

## News

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# Oregon Drops \$20,000 Fine Against Pilot In Herbicide Drift Case

by **Amelia Templeton** (</contributor/amelia-templeton/>) and **Tony Schick** (</contributor/tony-schick/>) OPB | July 1, 2015 6 p.m. | Portland



Residents complained after pilot Steven Owen applied herbicide to this Curry County timberland.

Amelia Templeton / EarthFix

The Oregon Department of Agriculture has agreed to drop \$20,000 in fines against a pilot and commercial pesticide application company that misled (<http://www.opb.org/news/article/investigative-documents-show-pilot/>) the agency during an investigation into herbicide drift in Curry County. The parties reached a settlement Wednesday.

In exchange, pilot Steven Owen agreed not to dispute the state's main conclusions in the case and allowed the Oregon Department of Agriculture to revoke his commercial pesticide applicator license for a year. Owen's company, Pacific Air Research, will also lose its operator license for a year under the settlement.

“Our number one priority was to have an immediate surrender of the applicator and operator license,” said ODA Director Katy Coba. “This one-year suspension has significant economic impact on the company and applicator far beyond the waived civil penalties.”

ODA found evidence that Owen had allowed two herbicides, 2,4-D and triclopyr, to travel onto neighboring residential properties while spraying timberland in Curry County in October 2013.

The state also found that Owen and Pacific Air Research had filed a false report with investigators, misidentifying the chemicals he had applied that day. As a result, ODA told residents in the area they might have been exposed to glyphosate, the active ingredient in Round-Up, when they had in fact potentially been exposed to five herbicides, including glyphosate.



John and Barbara Burns in the yard of their home in the Southern Oregon community of Cedar Valley. An ODA investigation detected two chemicals used to kill trees on a logging site on the Burns property nearby.

ODA, which waited months (<http://www.opb.org/news/article/curry-county-pesticide-case-highlights-gaps-in-sta/>) before revealing the false record, characterized Owen's actions (<http://odanews.wpengine.com/news-release-oda-takes-enforcement-action-in-curry-county-pesticide-incident/>) as "gross negligence and willful misconduct" that violated the Oregon Pesticide Control Law. In a penalty notice it issued, the agency stated that Owen knew that local residents had raised concerns about health impacts from the herbicide spray, and on three separate occasions failed to provide true information in response.

Owen had contested the state's decision to impose fines and revoke his license, and the case was due before an administrative judge Wednesday if the settlement hadn't been reached.

Both Owen and the company will be able to re-apply for commercial pesticide licenses after June 30, 2016, and the incident will be dropped from ODA's records in July 2018.

The case was one of ODA's highest-profile herbicide drift investigations. The state launched its investigation in October 2013, after more than a dozen residents in the coastal community of Cedar Valley complained that chemicals meant to kill vegetation on nearby timberland had reached their properties.

Many residents also complained of feeling sick at the time, but the state did little (<http://www.opb.org/news/article/curry-county-pesticide-case-highlights-gaps-in-sta/>) to investigate those health claims and reached no conclusion as to whether they could have been triggered by herbicide exposure.

Read the state's enforcement notice in the case, and the settlements between the Oregon Department of Agriculture, Steven Owen and Pacific Air Research below.

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Settlement Agreement  
Between ODA and Pacific  
Air Research

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Settlement Agreement  
Between ODA and  
Steven Owen