

ODA completes Curry County pesticide use investigation, finds violations

April 8, 2014... The Oregon Department of Agriculture has completed its pesticide use investigation of an incident involving an aerial application to timber lands in Curry County last year that resulted in complaints of chemical exposure by residents in the area. The investigation, conducted by ODA's Pesticides Program, finds multiple violations by the pesticide operator and applicator, and evidence that pesticides were present on residential properties in Cedar Valley, near Gold Beach. Due to the seriousness of the incident, ODA, the US Environmental Protection Agency (EPA), and the Oregon Department of Forestry (ODF) are collaborating on enforcement actions. ODA has referred the case to EPA for potential violations of federal pesticide law. Once EPA has concluded its enforcement actions, ODA will address violations under the Oregon Pest Control Act and ODF will address violations of the Oregon Forest Practices Act.

ODA concludes that Pacific Air Research— a licensed commercial pesticide operator based in White City, Oregon— and its aerial applicator:

- allowed pesticide products to fall on properties other than the intended application site
- applied one product at a rate above the maximum allowed by the label instructions
- provided multiple false records that misled ODA about the actual products used.

Each finding is a violation and may result in civil penalties to be determined.

The incident occurred in October 2013 when residents complained to ODA about being exposed to pesticides from a helicopter later identified as belonging to Pacific Air Research. ODA collected 7 vegetative samples from complainants' properties and tested each for 5 active ingredients. Out of 35 analyses, 3 came back positive. Laboratory analysis confirmed the presence of the pesticide active ingredients 2,4-D and triclopyr. The sample results are consistent with claims by residents of potential exposure to chemicals. While the pesticide residue levels on the samples were either at or slightly above the minimum detection level, the degree of risk to people and animals potentially affected cannot be determined without knowing the specific level of exposure for each individual. Residents who contacted ODA were advised to see their health care provider if they had concerns about potential pesticide exposure.

Meanwhile, ODF requires notifications to be submitted prior to applying pesticides on forest land to monitor and regulate what is being used and to protect natural resources. ODF found an inconsistency between the pesticides listed on the notification and what was actually sprayed. This violates the Forest Practices Act, and ODF will issue a citation. Based on

---more---

information from ODA’s investigation, ODF continues its investigation and will fully pursue enforcement options consistent with its legal authority.

Throughout the investigation, ODA received limited cooperation and misleading information from Pacific Air Research, which led to a complex, difficult, and lengthy investigative process. The Pesticide Analytical Response Center (PARC), administered by ODA, communicated with various local, state, and federal agencies throughout the process. ODA will coordinate with EPA and ODF on issuance of penalties associated with violations by Pacific Air Research.

Under its authority and responsibility, ODA’s investigation was limited to pesticide use. However, ODA recognizes the community’s health concerns and the challenge of providing information during an investigation. Because the incident involves potential exposure of people and animals to pesticides, the case has been referred to PARC, which includes health-related entities. PARC will play a key role in recommending ways to ensure physicians have access to information and to improve communication with affected residents during a pesticide investigation.

Media contacts:

Bruce Pokarney (ODA) 503-986-4559

Nick Hennemann (ODF) 503-945-7248

Judy Smith (EPA) 503-326-6994