

Current and Former Fish and Wildlife Service Employees  
in Support of Andrew Eller

This statement of support represents the views of current and former employees of the Fish and Wildlife Service (Service) who have worked with Andrew Eller during his 18-year career.

We believe that the Service's termination of Andrew Eller is a grave injustice to a highly competent and dedicated employee who has consistently worked to protect threatened and endangered species and the ecosystems upon which they depend throughout his entire career.

We feel a need to voice our collective concerns anonymously over this atrocity and others we witness within the Service for fear of similar retribution. In short, we feel that it is not safe to speak out individually because we do not want to be discriminated against or be penalized for speaking the truth, having high ethical standards, upholding the law, and making known the injustices that have occurred and continue to occur within the Service.

Andrew Eller has worked for the Service for over 18 years. Few employees within the Vero Beach Office have his experience or knowledge or worked for the agency as long. For more than 10 of his 18 years with the Service, Andrew has been directly involved in panther recovery and regulatory issues. He was the Assistant Panther Coordinator in Naples, Florida, from 1993 until 1998, when he was given a directed reassignment from panther recovery to panther regulatory issues. His reassignment was due to the Service's elimination of the Panther Coordinator and Assistant Panther Coordinator positions.

Andrew had been among the most knowledgeable biologists regarding the Florida panther employed by the Service. His comprehension of panther biology and literature is unsurpassed. In contrast, Andrew's immediate supervisor has been a supervisor in the Service for roughly 2 years. Andrew's immediate supervisor refers to the panther as a "zoo species" and has stated on several occasions to various parties that a "jeopardy opinion" would not be found for the panther or any other species in south Florida. In the spring of 2002, Andrew was reassigned from Naples to Vero Beach, supposedly so that he could be kept under closer scrutiny. In the spring of 2003, nearly all biological work related to panther regulatory issues was removed from Andrew. He was ordered not to speak with staff about panther issues, and staff were directed not to speak with Andrew.

We recognize that each employee and each person has strengths and weaknesses. Although not privy to all of the facts or allegations surrounding this case, we can attest to what we have experienced and witnessed within the Service. According to a July 21, 2004 article in the News-Press ("FWS to fire whistle-blower"), the Service was proposing Andrew's termination due to his poor performance in 2002-2003 (i.e., 70 missed deadlines). Those who have worked on listed species regulatory issues or witnessed this work are fully aware of the enormous volume of proposed projects that come in to the Vero Beach office on a routine basis. With 68 federally listed species in south Florida, these projects are often complex and controversial. Both biologists and managers responsible for evaluations under section 7 of the ESA should understand the need

for analysis of each individual project and the need for sound science in the formation of the Service's opinion. Managers, working under the authorities with which they are entrusted, should understand and appreciate the need for the time and resources to conduct such analyses properly and dedicate available resources accordingly.

Performance should be measured based upon if work is sound and ecologically defensible as well as its timeliness. For those performing section 7 consultations, performance should be judged on whether an action is initiated within 30-days and on the quality of analyses involved in the consultations. With complex projects and multiple listed species concerns, it is nearly impossible to gather the necessary information within a specified 30-day window, especially when information must be obtained from other agencies (e.g., U.S. Army Corps of Engineers) or those with vested interest in the projects (i.e., consultants, lawyers). It is extremely difficult to complete thorough consultations within 90 days, especially when information to analyze project impacts is lacking.

We know of no biologist working on section 7 consultations within the Vero Beach office or elsewhere who has not been late in completing assignments. Biologists working in other areas of the office have similarly been late in completing assignments. However, as many can attest, the standard at which Andrew is being held is different than that of his co-workers. Many outside and inside the agency believe that Andrew was punished for reasons not associated with his performance and has suffered the ultimate cost – termination for simply doing his job.

It is outrageous to think that in America in 2004 an experienced and dedicated veteran of the Service could suffer termination for simply asking questions, refusing to incorporate non-factual information into biological opinions, and challenging panther science. Those who know Andrew and his work know better than to think that the Service's timing of the action against him and his challenge of the Information Quality Act is "coincidental" as indicated by a Service spokesman in the July 21, 2004 News-Press article. Clearly, "more than one biologist would speak up about this" if they did not fear for similar retributions.

We sincerely hope that PEER will continue to fight for Andrew Eller in whatever capacity it can. The injustices brought against Andrew Eller can happen to any of us at any facet of the government at any time. If Andrew Eller can be fired for simply doing his job, any other ethical and hardworking employee can, too. PEER needs to stand with Andrew Eller and all other ethical, dedicated employees who have the guts to question management decisions and encourage the use of sound science within their agencies. The atmosphere where government employees are afraid to use science, question management, and do their jobs must end.