



Bureau of Land Management photo

Wild horses on the Steens Mountain Cooperative Management and Protection Area. A judge has ruled the federal government unlawfully dismissed a petition that sought to cancel the usage of wild horse birth control.

Judge: Feds should consider banning use of birth control drug in wild horse herds

By **Mateusz Perkowski**
Capital Press

The U.S. Environmental Protection Agency unlawfully rejected an animal rights group's request to consider banning a horse birth control drug, according to a federal judge.

U.S. District Judge Michael Simon ruled the EPA violated administrative law with its "arbitrary and capricious" decision not to conduct a special review of porcine zona pellucida, or PZP, which is used to control wild horse populations on federal lands.

However, while the EPA must reconsider its denial of a petition from the Friends of Animals nonprofit, the judge will not require the agency to suspend PZP's registration as a pesticide, which would have halted its usage.

Though the ruling doesn't stop PZP usage, Friends of Animals considers the decision "a big win" because the judge has effectively said the EPA must take the group's allegations seriously, said Michael

Ray Harris, the nonprofit's attorney.

"He's telling them there's enough evidence here that they can't just blow it off," Harris said.

"Whenever you get an opinion like this, it means you've got evidence."

The judge would not have sent the matter back to EPA for reconsideration just to waste taxpayer dollars, so the agency won't likely want to get "hammered" in court again for disregarding new evidence about PZP, he said.

Friends of Animals ultimately wants to stop PZP usage on wild horses, preferring that federal land managers give them more space to roam rather than rely on birth control, Harris said.

Federal managers could also discourage the killing of predators, especially cougars, which would then control wild horse populations while curbing overgrazing and overbreeding, he said.

"Animals act much as we would. We're not going to put

our young in jeopardy," Harris said. "Animals react instinctively."

Simon's decision affirms an earlier finding from U.S. Magistrate Judge Patricia Sullivan, who determined the EPA "impermissibly deferred" an analysis of PZP's environmental risks to "wild horse management experts."

Friends of Animals petitioned the EPA to conduct a special review to determine whether PZP's pesticide registration should be canceled or revised, then filed a lawsuit against the agency in 2017 after that request was denied.

The group alleges new research has found that PZP, which is extracted from pig ovaries, is "causing undue physical, social and biological harm" to wild horses by creating a "genetic bottleneck" of reduced diversity and increasing deaths among foals because they're born at undesirable times.

Without ruling on the merits of these accusations, the magistrate judge agreed with

Friends of Animals that EPA should have responded directly to these claims instead of saying these questions were better left to wild horse experts.

"Whether a risk would be better addressed by some other expert involved in pest management, or could be addressed by an applicator's determination of 'where, when, and whether to use the pesticide' is not, on its own, a factor that Congress intended EPA to rely on in deciding whether to initiate a Special Review," Sullivan said.

Attorneys for the EPA and the Humane Society of the United States — which intervened in support of using PZP — could not be reached for comment.



The (Bend) Bulletin file photo

Tumalo Falls near Bend

Vandals tear down forest closure signs

By **Michael Kohn**
The (Bend) Bulletin

The Deschutes National Forest is asking trail users to stay out of developed sites in order to follow state orders designed to prevent the spread of novel coronavirus. While many have obeyed and stayed home, a few are having none of it, tearing down the closure signs and breaking locks meant to keep the trail users away.

The signs that have been torn down were laminated, located at the trail kiosks and 8.5-by-11 inches in size, according to Jean Nelson-Dean, public affairs officer for the Deschutes National Forest. She said the U.S. Forest Service is now considering adding larger signs to some areas.

The cut locks were on chains that blocked campground facilities.

"We realize closing our developed sites creates an inconvenience and requires people to change their behaviors in response," said Nelson-Dean. "However, we're in a global pandemic and we believe, as a public agency, being in alignment with federal, state and local health authorities justified that inconvenience."

Nelson-Dean said the Forest Service recognizes the trails have value in relieving stress in uncertain times, but the crowds that gathered in these areas last month were a cause for concern and did not align with Gov. Kate Brown's order to practice social distancing measures.

"We concluded that people's behaviors and the crowding we were seeing compelled us to act," she said.

Nelson-Dean said keeping trails and campgrounds closed not only prevents crowds from gathering, it also reduces the use of masks and gloves required for facility cleaning.

The national forest has no leads on who committed the acts of vandalism. Nelson-Dean called them "really disappointing." The signs were taken down at Rimrock Trailhead, outside Bend on the Cascade Lakes Highway, as well as Phil's Trail, Tumalo Falls and Wanoga Sno-park.

DISTANCE

Continued from Page 2B

She stresses the importance of everyone doing this, even those who do not feel sick.

"We really need everyone in the country to be doing this right now in order to protect our communities and our families," Rajapakse said. "Even if you're not feeling sick, even if the people around you aren't feeling sick, it is still really important to adhere to this 6-foot radius. We know with this infection that people can transmit even before they become symptomatic themselves. Even though someone might be feeling well today, you don't know if tomorrow they might develop symptoms. And if that's the case, then you may have been exposed if you were within that 6-foot radius from them."

In this Q&A, Rajapakse answers questions about activities other than those that are essential:

Can people visit with their friends or neighbors?

Social or physical distancing really should limit your contact with people who do not live in your household. Even neighbors or friends, we're discouraging meeting with those people face to face at all. When you come in contact with someone outside of your household, you're essentially coming in contact with every person that they have come in contact with, as well.

When it comes to some of our most vulnerable populations — the elderly, grandparents, parents, people who have underlying medical conditions — really you are doing the best thing to protect them if you are not visiting with them face to face. There's other great ways to keep in touch with them using digital forms and media, and those would be really encouraged now to help protect them and keep them safe.

There are other ways that you can maintain social connections, which are extremely important during this time when everyone is very worried and anxious. And using digital

means to communicate and stay in touch with friends, neighbors, relatives is really important and encouraged. Even small dinner parties or play dates are discouraged right now.

Can people spend time outside?

It is OK to go outside and in fact encouraged to get some exercise, get some fresh air, get some sunlight, and going outside, spending time outside in areas where there are not crowds of people — for example, going for a walk around your block where you can maintain 6 feet of distance if you were to come across someone else is OK and is encouraged.

What about going to parks and playgrounds?

We would recommend avoiding visiting places like playgrounds or play structures just because those are not cleaned and there's still the risk of exposure in those types of settings. But going for a bike ride, going outside for a hike, going for a walk around the block, definitely OK and encouraged in these times where a bit of fresh air and getting out of the house might be helpful.

What about visiting restaurants or grocery stores?

In areas where restaurants remain open, people should not be dining in. This puts both yourself and the people that work there at risk for exposure. However, it is important to continue to do what we can to support our local businesses.

Ordering food for carry-out or delivery is considered low-risk. Many food delivery companies have shifted to no-contact deliveries, which is also a great way to reduce risk. Buying gift cards online to your favorite local restaurant or business that can be used once these restrictions have been loosened can also be a good way to continue to support local businesses during this challenging time.

Similarly, using a grocery delivery service if one is available in your area can reduce the risk of exposure to infection for both yourself and people who work in the grocery store.

In the worst of times, newspapers rise to the occasion. While everyone struggles to understand "flattening the curve" and social distancing, who will provide you with the information about what is happening in your community?

Baker City Herald

THE OBSERVER