



Leadership  
For a  
Clean and Just  
Oregon

FALL -  
WINTER  
2016



Photo by Carla Herveri

## Beyond Toxics NEWSLETTER

### Toxics reporting could end pollution fiascos by Lisa Arkin, Executive Director

Oregon's got a broken air regulatory system. That was made clear when high concentrations of heavy metals were found in the air and soils of Portland communities. Unregulated glass manufacturers were the source. State air regulators claimed they had no prior knowledge of high levels of cadmium, arsenic, chromium and nickel! It's unacceptable that the Department of Environmental Quality (DEQ) doesn't require all industrial polluters to report their emissions.

Loopholes in state regulations have allowed manufacturers to pollute residential neighborhoods—without anyone knowing! If you thought you were protected from air toxics, think again.

#### Changing The Status Quo

Beyond Toxics is leading the charge to reform our laws to require polluters to report their chemical emissions to air and water. State regulators need this data to be effective. Reporting is like a ledger sheet – track what comes in and what goes out. That's easy! Manufacturers should track the chemicals they order, store, use and put into the environment.

#### Communities at Serious Risk from Unreported Toxics

Beyond Toxics recently responded to a plea for help from a working class neighborhood in Corvallis.

An older industrial facility making fiber glass, Hollingsworth & Vose (H&V), has released poisonous gases and heavy metals into nearby neighborhoods for decades.



Hollingsworth & Vose fiberglass factory. Ancient smokestacks do little to control air toxics emissions. Photo by Lisa Arkin

Shockingly, the DEQ had no clue that H&V was spewing far too much toxins into Corvallis' air for the past twenty years. Why? The agency allowed the company to call the shots when it comes to measuring, reporting and setting their allowable air pollution limits. This company should have attracted close scrutiny after being levied nearly \$256,000 in penalties from harmful levels of barium, cadmium and chromium and other air toxics.

Now the DEQ wants to give them a new permit to increase pollution, which will impact people in nearby homes, schools and parks. Bigger and less restrictive permits seem to be DEQ's answer when they discover that a facility is a "larger [polluter] than previously estimated and permitted."

It's important to know when you're being poisoned by industrial toxic discharges, whether to air, water or land. That's why Beyond Toxics is promoting new legislation to bring about Toxics Right-to-Know laws.

Toxics reporting makes sense. Toxics reporting will make sure residents know where the toxic hot spots are, allowing them to take action!

# Oregon needs an Herbicide Protection Act

by Lisa Arkin, Executive Director

*“It makes no sense not to give information – how is it possible that Weyerhaeuser is going to spray thousands of gallons of pesticides out of a helicopter and not let residents know?”*

- Jane Anderson, Home Owner, Tillamook County

The forests surrounding Oregon’s most heavily used state parks and most popular surfing beaches have been extensively clearcut and sprayed with toxic chemicals. Timber owner, Weyerhaeuser recently clearcut 80 parcels of forestland in Oregon’s north coast totaling many thousands of acres, including several that border Oswald West State Park, Arch Cape and Neahkahnie Mountain.

Families who regularly enjoy the spectacular hiking and scenic beauty of Oregon’s north coast were unaware that Weyerhaeuser would spray poisons while they were out hiking the forest trails and swimming in coastal creeks and beaches.

## Hikers Heard Helicopters

Only after hikers heard the helicopters churning through the air did people know that herbicides were being sprayed less than a ¼ mile from Oswald State Park. These harmful chemicals can drift on the unpredictable sea air currents towards beaches, trails and parking lots.

Weyerhaeuser would not release any information, refusing to answer questions about when they planned to spray or the chemicals they would use.

State employees responsible for managing Oswald State Park also had no inkling, despite the fact that spraying was taking place along park boundaries.



Ben Cox, the State Park Manager, wrote an email to one inquiring resident, stating:

*“This is the first I’ve heard of it. ... there is no policy for public [aerial herbicide spray] notification ... that I am aware of.”*

According to Mike Manzulli, a local who often surfs at Oswald West State Park, “Weyerhaeuser aerially sprayed herbicides southeast of Arch Cape on August 19th. That was the hottest day of the

summer. The beaches were absolutely packed. Were State Park users exposed to the herbicides? I don’t know, but herbicide drift happens and the State doesn’t require notice to the public. Most industrial timber owners sure aren’t going to draw extra attention to what they are doing, so no one knew it was happening.”

## Corporate Secrecy is Sanctioned

*The practice of aerial spray is legally defined as an ultra-hazardous activity.* Oregon’s forestry laws allow timber corporate giants to practice a shameful level of secrecy, in order to hide their spray activities.

Three years ago this October, over forty residents in Cedar Valley, were severely harmed by an aerial herbicide spray because neither residents nor state agencies knew about a timber company’s spray plans. The story of Oswald Park is another example of Oregon’s utter failure to require a forewarning, a right to know when the sprays will occur near homes, schools and public parks.

