



Oregon agriculture agency blew off another complaint about helicopter spraying weed killers

Rob Davis | The Oregonian/OregonLive By Rob Davis | The Oregonian/OregonLive

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Dena Reynolds called everyone she thought could help.

A helicopter last July sprayed herbicides to control weeds on a forest clearcut a few hundred feet behind her house.

Soon, fumes enveloped her home, which sits on 40 acres in Douglas County, the heart of Oregon's timber industry. Helicopters have sprayed weed killers there more frequently than in any other Oregon county in the last decade.

Reynolds and her partner got headaches, she told The Oregonian/OregonLive. Her aging parents, sitting outside, rushed indoors to escape the overwhelming smell of chemicals. Reynolds didn't know it yet, but two of her quail soon would die. So would one of her chickens. Her organic vegetable garden would produce its lowest yields in years.

Reynolds was worried about her parents, her own health, her animals and the salmon and steelhead that run near her property -- so endangered, she says, she can't catch and keep them.

She immediately called the timber company doing the spraying, Roseburg Forest Products. A forester apologized for not letting her know in advance about the spray. A company spokesman said she wasn't notified because she lived a quarter-mile from the private timberland.

Two days later, she was still concerned. She called the Oregon Department of Fish and Wildlife, asking the agency to send a biologist to check on the fish. *Our hands are tied*, Reynolds remembers the man saying.

She called the U.S. Fish and Wildlife Service. They gave her another number.

She called the U.S. Environmental Protection Agency. They gave her another number.

She called the Oregon Department of Environmental Quality. They referred her to the Oregon Department of Agriculture.

When she phoned the Agriculture Department, she'd finally arrived at the state agency that is supposed to investigate whether herbicides have been used legally.

At the time she called, the agency's pesticide investigators were already in the public spotlight. They had bungled

their response to an October 2013 herbicide poisoning in Curry County, ignoring **six years of complaints and red flags** about the companies involved.

After more than a dozen Curry County residents complained that October of being sprayed from above with weed killers, state investigators didn't respond for a week and refused for months to tell victims what they were sprayed with.

Katy Coba, the Agriculture Department director, had pledged reforms, saying her agency could communicate far better with concerned state residents.

Throughout 2014, Coba was promising improvement. Amidst those assurances, Reynolds called. If her complaint was a test of Coba's reform message, the department failed.

Reynolds ran into the same roadblocks as others before her. Her complaint was never investigated.

Reynolds reached Mike Odenthal, the same pesticide investigator who led the bungled Curry County case.

She remembers telling him how worried she was about her parents, her well water, and her animals. She said she hadn't seen any mist directly hit her property.

Seven months later, Reynolds still remembers how dismissive Odenthal sounded.

"His exact words were: 'The drift is not going to hurt you,'" she said.

If she saw trees or grasses die on her property in three months, she recalls Odenthal saying, she should call back.

Odenthal has a different memory of his conversation with Reynolds. He filed it as a call from someone looking for information, not complaining.

"She did not imply that she was concerned about it," he said. "She did not want us to follow up."

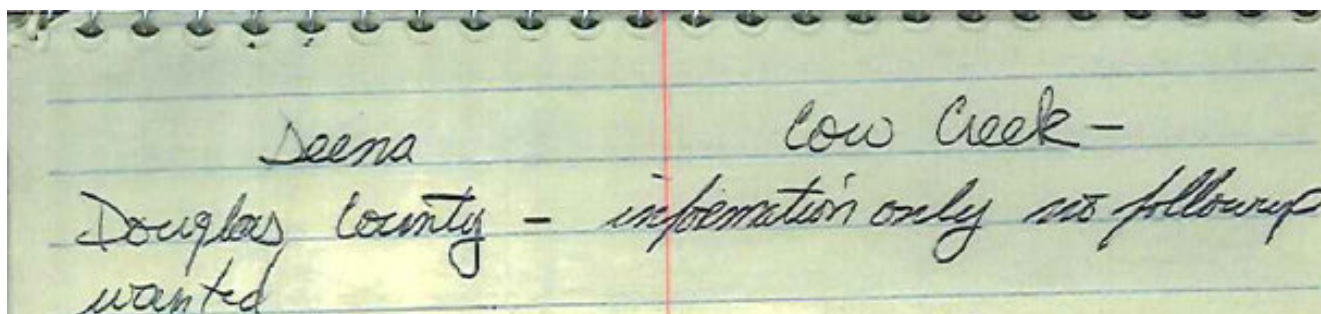
Oregon agriculture agency blew off another weed killer spray complaint

Dena Reynolds called the state Department of Agriculture to complain about the fumes from a helicopter spraying weed killers near her home. Her complaint wasn't investigated.

