

September 30, 2009

Secretary Locke
U.S. Department of Commerce
1401 Constitution Ave., NW
Washington, DC 20230

Dear Secretary Locke:

We are concerned about an ongoing lack of cooperation between National Marine Fisheries Service (NMFS) and the Environmental Protection Administration (EPA) and its resulting effect on agriculture in Washington, Oregon and California. As a Washingtonian and former Governor, you know legal issues surrounding endangered salmon can have a dramatic effect on businesses and communities on the West Coast. You also know how important apples, cherries and other agricultural products are to Washington State and our trading partners around the globe.

Numerous lawsuits have compelled NMFS and EPA to consult under Section 7 of the Endangered Species Act on the potential effects of certain pesticides on listed species. While the agencies technically just completed their first consultation regarding the potential effects of organophosphate pesticides on salmonids, there was little collaboration involved. The agencies failed to work cooperatively, share data or make joint decisions. The sparring between the two agencies is catching Northwest producers in the crossfire.

Rather than coordinate and cooperate with EPA and state regulators, NMFS used outdated, incomplete information and ignored current data. This resulted in an inaccurate risk assessment and new regulations that will have a profound impact on Northwest growers. New buffers and other restrictions could significantly reduce apple, cherry and pear production in Washington and Oregon as well as other crops. It is of great concern to us that NMFS was willing to restrict the use of legal products without consideration of current data much less the effects their decision has on our communities and their economy.

While you were Governor, the Washington State Department of Agriculture, in conjunction with the Department of Ecology, began sampling surface water to evaluate pesticide concentrations in salmonid-bearing streams during typical pesticide use periods to ensure that pesticide use is not a limiting factor in salmon recovery. They now have six years of data targeted to the specific products of concern. Detection levels are far below those recommended as a point of regulation in the NMFS BiOp. The data shows that growers are following existing rules and accordingly, those rules are sufficient to keep pesticides out of water. NMFS did not consider this data. Instead, they recommended new restrictions yet have been unable to explain how or why those decisions were reached.

We fear this process will be repeated, wasting precious agency resources, encouraging further litigation, and presenting agricultural producers with unnecessary burdens that reduce their ability to compete in the global marketplace and maintain sustainable businesses.

As Governor, you championed governmental transparency and use of sound science. As Secretary of Commerce, you have the authority to bring NMFS to the table as part of the solution rather than an obstruction. NMFS and EPA must work cooperatively for the benefit of both salmon and the citizens of the Northwest. This recent decision must not be allowed to set a precedent for future consultations.

We look forward to your response ensuring us that your efforts will require NMFS to use current data and work cooperatively with EPA.

Sincerely,

Heather Hansen, Executive Director, Washington Friends of Farms & Forests
Bruce Grim, Executive Director, Washington State Horticultural Association
Chris Voigt, Executive Director, Washington State Potato Commission
Charles T. Pomianek, Executive Director, Wenatchee Valley Traffic Association
Pat Batts, Chief Executive Officer, Washington State Farm Bureau
Keith Matthews, Executive Director, Yakima Valley Growers and Shippers Association
Shane Johnson, Executive Secretary, Washington Alfalfa Seed Commission
Pete Heide, Senior Director of Forest Policy, Washington Forest Protection Association
Rod Christensen, Executive Director, Washington Mint Growers Association
Jud Hedine, President, Pacific Northwest Vegetable Association
Drex Gauntt, President, Washington State Hay Growers Association
James F. Fitzgerald, Executive Director, Far West Agribusiness Association
Vicky Scharlau, Washington Association of Wine Grape Growers
Merri Erickson, President, Washington Cranberry Alliance
Jeanne McNeil, Executive Director, Washington Nursery and Landscape Association
Jere Downing, Executive Director, Cranberry Institute
John Roozen, President, Northwest Bulb Growers Association
Robert Johns, President, Oregon-Washington Pea Growers Association
Kirby Johnson, President, Puget Sound Seed Growers Association
Roger Knutson, President, Washington State Bulb Commission
Curtis Johnson, President, Western Washington Agricultural Association