H-2A migrant workers, which they filled, and a second was for local youth to work. They put out their advertisement for the local youth to come and work; you know whatever golf courses do. One kid showed up and he rode a tractor for two

hours said it was too hard and quit. So the golf course manager called us and we took goats and worked there last summer. I didn't do that job. My son did that because you need golf etiquette when you work there. And you can't yell or cuss at the dogs or anything.

### Challenges

Newborn goats start eating weeds and doing their job when they're just a few hours to one day old. This year I had something very interesting happen. The oil field is around six million acres of unfenced land, called the Red Desert in Wyoming. The section is 50,000 acres and the babies at one to two days old walked about ten miles.

It was a really hard all-day walk. There was no shade because we're doing reclamation work and seeding bare ground on old abandoned locations. The babies would crawl down the badger holes to get shade. So they'd be

lined up like train cars down the badger holes to get shade. We were at about 7,500 feet elevation. Hydrogen sulfide (H<sub>2</sub>S) gases naturally escape when you drill natural gas wells. It's highly, highly toxic. It's a heavy gas you can't see and it smells like rotten eggs. It sits in big clouds and because it's heavy it will roll right down the hills. So, if it's produced somewhere else, it will roll down a drop and accumulate and hit all the low spots. The gas went down into the badger holes where the babies died from exposure to toxic levels of H<sub>2</sub>S. At first, I could not figure it out. So yes, when I work in the city, its people's loose dogs, but this one I have never thought of before as a predator.

The Collies are the heroes. All you need is one good dog. In Nebraska, we moved from one work site to the next. We just took off down the county roads and across the country, like an old cowgirl would. We just took off walking until we got where we were going af-

ter two days. The dogs are the key and they're the bosses of the whole operation because they are so smart and magical. On an air force base in Cheyenne, Wyoming, with one dog, Zippy, my son, Donny, and 1,000 goats had exactly ten days to restore 120 acres with an endangered plant, two "noxious" weeds and a poisonous plant, all in one area. We did it.

In the middle of Denver, we ran down the street with a herd. I had a job at Excel Energy Plant and the manager wanted me to run over to do the ponds under the highway. He said, "Are you going to truck the 500 goats?" and I said, "No I'm going to run them down the street carrying an orange flag." He said, "We're all taking

bets in the office you'll be in jail by 5 o'clock." I called the cops so that it would be on the dispatch record that I called first and told them what I was going to do. So they sent a squad car to flag us through

that stoplight. One dog and the animals, which have so much respect for the dog and for us and for what they're doing, made this possible. They're just really easy to handle.

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*They say, "Well I can buy a quart of Tordon for \$70.00."  
And then I say, "Well first of all, you can't compare what I do.  
I am doing twelve things. I am healing the system. You're doing  
only one step and you're causing about a billion dollars' per acre worth  
of damage that might take 50 or 100 years to correct.  
I'm doing it all at the same time."*

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Slide 3: Moving goats through Denver.

## Responding to different conditions

It's really important to be at the right place at the right time at the right season because plants behave differently. The animals behave differently. Everything is different in different seasons. Knowing the animals and the plants and what's going on with the biology of the plant tells you when to be there. I want to be on Canada thistle when it is in full bud. I don't care what day, or month, or elevation it is, but when this plant is in full bud, it's just the right height. Because when the goats are standing it's nose high. At nose height, a goat at a high trot can eat the buds off Canada thistle and not even slow down.

Everything I own has four wheels or four legs and goes to where the work is. In an Eastern Red Cedar tree area in Nebraska, the corn farmer treats his pasture like a corn field and he wants all the trees gone and gone instantly. I said, "Your problem here, [pivots all around], isn't your Cedar trees. They're actually trying to hold the soil. This horrible erosion is from cattle walking in single file because that's what cattle like to do. They're big and heavy, they walk single file and they make cow trails and all

your water is shooting off the trails making horrible head cuts. That's your number one problem. Your second problem is that you have no diversity in this pasture. I cannot find any broadleaves except musk thistle, which he hates. He sprayed Chaparral (aminopyralid and metsulfuron) herbicide out of an airplane last year and there are no broadleaves. I said you have no diversity, you have the poorest quality grass for cattle in a monoculture here, you have no broadleaves, you killed them all and this erosion is trouble. No cow pies are broken down. I said, "You have no life here, no insects are alive, and no nutrients are being recycled." When I kicked the cow pie over, it was all dead underneath. I said there is nothing alive in the soil and I have to bring this back to life with my living animals. They spot sprayed musk thistle. So this musk thistle turned brown and fell over. I said, "Why is this three foot area around here dead? Did you use that Chaparral herbicide and did you calibrate the equipment?" He said, "Oh no, we used the death mix on that one, by God." You have to feed the system. Build diversity and stability. So I took 1,100 goats and walked them perpendicular to all the trails that the cows had made to try and get this system to undo the damage.

After three days, we reshaped the landscape with the herd. We tried to mellow off the sharp head cuts caused by erosion. The herd tromped organic matter into the soil with the goal of stopping further erosion.

In an urban context, for 15 years, we have brought the goats to the Organic Community Gardens in downtown Colorado Springs to help manage the buffer zones around the garden to keep chemicals from intruding into the space.

