

news Briefs

STATE SUFFERS WHILE COACHES CASH IN BIG

Oregon is furloughing workers, closing DMV offices and letting prisoners out of jail. The state also has the second highest pupil-to-teacher ratio in the nation, but don't worry, the state's football coaches are still getting huge salaries.

UO coach Chip Kelly may take up to \$4.3 million this year in pay and maximum bonuses, according to a national survey of coach salaries last month by *USA Today*. OSU coach Mike Riley may take home up to \$2.3 million in compensation.

While Oregon has some of the lowest paid professors in the nation, the state boasts some of the highest paid assistant football coaches. The UO's nine assistant coaches average \$401,088 in pay with bonuses, according to *USA Today's* online database. OSU trails with an average pay of \$170,126. By comparison, the salary of Oregon's governor is about \$94,000.

Altogether, the state of Oregon could spend up to \$12 million a year on its 20 top football coaches this year.

The UO has long claimed that its lavish athletics department is financially self sufficient, but that's not true. The UO Athletics Department is receiving a \$1.54 million dollar subsidy in 2008-09 from state coffers through a diversion of lottery revenue, according to the Oregon State System of Higher Education (OSSHE) budget. Other aspects of the self-sufficiency claim have never been independently audited. — *Alan Pittman*

PESTERING THE SUPREME COURT

A pesticide case that began in Oregon may make it to the Supreme Court, if pro-pesticide forces that dispute a 6th Circuit Court of Appeals in Ohio ruling have their way. Earlier this year former Western Environmental Law Center (WELC) attorney Charlie Tebbutt, now in private practice, won a legal victory earlier over a policy that allowed the application of pesticides to waterways without a Clean Water Act permit; but the pesticide industry, including CropLife America and the American Farm Bureau Federation, would like to reverse that win.

In January, the Republican-dominated 6th Circuit Court of Appeals ruled on the case then called *National Cotton Council v. EPA* and vacated a U.S. Environmental

Protection Agency rule that was put in place during the second Bush administration. The rule said pesticides applied in accordance with the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) were exempt from the permitting requirements of the Clean Water Act. For nearly 30 years before adoption of that rule in 2006, pesticide labels issued under FIFRA were required to contain a notice that the pesticide could not be discharged into lakes, streams, ponds or public waters unless in accordance with a National Pollutant Discharge Elimination System (NPDES) permit.

The EPA's logic in making the rule change, under pressure from the pesticide industry, was that the application of pesticides does not constitute a "point source" of pollution the same way something like a wastewater discharge outlet does, and is thus is not subject to Clean Water Act regulations. The department's logic says that pesticides are not pollutants as they are leaving the sprayer and being used; only their residues would be considered pollutants.

The rule preventing the use of pesticides on waterways without a permit is not currently in effect because the court issued a two-year stay postponing the ruling's effective date. But when it goes into effect, nearly all commercial pesticide application to, over and around waterways will require NPDES permits, which 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 the cumulative impact on aquatic organisms.

Tebbutt, who is the lead attorney on the case and argued it before the appellate court, would most likely argue the case before the Supreme Court as well, if the case were chosen for review. However, Tebbutt says out of the 8,000 or so cases a year that file petitions for Writ of Certiorari (a review of a lower court's decision), only about 100 or so cases actually get heard by the Supreme Court. "The odds are against it," he says.

In its petition for a Writ of Certiorari filed in November, the pesticide industry argued that a pesticide isn't waste at the point of discharge and centers its argument on the word "from," writing: "One cannot spray ice 'from' a hose, even though water sprayed from a hose may later become ice. Nor can one squeeze butter 'from' a cow. Likewise, pesticide waste is not discharged 'from' application equipment during pesticide use, even if some portion of the pesticide may subsequently miss its target or leave residue in the environment."

The petition also argues that the decision threatens essential activities that protect the nation's public health and food supply. It argues the delay caused by the permitting process would "threaten the biosecurity of the United States."

Tebbutt said, "What the Farm Bureau and CropLife have done is try to create a sky-is-falling mentality to try to get the Supreme Court to take this." — *Camilla Mortensen*

ALLEGED ELF ARSONIST JAILED IN CHINA

Almost three years after most of the Earth Liberation Front eco-arsonists were sentenced in Eugene for their involvement in a variety of environmentally motivated fires across the Northwest, one of the missing alleged arsonists has been sentenced to three years in prison in China for drug-related charges.

Justin Franchi Solondz was indicted in 2006 along with 17 other people, but he was out of the country at the time. The FBI has deemed him a "domestic terrorist" for his roles in an attempted release of wild horses from a BLM corral and the combined arson of the University of Washington Center for Urban Horticulture and the destruction of several buildings at a poplar farm. No one was hurt in either fire.

Solondz, along with Josephine Overaker, Joseph Dibee and Rebecca Rubin, has been on the FBI's "featured fugitives" list for several years. Dibee made headlines back in August when it was revealed that despite being on the FBI's wanted list, he was able to both renew his FAA pilot's license and attempt to sell his airplane on the Internet.

Solondz has apparently been living in Dali, China, with an "altered appearance" according to Associated Press reports, and was arrested in March on drug charges. Chinese authorities reportedly found 33 pounds of marijuana leaves buried in the courtyard of a home he rented. The leaves had been treated with chemicals and were unusable. The arrest has been rumored for several months, but this is the first confirmation of Solondz's arrest and conviction.

The U.S. has no extradition treaty with China, but American authorities have expressed interest in prosecuting him in the U.S. for the arsons once he completes his sentence in China.

According to a *New York Times* article, Solondz's father, Paul Solondz said, "Compared to those horrible people who want to kill as many people as possible in the name of religion, the avowed mission of this organization is to not harm any people or animals. This should not even be called terrorism." — *Camilla Mortensen*



MEDICAL POT CAFÉ PLANNED IN EUGENE

Willamette Valley NORML is hoping to open a Cannabis Café in Eugene in the next few weeks, according to local medical marijuana activist Jim Grieg. He says the café will be similar to one in Portland.

Details are still unavailable, and the group is meeting with an attorney to work out potential problems, Grieg says.

In more cannabis news, Voter Power, the statewide organization that got the Oregon Medical Marijuana Act on the ballot in 1998, now has an office at 687 River Ave. in Eugene, phone 844-1220 or 636-4472, and is hosting cannabis clinics on Wednesdays and Patient Resource Days every other Thursday. The office plans on being open daily beginning in January but needs volunteers.

Voter Power is the driving force behind Initiative 28, which would allow a nonprofit-operated, state-regulated, medical cannabis dispensaries in Oregon. "We are gathering signatures for the 2010 election and just passed the halfway point to get on the ballot," Grieg says.

While pro-marijuana activists are working to make medical marijuana more easily available, a group of concerned law enforcement officials, legislators and citizens are working to repeal the Oregon Medical Marijuana Act with Initiative 32. The legislation would replace the OMMA with a subsidized synthetic cannabinoids prescription program and establish stringent requirements for participation.

The group is called Protect Our Society, and its website is www.protectoursociety.org. POS claims voters were duped into approving the OMMA, which POS says has become "a front for legalizing marijuana ... Currently there are 20,301 Oregon medical marijuana card holders — 88 percent of the card holders are using marijuana as a common pain reliever, less than 3.8 percent are cancer patients."

POS claims pot smoking has increased since the OMMA passed 10 years ago, and says, "Study after study has proven that along with alcohol, marijuana is a gateway drug used by our younger population." — *Ted Taylor*