Reynolds was outraged to hear Odenthal's recollection. Why else would she have called so many agencies, she asked, if she weren't trying to complain?

The Agriculture Department has written protocols for employees who get complaints like Reynolds'. Odenthal should've determined which timber company was spraying that day, what chemicals were used and what the weather conditions were.

He didn't. Odenthal's notes show he didn't even write down Reynolds' last name.



If Odenthal had investigated her complaint, he would've learned the helicopter was flown by the same pilot, Steven Owen, who sprayed people in Curry County in 2013 and subsequently lost his spraying license for a year. (Owen's license remains active pending an appeal. He didn't respond to a call for comment).

Odenthal also would've learned that Owen sprayed in conditions that are supposed to be avoided. Owen's spray records show he sprayed two chemicals, Alligare Imazapyr 2 SL and Sulfomet Extra, when the wind speed was between 1 mph and 2 mph.

The herbicide's label **instructions** tell applicators to avoid spraying in such low winds. That's because of the chance of variable winds or an inversion, a weather condition that makes air stagnant on the ground. Because air doesn't mix, chemicals can hang in the air and slowly creep off site.

The Agriculture Department didn't open an investigation until Feb. 23 -- after The Oregonian/OregonLive inquired about the case and Reynolds again called to complain.

Odenthal initially told The Oregonian/OregonLive through a spokesman he had no recollection of Reynolds' complaint. After his phone records were requested, Odenthal said he reviewed his notes and remembered speaking to her.

Reynolds recently contacted Lisa Arkin, executive director of Beyond Toxics, a Eugene advocacy group, who relayed her story to The Oregonian/OregonLive.

Arkin said the case highlights a persistent problem at the Agriculture Department. The agency doesn't take complaints from everyday Oregonians seriously, she said, even though that's its job. The state spends \$822,000 each year on nine pesticide investigators to respond to complaints like the one Reynolds made.

"It's an agency culture," Arkin said. "What angers me so much is that they continue to make people feel like they are the problem. They tamp down complaints by making the caller feel that they were in the wrong to call."

In a statement, Coba said the Agriculture Department was changing its instructions to employees who receive calls like Reynolds'. Callers will specifically be asked if they want to file a complaint and if they're claiming an adverse impact to their health or the environment, she said.

"We recognize that not everyone will always be satisfied with the outcome of their pesticide concerns," Coba said. "But we do take those concerns seriously."

Coba's agency has conflicting responsibilities. It's required to protect the public and environment from unintended exposures to weed killers. It has the power to levy fines, write citations and revoke licenses.

But it's also responsible for marketing and promoting the same industry it regulates.

Greg Pettit, a retired Department of Environmental Quality administrator, said there's subtle pressure within the Agriculture Department "not to aggressively pursue these complaints because it's not going to be good for your career."

Still, after so much scrutiny last year, Pettit said he was surprised that didn't change.

"It sounds almost like a step backwards," Pettit said.

Stu Turner, an agronomist who investigates drift complaints, said it would've been impossible for Odenthal to diagnose whether chemicals drifted off-target simply from Reynolds' description of odors. Chemicals easily could have reached Reynolds' property, he said, without her seeing them.

"They have to go look at it," Turner said. "Take a little evidence, take a statement and see if there's evidence that

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something happened. You can't make a diagnosis over the phone."

Several trees on Reynolds' land are dying. Turner reviewed photos of the trees at The Oregonian/OregonLive's request. He said the damage could've been caused by an untimely freeze, disease or herbicides but appeared to be "more consistent" with herbicide damage.

"It looks suspicious to me," Turner said. "There's enough there to want me to investigate further."

Odenthal visited Reynolds' home March 5 and took samples looking for drift. Results aren't expected for about a month.

Eric Geyer, a Roseburg Forest Products spokesman, said the company is "fully committed to being transparent with ODA in their investigation. We're ready to work with them and make sure we can answer their questions as quickly as possible."

-- Rob Davis

rdavis@oregonian.com

503.294.7657

@robwdavis

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