We are nurturing living systems. With the goats, we bring life to soil and plants. Thank you very much.

Contact Ms. Malmberg at [Ewe4icbenz@aol.com](mailto:Ewe4icbenz@aol.com).

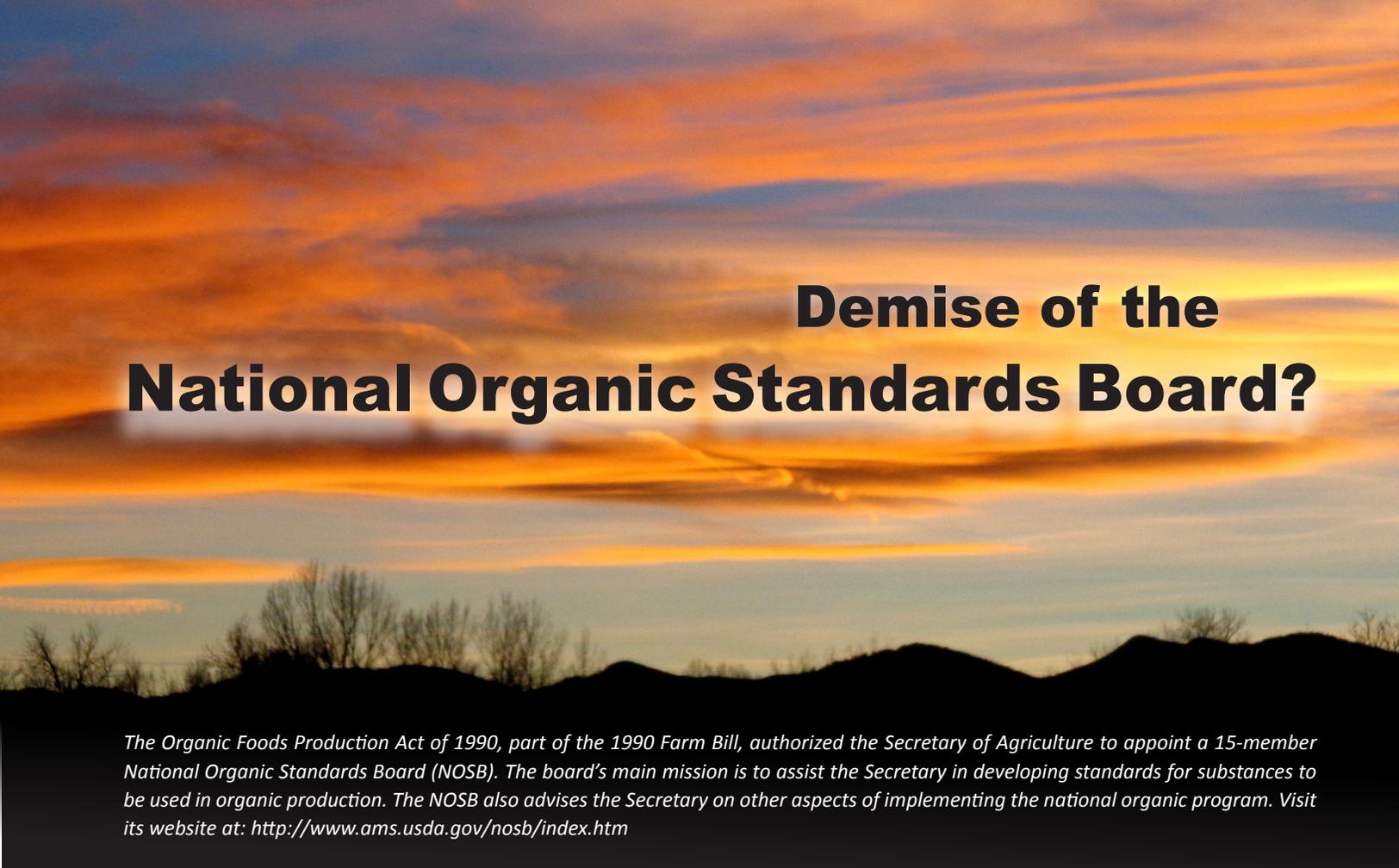


Slide 4. Goats grazing along a hillside in an urban setting.

## Goat Grazing Across the Country

With Lani as a true visionary, the use of goats in communities across the country is becoming an increasingly common tool for managing landscapes. Here are just a few examples of high profile cases where goats have been or are currently employed:

- **The Congressional Cemetery, Washington, DC.** The cemetery tasked over 100 goats in 2013 to control poison ivy, ground cover, and other invasives that threatened large mature trees, which have the potential to fall and damage historic headstones.
- **Pacific Gas and Electric (PG&E), Auburn, CA.** The company used over 900 goats to clear weeds and dried brush on 100 acres of its property in 2013 to prevent wildfires.
- **O'Hare International Airport, Chicago, IL.** In 2012, approximately 30 goats and sheep were used to eliminate an overgrowth of poison ivy, and poison oak, and reduce habitat for wildlife hazardous to airport operations.
- **Maryland Department of Transportation's State Highway Administration, MD.** In order to protect Bog Turtle habitat, the administration enlisted 40 goats to graze along a major highway bypass in 2009.
- **Google Corporate Campus, Mountain View, CA.** Google hired 200 goats to manage weeds and brush in order to reduce fire hazard starting in 2009.