## Knowledge Is Action

Please join with Beyond Toxics’ campaign to require advanced notification of timber herbicides. Pesticide users are polluters and they must respect the public’s Toxics Right-to-Know! While we work to stop aerial herbicide sprays, people need protections and advanced warnings now!

We are leading a legislative push to reform Oregon’s weak and outdated forestry chemical laws. Sign up on our website for e-alerts to learn more!

## The Narrow Ribbon: Streams boil in a toxics stew

by Francis Eartherington, Beyond Toxics Board Member



It's been repeatedly proven that Oregon's logging rules for private industrial timber land allows the most damaging logging of any western state. Oregon allows the smallest tree and pesticide buffers required on fish streams. As a result, Oregon's streams run too hot and too polluted for fish survival.

In 2013, Beyond Toxics reported that timber herbicides were turning up in fish streams from aerial drift. Oregon's own "RipStream" study found that legal clearcuts stripped so much shade from streams, fish that need cool water were harmed. Finally, in January 2016, federal regulators ruled that Oregon failed to protect fish from pollution for too long and fined Oregon \$1.2 million dollars.

### New stream buffers may be in store in 2017

Next year Oregon could adopt new stream buffers, but the draft stream buffers are still too small. Why? Oregon's powerful timber industry pours a lot of money and influence into resisting reforms on pesticides and stream buffers.



Do you see any buffer protections?  
Douglas County stream bed, Feb. 2016  
Photo by Beyond Toxics

### Current Standards are inadequate

The current buffers on streams with fish is at least a 50-foot Riparian Management Area (RMA), a border where some, but not all the trees are allowed to be cut. That includes a 20' no-cut tree buffer on each side of the stream. More trees are recommended to be left within the next 30 feet, but they seldom are. That's because timber companies are allowed to squeeze all the required "preserve"

trees within the 20' no-cut buffer. That's why we see large clearcuts shave the mountainsides clean with just a tiny ribbon of trees along the streams.



A tiny ribbon of trees does not protect streams.  
Photo by Beyond Toxics

Also, there are inadequate spray buffers to keep the 800,000 pounds of pesticides used each year for logging out of Oregon's streams. Not only fish, but Oregon citizens in rural areas are being poisoned.

The proposed new buffers would not improve the miniscule 20' no-cut buffer, and would only add 10 additional feet to the total RMA. The new rules are completely inadequate. First of all, these rules would only apply to 30% of Oregon's fish streams; the Siskiyou Range and Eastern Oregon streams are excluded! Secondly, Oregon would still be far behind the stream protections required by Washington or California. Most scientists say that 100 to 120 foot buffers are needed to protect fish from clearcuts.

### Help make a difference

Beyond Toxics will be working with other organizations to demand effective stream protections when the Oregon Department of Forestry holds a series of public meetings around the state. We welcome volunteers to help us on the Stream Protections project.

## Entire ecosystems are at risk by the Beyond Toxics Team

Neonicotinoid insecticides (neonics for short) are receiving worldwide scientific scrutiny. The recognition of their toxicity is leading to bans and restrictions in many states and countries. The best scientific studies identify neonics as a prime culprit in mass bee die-offs.

Neonics are particularly harsh on native bees that live in forests, meadows and our gardens.

Exposure to even the lowest level of neonic pesticides is sufficient to harm native bees. When exposed to "legal" levels of neonics, amounts typically measured after a spray, bees' brains show cellular damage. The poison renders them unable to remember and navigate. The mother bumble bee may fail to nurture the brood cells holding her baby bees.

### Nature's Balance

Further disrupting nature's balance, neonics also kill beneficial insects, including lady beetles that control aphids. When the good bugs are poisoned, damaging insects quickly take over. The result is the disturbance of ecosystems large and small, where the destructive insects outnumber the helpful ones that once kept them in check.



What makes neonics so especially harmful? Neonics are systemic chemicals that travel through the plant's entire vascular system and concentrate in its nectar, blossoms, pollen, leaves, and stems. Bees are then exposed to lethal doses during their visit to gather pollen and take a sip from the plant's tainted nectar and dew.

### Chemical Deception

Slick marketing and visible shelf placement have made neonics the #1 insecticide sold to home gardeners, touted to solve all garden and lawn problems.

It's nearly impossible to avoid them, as they are hidden in all sorts of brand names and packaging. Even the most

well-intentioned gardener can be fooled into using neonics. Consumers mistakenly assume that finding these pesticides on local store shelves means they're safe in the environment – in the case of neonics, that is a dangerous notion.

### Solutions

It's time to take neonic pesticides completely off store shelves. Maryland recently passed a law to prevent stores from selling these poisons to the general public. Oregon too can demand that bee-killing pesticides be restricted.

Beyond Toxics is taking action in 2017 to pass a law that targets these extreme poisons to protect bees and Oregon's ecosystems.




## TAKE ACTION TO PROTECT BEES IN 2017!

Please sign the "*Preserve A World with Bees*" online petition on our web site: [www.BeyondToxics.org](http://www.BeyondToxics.org) and sign up to attend the 2017 **Save Oregon's Bees Lobby Day** on April 10th.

