

State imposes fines over herbicide

• A Klamath County agency and worker are told to pay \$7,215 each

By Scott Hammers / *The Bulletin*

Published: July 05, 2012 4:00AM PST

A state agency has issued fines of \$7,215 each to both the Klamath County Public Works Department and one of its employees for misuse of an herbicide in two neighborhoods south of La Pine.

A yearlong investigation by the Oregon Department of Agriculture concluded the public works department and employee Alex Lagunas acted in a “faulty, careless or negligent manner” when they applied an herbicide called Outpost 22K in the Riverpine Estates and Jack Pine Village subdivisions as part of an effort to combat invasive knapweed in the summer of 2010, said Dale Mitchell, compliance monitoring and enforcement program manager for the Department of Agriculture’s pesticide division.

The department and Lagunas both have 10 days from the issuance of the fines on June 29 to appeal.

The state began investigating about a year after the spraying, when residents began reporting dying trees and traces of picloram, the active ingredient in Outpost 22K, began turning up in tests of wells.

Ultimately, the Department of Agriculture found the spraying had impacted 10 properties in the area, plus five private wells, Mitchell said.

The investigation determined it’s unlikely anyone suffered physical harm from the use of Outpost 22K. Picloram can cause liver damage if ingested in sufficient quantities; however, tests performed by the state Department of Environmental Quality found picloram levels were well below the “level of concern” set by the federal Environmental Protection Agency.

“We don’t feel we have any substantial evidence at this time to link any claims of adverse health effects to the levels of picloram that were found,” Mitchell said.

Investigators determined that those responsible for applying the Outpost 22K failed to take into consideration instructions that the herbicide should not be used near ornamental plants, on permeable soil and in places where the chemicals are likely to migrate into groundwater.

Mitchell said a dozen residents of the area have filed a “report of loss” with his office, expressing their intentions to seek compensation for trees or other plants killed by the application of the herbicide. Individuals interested in filing a civil suit must first file report of loss with the Department of Agriculture, Mitchell said.

The Department of Agriculture advises residents to destroy dead or dying plants believed to have been damaged by Outpost 22K by burning them.

Klamath County Public Works Director Stan Strickland said he had been advised to direct all questions about the Department of Agriculture’s action to County Commissioner Cheryl Hukill. Hukill did not return a call seeking comment.

— Reporter: 541-383-0387, shammers@bendbulletin.com

Published Daily in Bend Oregon by Western Communications, Inc. © 2011

www.bendbulletin.com