# Demise of the National Organic Standards Board?

*The Organic Foods Production Act of 1990, part of the 1990 Farm Bill, authorized the Secretary of Agriculture to appoint a 15-member National Organic Standards Board (NOSB). The board's main mission is to assist the Secretary in developing standards for substances to be used in organic production. The NOSB also advises the Secretary on other aspects of implementing the national organic program. Visit its website at: <http://www.ams.usda.gov/nosb/index.htm>*

*This article was originally featured on the Montana Organic Association's (MOA) website, and is reprinted here.*

**By Barry Flamm, Ph.D.**

The original and current purpose of the *Organic Food Production Act of 1990* (OFPA) is to bring integrity and order to organic food production and marketing by establishing uniform standards. The Act, established by the U.S. Congress, and the implementing regulations, adopted by the U.S. Department of Agriculture (USDA), is driven by the organic community's desire to ensure that "organic" is something special and help assure a continuing organic community role in the process. Under the Act, the Congress established the National Organic Standards Board (NOSB) and gave it very important duties. In its Report (1990) on the bill, the Senate Agriculture Committee stated that, "The Committee regards this Board as an essential advisor to the Secretary [of Agriculture] on all issues concerning this bill and anticipates that many of the key standards will result from recommendations by this Board. . .[It] is generally responsible for advising the Secretary on all aspects of the implementation of OFPA, specifically, the Board is responsible for evaluating substances for inclusion on the Proposed National List."

The NOSB is intended to be the voice of the organic community and to represent its broad interests. The 15-member Board is comprised of four organic farmers, two organic handlers, one organic retailer, three with expertise in areas of environmental

protection and resource conservation, three who represent public interest or consumer interest groups, one with expertise in fields of toxicology, ecology or biochemistry, and one certifying agent.

The Board has served a vital role from the very beginning of USDA's organic program, holding meetings and consulting with the public in developing recommendations for implementing the standards. When these recommendations were ignored by the USDA, there was unprecedented public response leading to the rule's rewrite, excluding such undesirable features as allowing the use of genetically modified organisms (GMOs), sewage sludge, and irradiation.

To guide its important activities, the NOSB developed a Policy and Procedures Manual (PPM). In keeping with the desire for openness, the policies were developed with full public review and with an opportunity to comment before a Board vote on the proposed procedure. The policies and procedures were reviewed and improved over time and was overseen by the Policy Development Committee of the Board. The six Standing Committees did much of the actual work for the Board. Their proposals were submitted for public review and comments in writing and presentations were shared at open public meetings, which in recent years have been held semi-annually at different locations around the country.

These were extraordinary events with valuable information and

interactions that led to better decisions. Unquestionably, Board members put in many hours of hard, difficult work over their five-year terms in service to the organic community.

The National Organic Program (NOP) was established in the Agricultural Marketing Service (AMS) within USDA to administer the OFPA requirements. Its staff was very small for many years until political change occurred in 2008, when a substantial increase occurred along with newly declared USDA support for organic and a pledge to “organic integrity from farm to table —consumers trust the organic label.” Collaboration and working relations between the NOSB and NOP grew with apparent benefits to the organic community.

In 2013, all began to change without public notice or opportunity to comment or consult with the NOSB. NOP took away the Board’s ability to develop its work plan and agenda, thus severely limiting its ability to provide

independent advice to the Secretary as mandated by law. The NOP effectively disbanded the Policy Development Committee (PDC, aka sub-committee) and indicated that the Policy and Procedures Manual was no longer in force, but would be used at the discretion of the program. The most immediate and serious result was that in September of 2013, Deputy Administrator Miles McEvoy announced dramatic changes in the approval process for synthetic and non-organic materials allowed on the National List for use in organic food and agriculture. The changes to the “sunset” provision were in conflict with the PPM and were implemented without consultation with the NOSB, the organic stakeholders or the public.

The fall 2013 NOSB public meeting was canceled during the federal government shutdown, thus the public did not have that opportunity to express concerns in person on these actions by the NOP. At the April 2014 meeting, the Deputy Administrator announced that he was co-chairing the meeting, thus intruding on the independence and authority of the NOSB and limiting discussion on the serious changes that had been made.

No stronger condemnation of NOP’s “sunset” action could be stated than that of the principal authors of the *Organic Food Production Act*. On April 24, 2014, Senator Patrick Leahy and Representative Peter De Fazio wrote Agriculture Secretary Tom Vilsack to raise concerns about the sunset policy change “which we believe to be in conflict with the letter and intent of the statute. We are particularly

concerned that such a substantive change was made without the benefit of full notice and comment.” They reminded the Secretary that OFPA “establishes the overall principle that, in order for any product to be labeled as organic it must be produced and handled without the use of synthetic chemicals.” The law recognizes there may be a need for temporary exemptions, thus it provided for a very thorough review process whereby certain synthetic chemicals could be permitted for use, but would sunset after five years. The process requires the NOSB to review the material based on a stringent list

of scientific and market considerations and analyze its impact on human health and the environment, compatibility with organic principles, and the availability of alternatives. They also pointed out that “the law specifies that two-thirds of the full NOSB must vote in favor of allowing the synthetic material to be used.”

