

Court Rejects Rifkin in Biotech Cases

Two separate lawsuits filed by social activist Jeremy Rifkin in an attempt to block federal approval of biotechnology experiments have been dismissed by a federal judge.

In one suit, Rifkin sought to overturn the Coordinated Framework for Regulation of Biotechnology, issued on 26 June by the Office of Science and Technology Policy. Rifkin, who heads the Foundation on Economic Trends based in Washington, DC, argued that the framework violated the Administrative Procedures Act and the National Environmental Policy Act.

In a decision issued on 22 December, Judge Gerhard A. Gesell of the United States District Court for the District of Columbia found Rifkin's complaint to be "defective." Gesell noted that "While the document [26 June notice] is not a model of clarity, its treatment by the agencies involved conclusively establishes it is merely a first effort to aid in formulation of agency policy with respect to control of microorganisms developed by genetic engineering techniques." Gesell also noted that there were no specific agency actions with an identifiable impact on the environment.

Rifkin's attorneys had argued that definitions contained in the framework affecting research and commercial production had significant regulatory implications. The argument was based on the declaration in the 26 June *Federal Register* notice that the Biotechnology Science Coordinating Committee, the Environmental Protection Agency (EPA), the Department of Agriculture (USDA), and other federal agencies were adopting the policies immediately. (However, USDA, the National Science Foundation, and the Food and Drug Administration this fall issued notices stating that they were not adopting definitions contained in the notice at this time.)

The failure to cite a specific injury was cited by Gesell as the basis for dismissing the second lawsuit brought by Rifkin, this time against EPA. Rifkin sought to force EPA to modify agency rules governing the deliberate release of genetically engineered pesticides into the environment, on the grounds that EPA had a responsibility to require that companies engaging in such actions demonstrate a financial capacity to abate damage that might result to the environment. But Gesell said Rifkin failed to demonstrate that he had legal standing.

Reacting to the decisions, Bruce Mackler, general counsel for the Association of Biotechnology Companies, said "I think Judge

Gesell's resolution of these suits will clear the muddled waters to enable the [federal] agencies to move forward, rather than to constantly feel that they are under siege by Mr. Rifkin." Richard Godown, executive director of the Industrial Biotechnology Association, said the court's action shows that Rifkin was "simply trying to create artificial stumbling blocks" for the biotechnology industry. ■ **MARK CRAWFORD**

Math Papers Called Inaccessible

Who reads mathematics papers? Not many, according to James Yorke of the University of Maryland, who voiced his concerns in a letter published in the January 1987 issue of the *Notices of the American Mathematical Society*. Yorke notes that a study by Eugene Garfield of the 1000 most cited scientists "turned up ZERO mathematicians." Mathematicians do not even cite each other very often. "To me this indicates that while some research is widely celebrated, very little of it is very useful to mathematicians," Yorke writes.

It's even worse for non-mathematicians, according to Yorke. "As a mathematician who has many contacts with physicists, I sometimes encounter physicists who want to understand various theorems," he says in his letter. "The results are necessary for their research. They are respected scientists, though of course they have not taken even the basic mathematics graduate courses that everybody takes. They find they cannot read papers in math journals. Of course, mathematicians sometimes cannot read math papers, but it seems the physicists find they NEVER can. If mathematics is supposed to be useful in surprising ways, who is supposed to find the specific applications?"

Good question. Yorke's charges are bound to be provocative, but he, at least, feels that mathematicians could turn things around if they really wanted to.

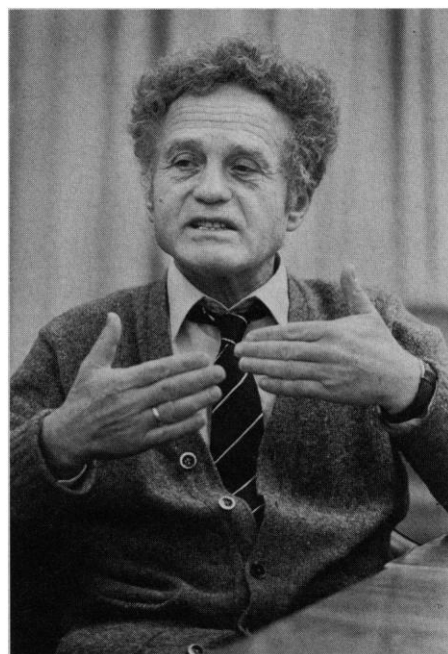
A first step, Yorke says, might be for mathematicians to send their papers to colleagues and friends before they submit them and ask, What is wrong with this paper? In addition, the reviewers of math papers should have areas of expertise that are not exactly those of the paper's authors. When authors and reviewers say, as they do now, that "everybody" knows certain results or knows why certain problems are interesting and so those results need not be explained nor the problems motivated in papers, they are talking about a very small group of cognoscenti. ■ **GINA KOLATA**

Briefing:

Comings and Goings

Burton Edelson, who has directed space science and applications at the National Aeronautics and Space Administration for the past 5 years, has announced plans to leave NASA this spring. The only associate administrator at NASA to have kept his job in the wake of the Challenger accident, Edelson has not said where he is going but indicated that he plans to remain at NASA until congressional hearings on the agency's budget are completed. ■ **C.N.**

Soviet dissident physicist **Yuri F. Orlov** (below), who was allowed to emigrate last fall, has accepted a post as senior scientist at Cornell University, effective 23 December. Orlov has received job offers from several universities; Cornell has been angling for him since 1982. Orlov, who specializes in the design of particle accelerators, has a 3-year appointment at the Laboratory of Nuclear Studies, which operates the Cornell Electron Storage Ring. He and his wife, Irina Valitova, will live in Ithaca. ■ **C.H.**



Charles Harrington, Cornell University

Senator **Donald W. Riegle, Jr.** (D-MI), has been named chairman of the Senate Commerce Committee's subcommittee on science, technology, and space, which is the main locus in the Senate for legislation concerning science policy, the National Science Foundation, and the civilian space program. Riegle, 48, has been in Congress for two decades, having served 10 years in the House before being elected to the Senate in 1976. ■ **C.N.**