

WELC WINS RULING ON PESTICIDES

The Western Environmental Law Center (WELC) celebrated a legal victory earlier this month over a Bush administration policy that allowed the application of pesticides to waterways without a permit.

On Jan. 7, the 6th Circuit Court of Appeals in Ohio vacated a U.S. Environmental Protection Agency rule put in place in November 2007, which said that pesticides applied in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), were exempt from the permitting requirements of the Clean Water Act.

Under the court's ruling, now nearly all commercial pesticide application to, over and around waterways will require National Pollutant Discharge Elimination System permits. NPDES permits allow for citizens to comment on the plan to apply pesticides and demand oversight by regulatory agencies. The agencies will have to evaluate the effects of individual pesticide applications on fish and wildlife, monitor the amount of pesticide that goes into U.S. waterways and monitor what the cumulative impact is on aquatic organisms, according to WELC.

The case began when WELC won a lawsuit (Headwaters v. Talent Irrigation District) in which Headwaters and Oregon Wild (then ONRC) alleged that an Oregon irrigation district had violated the Clean Water Act by applying aquatic herbicide to canals without a NPDES permit. WELC lost initially but won later when the case was later overturned by the 9th Circuit Court of Appeals.

Charlie Tebbutt, the attorney on the case, says that after WELC's 2001 victory, a representative of the pesticide industry dropped by his Eugene office and told him, "If you don't withdraw your victory, we're going to go to Congress and get this overturned."

Tebbutt says, "I said, 'Good luck; send me a postcard.'"

The pesticide industry eventually succeeded in getting the EPA to overturn the case through an EPA rule under the Bush administration that exempted the pesticide applications to waterways under FIFRA. In 2008 the issue returned to the courtroom, and Tebbutt argued against the EPA's rule in the Republican-dominated 6th Circuit Court of Appeals.

The EPA defended its rule by arguing that the terms of the Clean Water Act are ambiguous, but the when the judges made their decision, they wrote, "We cannot agree. The Clean Water Act is not ambiguous," and vacated the rule, which applies to aerial and truck-based applications of pesticides, but not farm ground.

Tebbutt says under the permit process there is more close monitoring and more careful application of pesticide, "just by paying attention, it reduces the amount of pesticides a lot. He says, "It will be nice to work with a new administration that will protect the waterways instead of the chemical industry." — Camilla Mortensen

SWIFT NOW A CIVILIAN

The new year marks the end of Suzanne Swift's active military duty. She sent her mother a text message after she finished handing in her discharge paperwork. "DONE," it read.

Swift, 24, of Eugene, said she was sexually harassed and abused during her first tour of duty with the Army in Iraq, and suffered from post traumatic stress disorder. Her complaints were ignored, and she went AWOL when she got orders for a second tour in Iraq. She was arrested, accused of desertion, demoted and threatened with prison. Her story got its first media attention in *EW* March 30, 2006. Her mother, Sara Rich, spoke to the Take Back America rally, and Rich's speech was printed as a commentary. The story was then picked up by other media nationally and worldwide and is the subject of a website (www.SuzanneSwift.org) that organizes support for women in the military and calls for an end to "command rape" and other abuses in all branches of the U.S. military.

Rich sent a message to her email list in early January. "I wanted to write one last email to you all to thank you for your care and support through the past few years," she wrote. "It has been a long, long haul. Your emails and prayers have been crucial in helping Suzanne get through this."

Swift was honorably discharged and had re-earned her rank of specialist. She has the GI Bill on her list of benefits and plans to come home to Lane County and continue her education. "We have had some meetings with the local VA people, and they are really helpful and kind," Rich says. "She is going to get more involved with activism through counter-military recruitment and with Iraq Veterans Against the War."

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"She wants to put her life back together," Rich says. "She is optimistic about her future and looking forward to becoming more active in 'real' life." — Ted Taylor



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by TOM TOMORROW



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news Briefs

JOURNALISM'S 'APPALLING' CONDITION

Just how bad is the state of journalism?

UO journalism school dean Tim Gleason described the economic "crisis" in mainstream newspapers as "severe and getting worse." But then, raising an issue that has caused some to question whether mainstream journalism is worth the saving, Gleason declared that journalism has a "symbiotic" relationship with public relations.

"What's happening in newsrooms is appalling," Gleason told the City Club of Eugene Jan. 16. He described the mass layoffs at papers losing ads to the Internet and the down economy. "Maybe information wants to be free, but the reporters who create it would like to be paid," Gleason said.

Don Kahle, publisher of the now defunct *Comic News*, was chosen to ask the first question. Kahle said that about a third of UO Journalism School students major in public relations, that *The Register-Guard* has had reporters and editors leave for PR positions at EWEB and PeaceHealth and that 75 percent of news originates in press releases. To applause, he asked Gleason, if there was a "secret marriage" of journalism and public relations.

Gleason admitted he's married to a PR person. The journalism school dean's wife, Jenny Ulum, is one of the leading corporate

PR people in town. But Gleason called Kahle's question a "fallacy," arguing that the "symbiotic, not adversarial" relationship between news and PR "benefits the public."

Many media ethicists condemn public relations as propaganda. The "church and state" separation of journalism and advertising and public relations is a key ethical tenant of journalism. But the UO "journalism" school has twice as many courses dedicated to advertising and/or public relations as it has dedicated to news-editorial.

Gleason said people aren't reading less news; they're just reading it online where newspapers haven't been able to sell much advertising. "The challenge isn't there's a lack of demand for news; the problem is how we pay for it."

An iTunes for news, where readers pay a small amount for each story they read online, could be a solution, Gleason said.

But under that news model, the future of serious journalism remains in doubt. The most popular, widely read article online of any newspaper in the Northwest in recent years was a story about a man who died after having sex with a horse, according to Steve Smith, former editor of the *Spokane Spokesman-Review*.

—Alan Pittman



Tim Gleason

LOGGING FOR EDUCATION?

The Jan. 8 town hall meeting with Oregon State Sen. Vicki Walker and Reps. Chris Edwards and Nancy Nathanson at North Eugene High School kicked off controversy when Walker discussed logging state forests to raise money for Oregon schools.

The Elliott State Forest is part of the public lands designated for Oregon's Common School Fund. When Oregon