Leahy and De Fazio expressed “great concern that we learned about a policy change implemented by your agency

(USDA) which turns the sunset policy of OFPA on its head to create a presumption that all synthetic materials on the National List will be automatically renewed at the five year sunset mark and to establish a high hurdle (two thirds vote) to remove from the list.” They strongly stated, “We are urging you to reverse this policy change.”

Also on April 24, 2014, former past chairs of the National Organic Standards Board, Jim Riddle - Chair '05, Jeff Moyer - Chair '09, and myself - Chair '12, wrote Secretary Vilsack to express “grave concerns regarding recent changes unilaterally enacted by the USDA’s NOP that significantly erode the authority, independence and input of the NOSB.”

The major objections expressed in the letter were: arbitrary announcements that dramatically change the approval process for synthetic and non-organic materials allowed for use in organic food and agriculture; changes in the sunset procedures required by law, and reversing years of accepted procedure employed by the NOSB; and, NOP intruding on the independence and authority of the NOSB by controlling work plans and agendas and co-chairing Board meetings, thus interfering with the important duties of listening to public concerns and interests and providing meaningful input to the Secretary. Lastly, we expressed dismay that “the disbanding of the NOSB Policy Development Committee (aka sub-committee) was again done in an arbitrary, unilateral and disre-



spectful manner by the management of the NOP with no public discussion or consultation. This committee carefully and seriously charted a path of practices employed by the NOSB that was crafted in public and adopted with input from all NOSB members and organic stake holders..."

We appealed to the Secretary to intervene in this matter and suspend the policies enacted by Mr. McEvoy.

Instead of addressing the concerns of Senator Leahy and Representative De Fazio, the former NOSB Chairs, and others, USDA/NOP tried to cement the radical changes on May 8, 2014, through an amendment to the NOSB Federal Advisory Board Charter, which also improperly assigns authorities to the USDA to terminate NOSB, a statutory Board with duties clearly enunciated.

In response to these USDA actions, 20 organizations have, pursuant to the Administrative Procedures Act, petitioned amendments to the 2014 NOSB Charter that: 1) accurately reflect the continuing and non-discretionary duties of the NOSB and (2) accurately reflect the mandatory, continuing and interminable status of the NOSB. [The Secretary has partially responded as of this writing.]

The 11-page petition explains the need for the amendments and concludes by stating that, "Recent actions on the part of the USDA have undermined the carefully crafted and contemplated OFPA framework and balance of community representation..." The signatories to the petition are: Beyond Pesticides, Organic Seed

Growers and Trade Association, Center for Food Safety, Midwest Organic and Sustainable Education Service, Maine Organic Farmers and Gardeners, The Cornucopia Institute, Northeast Organic Dairy Producers Alliance, La Montanita Coop NM, Food and Water Watch, Equal Exchange, Northeast Organic Farming Association Interstate Council, NE Organic Associations of Connecticut, Massachusetts, New Hampshire, New Jersey, New York, and Vermont, Organic Consumers Association, Organically Grown Company, and PCC Natural Markets.

The issues may sound complicated, but it really boils down to two questions: 1) Does the organic community and public want a strong NOSB as prescribed by OFPA? 2) Does the organic community and the public believe and want the implementation of the overall principle of OFPA that for any product to be labeled organic it must be produced and handled without the use of chemicals, with only temporary exemptions allowed, and then only after stringent review?

Will there now be a community uproar as occurred in the nineties when USDA tried to push through unsuitable regulations?

We hope to hear your voices loud and clear.

**Barry Flamm**

*Montana Organic Association (MOA) Lifetime member, former MOA Board Member, recipient of the MOA Lifetime of Service Award 2006, NOSB Board Member January 2008 – January 2013, NOSB PDC Chair 2008 – 2011, and NOSB Board Chairman 2012.*

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## Voices from the Field

**Jay Feldman** (Executive Director, Beyond Pesticides, NOSB member 2010-2015, chair of NOSB Crops Committee, 2012-2013) *comments that past and future success of the organic label and related food production practices relies on a strong collaboration among all the stakeholders. It is absolutely critical that concerned organizations and individuals make their views known to their elected representatives in Congress and the Secretary of Agriculture. Beyond Pesticides has set up a 'Save Our Organic' webpage that makes it easier to send a letter to members of Congress and Secretary of Agriculture Tom Vilsack. While we encourage everyone to send their own personal message through this webpage, a form letter can be sent from the site at <http://beyondpesticides.org/SaveOurOrganic>.*

We're seeking through a petition filed with USDA on the NOSB charter an acknowledgment by the Secretary of Agriculture that Congress set up the NOSB to operate with clear statutory mandates that supersede USDA authority. In this respect, the petition addresses a narrow issue of the Board's charter and Congress' determination that it exist as a permanent body, not subject to the discretion of the Secretary of Agriculture. This is a clear legal requirement that is undermined by the 2014 charter language, which misrepresents (and contradicts previous charters) the Board as a time-limited body with narrowed responsibilities subject to the Secretary's discretion. The petition, citing legal requirements, requests that the Secretary correct the charter language to reflect the ongoing and permanent nature of the

Board. However, the limited issues of the petition represent the larger USDA disregard for a range of mandatory duties of the Board that are established by the *Organic Foods Production Act* and may require further legal action.

