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## News Release

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### **Third State Agency Issues Suspension and Fines of \$14,100 in Aerial Herbicide Spray Case**

*Attorney General calls "hazardous and illegal activities" willfully performed by Oregon helicopter herbicide spray company a risk of irreparable harm for workers and public*

**EUGENE, ORE.** -- It has taken state government five months to temporarily ground Applebee Aviation after a worker reported a collection of illegal and hazardous practices he witnesses while working as a hazardous materials truck driver and chemical loader. Darryl Ivy, who is certified and licensed to drive trucks carrying hazardous materials, first reported the illegal work place conditions and violations of federal pesticide laws in April 2015.

The Oregon Department of Transportation (ODOT) counted forty-nine recent violations of transportation laws violated by the helicopter and trucking company. On September 3, 2015 ODOT issued civil fines of \$14,100 and a 10-day license suspension in Applebee's case, but didn't release the information to the public until October 15.

On September 23, Oregon Occupational Safety and Health Division (OR-OSHA) cited Applebee Aviation for 12 serious violations of worker safety and protection laws and fined the company \$8,850. Two days following, the state's Department of Agriculture levied \$1,100 in civil penalties against Applebee Aviation.

The Oregon Department of Forestry neglected to inform state foresters and other agencies while Applebee continued to spray herbicides after his license was suspended. Beyond Toxics filed a complaint on October 7th. The state agencies then called upon the Oregon Attorney General to call for a restraining order after Applebee had sprayed pesticides on federal and state lands. Court documents reveal Attorney General Rosenbaum's concern that Applebee showed a willingness to violate the law, creating serious endangerment to worker health and safety and risk to the public.

In May, Ivy's story and several videos he took at the work site [appeared in The Oregonian](#). Ivy claimed he and other workers repeatedly had to take cover to avoid being showered with herbicides being sprayed from helicopters. Ivy also alleged the use of leaky equipment, improper handling of pesticide containers and the use of logging roads on land that had freshly slid.

"I got choked up when I heard about the Attorney General's demand for a restraining order for Applebee Aviation," said whistleblower Darryl Ivy, responding to news stories that broke this week. "I felt a sort of vindication – finally there was acknowledgement that this company has been carrying out illegal activities that harm their workers."

“Darryl is one among many that have come to Beyond Toxics seeking help to protect themselves from Applebee Aviation aerial herbicide sprays. We’re glad the State has now taken some action, but people have been hurt and environmental contamination continues to occur,” said Lisa Arkin, Executive Director of Beyond Toxics, the non-profit Ivy approached with initial concerns about his experiences.

“We’ve got a culture that allows state agencies to turn a blind eye to public complaints,” Arkin observes. “Elected officials are still supporting outdated aerial spray laws.”

When asked if he was surprised by the recent legal developments to restrain the helicopter spray company, Ivy replied, “I’m not shocked. It seems to be that this company considers itself to be above the law.”

Beyond Toxics has published a list of five recommendations to help remedy worker safety violations pertaining to the use of pesticides in the workplace, including more onsite inspections and protection against retribution for reporting an employer’s illegal activities. The recommendations can be found at <http://www.beyondtoxics.org/resources/seeking-justice-for-poisoned-workers/>

## BACKGROUND

A series of stories from Oregonian reporter, Rob Davis this past Spring

[http://www.oregonlive.com/environment/index.ssf/2015/05/whistleblower\\_videos\\_reveal\\_he.html](http://www.oregonlive.com/environment/index.ssf/2015/05/whistleblower_videos_reveal_he.html)

***Pesticide Spraying Firm Penalized After Chemical-Exposure Incident*** by Tony Schick OPB/EarthFix |

Oct. 1, 2015

<http://www.opb.org/news/article/pesticide-spraying-firm-penalized-after-chemical-exposure-incident/>

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Beyond Toxics works to guarantee environmental protections and health for all communities and residents. We expose root causes of toxic pollution and help communities find effective, lasting solutions.

**[www.BeyondToxics.org](http://www.BeyondToxics.org)**