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Cedar Valley residents report 'many symptoms' from spraying 042314*Published 5/1/2014*

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Cedar Valley residents report 'many symptoms'

By Jesse Eells-Adams

"Aerial Spraying Investigation Leaves Cedar Valley Residents Sick, State and Federal Agencies Involved."

A routine aerial spraying by Pacific Air Research on properties near Gold Beach led to the biggest herbicide application investigation case ever in Oregon. Pacific Air Research was hired by Crook Timberlands for three of its properties and Joseph Kauffman for his property in Cedar Valley. Pacific Air Research sprayed three Crook properties on that day, October 16 2013, one on Grizzly Mountain and two in Cedar Valley.

Although there has often been conflict on a smaller scale between property owners neighboring tree farm properties scheduled to be sprayed by herbicide application companies, this investigation was prompted due to over 30 residents of Cedar Valley issuing complaints to the Oregon Department of Agriculture. The residents complained of many symptoms of illness that began almost immediately after a helicopter was seen flying over their property.

The helicopter had several times flown from its landing pad at the northernmost Crook site scheduled to be sprayed in Cedar Valley, loaded with chemicals 2,4-d and triclopyr, and flew westbound to the Kauffman property. In samples taken by the ODA on October 23, it was confirmed in their recently issued report on April 8 that these two chemicals were present on several properties that lay in the flight path of the helicopter.

The chemicals 2,4-d and triclopyr are commonly found in the herbicide Roundup, which is manufactured by Monsanto.

On the Kauffman site, these two chemicals were found in accordance to the notification Pacific Air Research sent to the Oregon Department of Forestry. However, in the Crook sites, five different chemicals were found that ODA was not notified about, and one chemical was used in excess, constituting two of the three violations ODA found during the investigation.

"On the 23rd or 24th, my lungs were bleeding, and I started coughing up blood" says Keith Wright, a resident of Cedar Valley and a Vietnam War Veteran who was exposed to agent orange during his service. 2,4-d is an active ingredient in agent orange.

John Burns, another Cedar Valley resident, was one of the first who initially filed complaints to ODA and other state agencies.

Throughout the investigation of Pacific Air Research by ODA, which



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began on October 23, Burns and others have been frustrated with the near lack of information that ODA would provide them during the ongoing investigation, including the complete lack of information about what chemicals they might have been exposed to.

"If you take 2,4-d, which is the basis of agent orange, and you add chlorine to it, it's an automatic toxin. Triclopyr is a type of chlorine. They won't tell you that stuff." Burns explained. "All this time we've had people trying to discredit us, trying to make the claim for the chemical companies saying 'It's just Roundup, it's just 2,4-d, big deal'. That's not what was put on us. It's the mixture. It changes the whole chemical product, and that's what we're upset about." Burns was working outside in his yard when the helicopter began flying overhead between the Crook and Kauffman properties.

"Someone from the Oregon Health Authority told that in actuality, a helicopter leaks one percent of its herbicide cargo. Anytime you see a helicopter, it's leaking", says Jim Sweeney, whose property borders the Crook tree farm on Grizzly Mountain. Sweeney is on the Oregon Department of Forestry's aerial spraying notification list, which costs a minimum of \$25 a year to join. He received a message first from Rick Barnes of Crook Timberlands on October 14th of a use observation and aerial spraying to take place on the 15th on their Grizzly Mountain property.

"I got a telephone message from Rick Barnes at 4 p.m. the 14th." says Sweeney. "I called the Oregon Department of Agriculture and demanded that somebody be here, somebody authorized to shut down this operation. A guy showed up from Eugene Tuesday and shut down the operation, declaring that it was too windy." The oversight of the spraying on the 16th was conducted by Stacy Savona of the ODF.

"Because of logistics and questionable weather for the 16th, ODA was unable to have an investigator on site for the application." says lead investigator Mike Odenthal of ODA.

Oregon State Senator Jeff Kruse comments "If we're talking about aerial spraying, there's a way of doing it to not get any drift. You can do it when there's no wind, all that sort of stuff."

"There isn't one day that you should be spraying around here, because the weather changes so fast. You could start spraying and then an hour later, everything has changed." says Barbara Burns of Cedar Valley

Frustrated with the lack of information from ODA, some Cedar Valley residents contacted the public education non-profit Beyond Toxic, led by Director Lisa Arkin. Beyond Toxic was instrumental, along with petitions filed by Cedar Valley residents, with contacting the Environmental Protection Agency and also Oregon Attorney General Ellen Rosenblum. Rosenblum saw that the information held by ODA necessary for physicians treating the exposed in the Cedar Valley case was released.

"Based on past experience with these things, we came to the conclusion that we needed to make sure that the EPA were involved." says Arkin. "Suffice to say that Beyond Toxic receives many calls from around the state that the Oregon Department of Agriculture has not investigated their situation adequately."

In a Curry County Board of Commissioners workshop on Tuesday, April 8, Director of ODA Katy Coba via video conferencing came to the defense of the lengthy investigation and release of information.

"I think it's important to convey to everyone that this was a very unusual investigation for us at the Department of Agriculture." she said. "The primary reason being it was extremely difficult to get information



from the pesticide applicator, the applicator was not cooperative and provided us false information multiple times." The applicator, Pacific Air Research, was found guilty of providing false information to the investigation in terms of chemicals used, etc., the third violation of three they were charged with by ODA.

Says Coba: "It is important for you to know that we and the EPA and the Department of Forestry take this case very seriously, and are moving forward aggressively in the enforcement phase to look at violations of the federal law and state law and make enforcement decisions based on those actions."

The question of private property right infringements is coming up often in this case. Kruse stated "There's always going to be mistakes ...the residential area has some rights to a degree, but their rights end when the property line ends."

Arkin disagrees. "If there is a trespass on someone's property, that is trespass, whether it's an intruder or chemicals that can be lethal. A timber operator by law can spray on their property, but also by law he cannot allow that chemical to leave the boundaries of that property he is spraying. That's federal law."

The chemicals sprayed don't necessarily have to be applied onto a residential property to be present. Arkin and Cedar Valley residents worry about volatilisation, or herbicidal chemicals evaporating into gas and being subject to downwind forces, and also possible contact with drinking water. "That's why we're still sick", says John Burns.

Oregon state laws are under scrutiny by people such as Arkin for their lax regulations compared to neighboring states. "In other states such as Washing and California, there are restrictions on what kinds of chemicals you can use near your groundwater, there are buffer zones for drinking water, homes and schools. Oregon doesn't have any of that." Arkin says. "But the biggest difference in Oregon is a person who wants to spray pesticides from a helicopter for forestry operations merely informs the Department of Forestry that they are going to do this. In Washington, it's an application, a permit process. That means there's time for the state foresters to look at the plan, walk the property if necessary, allow for public comments from neighbors, to make sure that this is a plan that not only meets the needs of forestry but also meets the needs of water protection and community protection."

Burns added "We don't want anything happening to the logging industry. We (just) want to see the regulations change to a point where we don't have people contaminated."

The ODA, ODF, and EPA are still in the penalty phase for federal and state law violations by Pacific Air Research.

There will be a community workshop attended by guest speakers that addresses issues of spraying, legal practices of the Forest Protection Act, and other pertaining issues at the Gold Beach High School cafeteria tonight, April 23, from 6 to 9 p.m.

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