The organic sector requires committed organic consumers to thrive or, in fact, exist. That is why the NOSB has recognized historically in its Policy and Procedures Manual that organic consumer expectations are critical to the viability of the organic label. The organic standards, rigor of review of allowed materials (including synthetic substances), independence of the National Organic Standards Board, transparency of the decision making process, and public involvement are key elements of organic label integrity and consumer trust in the organic seal as a meaningful symbol.

Organic consumers first must understand how important their voice is in the organic policy arena. While people can become alienated from governmental decision making, organic consumers must recognize that the organic label and the history of policy that supports it was formed with critical consumer influence, which forced the prohibition of genetically engineered organisms, irradiation, and sewage sludge—practices USDA originally proposed allowing. Unless consumers make their voice heard by contacting their members of Congress and Secretary of Agriculture Tom Vilsack (see above) to express their opposition to changes (announced in the September 16, 2013 Federal Register (78 FR 56811, National Organic Program-Sunset Process) and in the USDA *Organic Insider* on March 6, 2014), ultimately the organic choice in the marketplace will not mean as much as it does today and could mean in the future. People need to spread the word. Food coops and retailers should speak out on behalf of their members and customers by contacting decision makers and educating shoppers.

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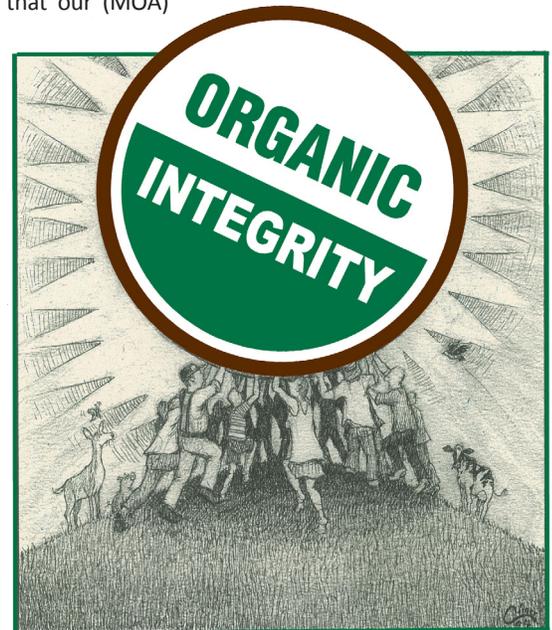
**Jim Gerritsen** (President, Organic Seed Growers and Trade Association and owner/operator of Wood Prairie Farm, Maine [www.woodprairie.com](http://www.woodprairie.com)) *believes that organic farmers and organizations need to educate each other and the public about the issues that have led to the erosion of the integrity of the NOSB. He emphasizes that the organic community needs to hold those agencies and individuals responsible and demand accountability. He also urges all to get involved and have their voices heard or risk losing our organic livelihood and community.*

Mr. Gerritsen cites the farmer, novelist and poet, Wendell Berry, quote: “We don’t have a right to question whether we’re going to succeed or not. The only question we have a right to ask is what’s the right thing to do? What does this earth require of us if we want to continue to live on it?”

**Nathan Brown** (Almatheia Dairy, Belgrade, MT, and Chairman of the Board MT Organic Association (MOA)) *would like to see the changes made by USDA on the Sunset Policy reversed and the five-year review of prohibited synthetic substances put back into place.*

This is an issue that our (MOA)

membership should be aware of and I will do my best to keep myself and our membership informed on this as best I can.



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**Liana Hoodes** (Director, National Organic Coalition (NOC)) *shared several items about sunset and other items related to the issue of USDA not honoring the mandate of the NOSB.*

1. Two letters we sent to Miles McEvoy last fall following the “sunset decision;”
2. NOC’s position on Sunset: <http://bit.ly/NOCPositionSunset>;
3. For a more comprehensive review of the history of sunset and the current policy, see NOC member Beyond Pesticide’s website: <http://bit.ly/SunsetReviewBP>; and,
4. Another recent action by USDA that changes the NOSB charter from a mandatory to a discretionary committee caused many NOC groups to sign on to an administrative petition asking for a reversal of this policy.

I think it is fair to say that many or most agree that there was something not working with implementation of sunset policy in the past. What NOC and others believe is that the wholesale change by USDA/NOP does nothing to fix the problems, and may make them worse, while setting a foundational policy (how synthetics are continuously reviewed) on its head.

In terms of what happened at the NOSB meeting regarding sunset, for instance, it is not clear that this new policy actually makes anything easier for the NOSB or NOP—in fact, it may increase the workload. In part, because of confusion in the new policy that any materials would ever come off the list, the NOSB was reticent (at the April meeting) to approve materials, and sent quite a lot back to the committees for more information.

NOC is currently engaged in an exercise of seeing if we can identify the problem areas in the old sunset policy and how they can be fixed.



