

GAO

Testimony

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CANADA LYNX SURVEY

Unauthorized Hair
Samples Submitted for
Analysis

Statement of Ronald Malfi,
Acting Managing Director
Office of Special Investigations



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Mr. Chairman and members of the Committee:

We are here today to discuss the investigation you asked us to undertake concerning allegations that biologists with both federal and state agencies submitted or participated in the submission of unauthorized hair samples purportedly from the Gifford Pinchot and Wenatchee National Forests, in response to the National Interagency Canada Lynx Survey (National Survey).

The report titled, *Canada Lynx Survey: Unauthorized Hair Samples Submitted for Analysis*, dated Mar. 3, 2002, (GAO-02-338R) released today details our investigation, and I ask that it be made a part of the hearing record. Accompanying me today is Assistant Director Patrick Sullivan.

The National Interagency Canada Lynx Survey (Protocol) was designed to determine the presence of Canada lynx through deoxyribonucleic acid (DNA) analysis of hair samples recovered from scratch pads located in forests of the northern United States. Included in the survey were the Gifford Pinchot and Wenatchee National Forests, in Washington. This survey covered a three-year period from 1999 through 2001, was sponsored by the U. S. Forest Service, with the assistance of the U. S. Fish and Wildlife and the Washington Department of Fish and Wildlife. The University of Montana's laboratory performed the DNA testing of hair samples collected under the survey. If the National Survey had detected Canada lynx in an area not previously recognized as a known lynx habitat, a follow-up survey would have been conducted in that area to determine whether or not a lynx population was present.

Beginning in January 2002, we investigated the facts and circumstances surrounding the submission of the unauthorized samples to the laboratory as part of the National Survey and focused the investigation on whether the biologists involved had communications about their submissions.

In summary, there were four instances in which unauthorized hair samples not obtained from the Wenatchee and Gifford Pinchot National Forests, were submitted for DNA

testing as part of the National Survey for those forests. These included one submission of bobcat hair in 1999, and three submissions of lynx hair in September and October 2000. The Forest Service, Fish and Wildlife Service, and Washington Department of Fish and Wildlife employed the biologists who made those submissions. These biologists maintain that they submitted these samples to test the accuracy of the work performed by the laboratory, although they knew that the Protocol for the National Survey did not provide for such action. They also stated that they did not have the authority to make these submissions and that they were aware that they had alternatives for testing the laboratory other than submitting samples as part of the survey.

The Protocol under which the survey was conducted describes the method for detecting lynx, obtaining lynx hair samples, and submitting the samples to the laboratory for analysis. The Protocol did not provide procedures to submit hair samples collected outside the survey to test the accuracy of laboratory results. Further, the director of the laboratory told us that there was no procedure whereby the biologists who submitted samples would receive preliminary results, so that they could subsequently notify the laboratory of their unauthorized submissions.

In 2000, one of the participants, a biologist with the Forest Service, notified the field coordinator for the National Survey that a control sample had been submitted in connection with the survey for the Gifford Pinchot National Forest. However, he did not identify which sample was the control. As a result, the laboratory and the Forest Service decided not to analyze the hair samples submitted as part of the 2000 survey for the region that included the Gifford Pinchot and Wenatchee National Forests until the Forest Service completed an investigation and identified all of the unauthorized submissions. None of the other biologists who made unauthorized submissions disclosed their actions until after the Forest Service commenced its investigation.

After the unauthorized samples were identified, the laboratory completed its analysis of the 2000 survey samples, including the three unauthorized samples. These three samples were determined to be Canada lynx, and were the only samples submitted for analysis

for the Gifford Pinchot and Wenatchee National Forests that tested positive for Canada lynx.

We found that some of the individuals who participated in the unauthorized submissions had discussions about submitting unauthorized samples both prior to and after the submissions. For example, a biologist with the Fish & Wildlife Service had prior discussions with two of the three biologists who made unauthorized submissions in 2000. This biologist did not make any submission, but participated in the collection of hair collected from captive lynx, which was the source of the unauthorized samples submitted by both a Forest Service biologist with the Gifford Pinchot National Forest and another Fish and Wild Life Service biologist with the Wenatchee National Forest.

Further, the employees of the Washington Department of Fish and Wildlife who made the unauthorized submissions did not discuss those submissions in advance with persons outside their Department. They did, however, subsequent to the submissions, discuss their actions with employees of both the Forest Service and Fish and Wildlife Service, some of whom also made unauthorized submissions.

We also found that other employees of the Forest Service, Fish and Wildlife, and Washington Department of Fish and Wildlife knew of and/or participated in the unauthorized submissions, including some supervisors.

Mr. Chairman, that completes my prepared statement. We would be happy to respond to any questions you or other members of the Committee may have at this time.

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