## Food Co-ops Speak Out to Save Organic Label

**Organic Caucus SIGN ON Letter from Co-ops**  
August 18, 2014

To the Congressional Organic Caucus,

We the undersigned organizations are writing to ask you to advocate reversal of USDA's unilateral changes to the organic program's Sunset Provision. We believe these changes violate the intent and the letter of the *Organic Foods Production Act* (OFPA).

### **A high bar to allow and renew synthetics**

We have re-read OFPA and the letters from Sen. Leahy and Rep. DeFazio to Sec. Vilsack, as well as the letter from three former chairs of the National Organic Standards Board, and we respectfully disagree with the Deputy Administrator's statement that the changes "shouldn't make it harder" to remove items from the National List.

NOP staff has admitted in various settings that materials up for Sunset from the National List of Allowed and Prohibited Substances were subject to being removed by a minority vote, and that materials some interests wanted to renew [leave on the list] weren't getting enough votes, so USDA changed the voting process. In other words, NOP staff has admitted publicly it changed the rules to *make it easier* to keep synthetics on the National List.

OFPA established the two-thirds supermajority requirement for "Decisive Votes" [Sec. 2119 (i)] intentionally to establish a very high hurdle for prohibited synthetics to be allowed, even temporarily, in organics. Within the context of the overarching principle

in Sec. 2105 [7 USC 6504], that foods labeled organic must be "produced and handled without the use of synthetic chemicals ...," Congress certainly intended the Sunset Provision to emphasize the *temporary* nature of exemptions.

USDA's policy change makes relisting and renewal of synthetics much easier. Now, only six votes are needed for a synthetic to be allowed continued use, not the 10-vote supermajority mandated by OFPA. This assumes the full board even gets to vote on the relisting, since the murky nature of how these materials would be handled in subcommittees seems to preclude a full board vote if the subcommittee approves continued use.

Now, even if nine NOSB members oppose relisting, a six-vote minority favoring continued use would determine the "Decisive Vote" to enable continued use. This is contrary to Congressional intent for consensus in requiring a supermajority for Decisive Votes, through any plain reading of the law.

OFPA's framers meant clearly to establish a very high hurdle to add an exemption and to renew any exemptions —not a high hurdle to allow, and a low hurdle to renew.

### **Policy change without public comment**

USDA's unilateral changes have been labeled a "power grab" with cause, since they were announced without the benefit of full notice and opportunity for public comment.

When asked where the changes originated, NOP staff has stated that "USDA did recently adjust how it works with the National

Organic Standards Board to be more consistent with how other federal advisory boards are managed [under the *Federal Advisory Committee Act (FACA)*].”

The unique powers and authority granted to the NOSB by OFPA have rubbed some USDA officials the wrong way from inception. But attempting to redefine the NOSB “to be more consistent with how other federal advisory boards are managed” contravenes what Congress enacted into law. (Note that FACA Sec. 9 says: (b) Unless otherwise specifically provided by statute or Presidential directive, advisory committees shall be utilized solely for advisory functions.)

Congress knowingly and intentionally granted exceptional and unique powers and authority to the National Organic Standards Board —unlike most other federal advisory committees. In passing OFPA in 1990, Congress knowingly and intentionally superseded the provisions established by FACA in 1972. In other words, OFPA overrides FACA.

### Subcommittee eliminated

We are very concerned by the NOP’s elimination of the Board’s Policy Development Subcommittee and control of the NOSB work plan and agenda. This unilateral, top-down action suggests that NOSB under the new rules would no longer be allowed to create a subcommittee to work on topics of its choosing, such as the GMO subcommittee or a subcommittee to study nanotechnology.

OFPA established the NOSB to advise the Secretary of Agriculture on the organic program. NOSB cannot advise the Secretary well if its authority to develop a work plan and agenda, or create committees and procedures, is diminished or denied.

### Mandates ignored

There are two other OFPA provisions that appear to be contravened by USDA’s management of the organic program.

Sec. 2119 (j) “Other Terms and Conditions” states, “The Secretary shall authorize the Board [NOSB] to hire a staff director. . .” To date, staff directors have been hired not by the Board as the law stipulates, but rather by the USDA. This must be rectified.

Also, Sec. 2119 (j) (3) “Technical Advisory Panels” says, “The Board [NOSB] shall convene technical advisory panels to provide scientific evaluation of the materials considered for inclusion in the National List. . .” To date, TAPs have been convened by USDA unilaterally, not the Board, as stipulated by the law. Selection of



TAP reviewers by USDA has become so shrouded in secrecy that NOSB members do not even know who the TAP reviewers are. This must be rectified.

We realize the pressure USDA, and you in particular, must be facing from industry. Manufacturers and processors barely mustered the votes to allow carrageenan (even with flawed TAP reviews). They nearly lost DHA, and larger orchards did lose antibiotics for growing apples and pears.

Yet, changing the rules and admitting they were intended to reverse the

course of Sunset —to enable renewal of synthetics with just six of 15 votes— and to refashion the NOSB under FACA, violates the intent of Congress and the letter of the law in OFPA. The drafters of OFPA required a two-thirds supermajority for Decisive Votes, requiring a higher level of consensus across the full range of organic stakeholders, to ensure both credibility of the organic label and public support for organic products.

As significant stakeholders in the National Organic Program, we ask you to reverse these policies. We ask you, respectfully, to utilize the full notice and comment rulemaking procedures when there are changes NOP considers important.

Sincerely,

- PCC Natural Markets, Seattle, Washington
- Central Co-op, Seattle, Washington
- Marlene’s Markets, Tacoma and Federal Way, Washington
- The Markets, Bellingham, Washington
- Skagit Valley Food Co-op, Mt. Vernon, Washington
- Tonasket Food Coop, Tonasket, Washington
- Sacramento Natural Foods Co-op, Sacramento, California
- Ocean Beach People’s Organic Food Coop, San Diego, California
- Ashland Food Co-op, Ashland, Oregon
- Outpost Natural Food Cooperative, Milwaukee, Wisconsin
- One Degree Organic Foods, B.C., Canada
- Dill Pickle Food Co-op, Chicago, Illinois
- Wheatsville Food Co-op, Austin, Texas
- La Montanita Food Co-op, Albuquerque, New Mexico
- People’s Food Co-op of Kalamazoo, Michigan
- Whole Foods Co-op, Duluth, Minnesota
- Mississippi Market Natural Foods Co-op, St. Paul, Minnesota
- The Merc Community Market & Deli, Lawrence, Kansas
- New Leaf Market Co-op, Tallahassee, Florida
- Los Alamos Cooperative Market, Los Alamos, New Mexico
- Hanover Consumer Co-op, Hanover, New Hampshire
- Wild Oats Market, Williamstown, Massachusetts
- Eastside Food Cooperative, Minneapolis, Minnesota
- [The co-ops are still accepting sign-ons of other co-ops.]

## Poison Spring: The Secret History of Pollution and the EPA

*E.G. Vallianatos, Ph.D., and McKay Jenkins, 2014, 272 pp.*

The 1982 Nobel Prize in Economics was awarded to George Stigler, Ph.D. for his eye-opening work on “Regulatory Capture.” This is the process whereby all or a part of a regulatory agency such as the U.S. Environmental Protection Agency (EPA) essentially is run by the people it is supposed to be regulating. Dr. Stigler showed that a captured regulatory agency is often worse than no regulation at all, because it yields the authority of government to the regulated industry. The public, unaware of the capture, has a false sense of security that it is being protected when it is not.

E.G. Vallianatos, a longtime EPA policy analyst and toxics expert, has written a fine book, *Poison Spring*, which spells out how the pesticide industry has captured the pesticide policy and regulation offices of EPA. In a sense, regulatory capture was made easy in the case of EPA because it was created in 1970 from sections of many different federal agencies. For example, hazardous waste management was at the EPA Office of Solid Waste Management and was originally part of the Public Health Service, where its function was to help garbage collectors be more efficient and less polluting. Six years after it was transferred to EPA a new responsibility was added—hazardous waste management. Much of the staff, which came over from the Public Health Service, already viewed the garbage collectors and dump operators now “hazardous waste management firms” as their clients.

Regulated companies constantly deal with regulatory agencies through congressional committees, the courts, and meetings with top government officials. This is what the public sees. But it does not stop there; behind the scenes industry also interacts constantly with individual agency employees at every level, working directly with the field inspectors and permit writers responsible for making regulatory decisions.

When I was in charge of writing regulations at EPA I, like others, was the object of this courtship, showered with flattery, meals, trips, and hints of future employment. People who cooperated with industry found that its lobbyists would work for their advancement with EPA upper management. Those who didn’t cooperate found the lobbyists lobbying for their heads. I did not know Dr. Vallianatos

when I was at EPA; nevertheless, our experiences were very similar. Dr. Vallianatos points out that the regulatory capture was even more pronounced in EPA’s Office of Pesticide Programs, which came to EPA from the Department of Agriculture, where it had already been captured by agribusiness years before. He writes: “For the majority of politicians and executives in corporate America, effective environmental protection and the safeguarding of public health—the legal mission of the EPA—has rarely been a compelling priority. To understand this fact, one has only to look back at the EPA’s history during its first three decades. I was there, increasingly incredulous, watching that mission being betrayed.”

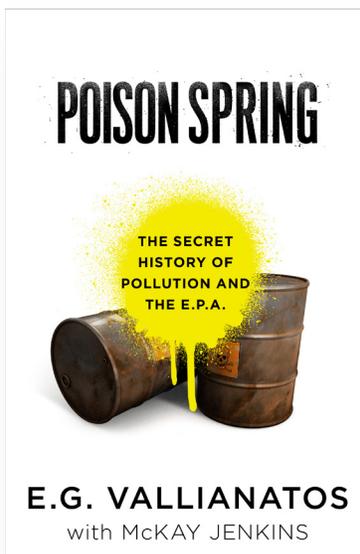
“The Office of Pesticide Programs, the largest organization of the EPA, within which I did most of my work, is essentially owned by the global chemical-pesticide industry, and this has been

true under both Democratic and Republican administrations. EPA became a place where honest science has been replaced by dishonest “risk assessments” and “cost-benefit analyses,” both of which serve as thin bureaucratic covers for putting the interests of industry ahead of the environment and public health.”

Dr. Vallianatos documents his claims in 14 detailed and well referenced chapters, which are easy to read and difficult to put down. The degree of industry penetration into EPA’s pesticide and other offices is startling.

Most people on reading this book might tend to think that the authors have “cherry picked” a few egregious examples of misconduct and exaggerated them for shock effect in order to sell books, while ignoring all the good work being done by the agency. That would have been my reaction were it not for the fact that one chapter deals with an issue with which I am intimately familiar: the chapter addressing EPA’s handling of the deadly poison dioxin.

An EPA scientist, Cate Jenkins, Ph.D., suspected that the Monsanto Company had manipulated data that the agency used to base its standards for the regulation of dioxin, and she asked the agency to investigate. Under the *Freedom of Information Act*, an internal EPA memo that I wrote was later disclosed which showed that the agency’s investigation was a fraud and, instead of investigating Monsanto, EPA investigated Dr. Jenkins and made her life a hell. Others outside of EPA showed the fraudulent nature of Monsanto’s stud-



ies. This incident was covered accurately in Dr. Vallianatos' book, without exaggeration or sensationalism.

But how does one reconcile the good work done by EPA with the portrait of unceasing corruption in this book? For example, as I write this, newspaper headlines shout, "Obama tightens air pollution limits" and industry screams. EPA has had many triumphs over the years. Bold new initiatives are announced by the president or the administrator followed by applause from environmentalists and denunciation from the affected industry and its allies.

I am loathe to tell an author what he should write about, but reconciling these two views of the agency is necessary. Without that reconciliation it would be difficult for an uninitiated reader to comprehend this excellent work. Some of the elements for doing just that already exist in the book, but have not been highlighted.

Take the case of DDT, the pesticide featured in Rachel Carson's groundbreaking book *Silent Spring*. This book is generally credited as the reason for the creation of EPA and the banning of DDT, one of EPA's earliest triumphs. But while EPA bathed in the praise heaped on it, Dr. Vallianatos writes: "Industry got the message, and they did not like it at all. It put up vociferous opposition to the abolition of DDT. It denounced the EPA in the same ways it had excoriated Rachel Carson when her book *Silent Spring* appeared in 1962. It sent its agents to the White House and Congress to undermine the EPA and henceforth take charge of dictating America's "environmental protection." The effects of this campaign filtered down to the bureaucracy and in time dramatically recast—and contaminated—the mission of the EPA."

DDT, banned in 1972, was quickly replaced by many other DDT-like pesticides, such as heptachlor. "By 1982, heptachlor was turning up in unexpected places, such as milk. Why? Because [Hawaiian] pineapple growers had chopped up the heptachlor-loaded leaves of the pineapple plant and fed them to the island's dairy cows."

Another substitute, synthetic pyrethroids, are in common use today, yet, as Wikipedia says: "Aside from the fact that they are also toxic to beneficial insects, such as bees and dragonflies, pyrethroids are toxic to fish and other aquatic organisms. At extremely small levels, such as 2 parts per trillion, pyrethroids are lethal to mayflies, gadflies, and invertebrates that constitute the base of many aquatic and terrestrial food webs." That may be why there are no longer Monarch butterflies in your garden.

There are many other examples in the book and my point is this: while the public sees the press ballyhoo of occasional EPA initiatives and triumphs, it hardly ever sees the constant, pernicious undercutting of these initiatives by the regulated industries. It is like termites gnawing away at a structure. Every now and then a well-publicized exterminator kills a few, but out of the spotlight, they go on gnawing and gnawing and gnawing. This book throws a spotlight on the gnawing and not the ballyhoo. (And by the way, President Obama's new air pollution initiative to curb global warming is, on close examination, too little and too late.)



Dr. Vallianatos at Beyond Pesticides' 32nd National Forum.

Although clearly a liberal, Dr. Vallianatos nevertheless recognizes that: "Both Democrats and Republicans, in Congress and the White House, have been responsible for this dangerous subversion. Taken in by the strategies and the financial clout of global industries, they have in turn facilitated the practical and moral breakdown at the agency." He asks: "How can we make the EPA a truly independent, Federal Reserve-like organization,

charged with (and actually capable of) defending nature and public health? How can we create a health and safety mechanism that neither the president nor members of Congress nor—critically—industry lobbyists would be able to compromise?"

"A great scientist or a distinguished citizen with a long record of defending public health and the environment ought to be selected for a ten-year post administering a politically neutral EPA. A vigorous and sustaining EPA would be a measure of a vigorous . . . democracy. Like the Fed chairman, this person—not the president ought to appoint agency deputies and ought to appropriate enough money to allow our scientists to rebuild the EPA's laboratories, research capabilities, and libraries. Contact between EPA and industry lobbyists should be off-limits, as should the influence of the White House. And senior EPA officials should not be allowed to work for industry for five years after their government work has been concluded." Dr. Vallianatos may be a bit naive for imagining that politics can be kept out of a government agency, but by and large I agree with him, and if you think he goes too far, I believe he does not go quite far enough.

View Dr. Vallianatos' talk on the Beyond Pesticides' YouTube channel <http://bit.ly/Vallianatos32NPF>.

William Sanjour worked for EPA for 30 years, where he was Branch Chief of the Hazardous Waste Management Division after which he became an outspoken EPA whistleblower.



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