Also, don't miss **Protecting Pollinators: Benefits of Ecosystems & Food Security in Oregon** on Saturday, February 11th, 9am-4pm | **Location:** OSU Extension Auditorium, 569 Hanley Rd. in Central Point, OR 97502.

## Coming to a town near you? by Joel Iboa, Environmental Justice Manager



On Sunday, September 25th I was driving over the Chambers overpass headed towards the Whitaker neighborhood. I looked down and saw my fears realized. Thirteen train cars had just derailed in the railyard, a striking distance from the Eugene Fire Station and the Public Works Department. Both the Northwest Expressway and Roosevelt streets were blocked off by yellow tape and police squad cars. Fire trucks and people in hazmat suits were scattered across the railyard working to clean up the mess.

One of the train cars was filled with liquefied petroleum gas that could have potentially exploded. An explosion would be like a bomb going off, decimating nearby neighborhoods and businesses. That incident was a close call and a warning for what could happen.

### Crude By Rail

Since 2013 more than a dozen crude oil incidents have occurred because of oil trains. This is a direct result of increased domestic oil and gas production. From tar sands in Canada to the Bakken formation in North Dakota, we are experiencing a rush to continue mining, transporting and shipping fossil fuels. Many of these trains are coming from the Midwest and make their way through Washington, Oregon, and California.

Over 493,000 carloads of crude oil were shipped by train in 2014, compared with 9,500 carloads in 2008 (Association of American Railroads). That's more than a 5000% increase. And this is just the beginning. There are currently plans in Washington

and California to build more refineries and export terminals, which puts greater pressure to ship more crude by rail. There are serious implications. Fires, derailments, spills, and explosions are all possible.

### Blast Zones

On June 3rd I was traveling I-84, leaving Hood River after a Governors Environmental Justice Task Force meeting. I saw a plume of smoke in the distance. News soon spread that four tank cars carrying crude oil exploded near the Columbia River. It was ironic that a room full of us were discussing environmental justice threats to vulnerable Oregon communities, and only miles away

this explosion could have killed the whole task force and the people in nearby towns.

Environmental justice communities, like the ones we have here in Eugene are the most vulnerable to this threat. The phrase "on the wrong side of the tracks" has very real implications for the health and

safety of the susceptible neighborhoods.

Beyond Toxics fights for vulnerable communities. We have been doing so, throughout the state, for over fifteen years. In our work to achieve Environmental Justice, we identify and find solutions for disenfranchised communities who are located where chemical exposure from polluting facilities saturates the air and contaminates ground and surface water. Environmental justice communities are also more likely to be located near major transportation corridors, including train tracks and trucking routes. Climate change will exacerbate all of these problems.

In the coming year, Beyond Toxics will help make Oregon a less toxic place by working together with 350.org and other groups to fight against crude oil shipments that endanger our lives, our economy and our environment. We stopped coal trains coming through Eugene, and with your help, Eugene and Oregon can stop crude by rail.



An oil train burns near the Oregon town of Mosier after derailing in June. (Alan Berner / The Seattle Times)

## Welcome new Beyond Toxics Board Members!

We're grateful you are adding your knowledge and experience to Beyond Toxics!



### **Wayne Lottinville**

BOARD MEMBER

Wayne Lottinville has joined the Beyond Toxics Board to bring his considerable financial management experience to the position of Treasurer.

Wayne is Founder and Chief Investment Officer of Cascadia Investment Consultants, an investment management firm he launched in 2003. He has been and continues to serve as treasurer for various political action and education groups based in Oregon. These groups are working for a government accountable to the health and well-being of ordinary citizens above the moneyed influences of corporate interests. He has past experience in newspaper publishing, professional photography and editorial work, and spends time in Mexico each year honing his Spanish language skills.

### **Michele Eggers**

BOARD MEMBER

We are happy to welcome Michele Eggers, an assistant professor in the Master of Social Work program at Pacific University.

Her scholarship and teaching focus on the interrelated issues of environmental and economic exploitation, poverty, repression, and violence, which often force people to flee their home countries and migrate to the United States. She has visually documented environmental rights abuses in Central America as well as coordinated speaking engagements and outreach for human rights delegations to help raise awareness about these issues. Michele's dissertation was chosen as the winner of the 2016 First Book Prize awarded by the National Women's Studies Association and the University of Illinois Press. Congratulations, Michele!



### **Congratulations to Joel Iboa**

**Joel Iboa, Beyond Toxics' Environmental Justice and Community Outreach Manager has been appointed by Governor Kate Brown to serve on the Oregon Environmental Justice Task Force. He will serve a 4-year term through 2019.**

"I am honored to be appointed by the Governor to the Environmental Justice Task Force," says Joel. "I'll be diving deep into environmental justice issues affecting the most vulnerable Oregonians. I would like to see a continuation of the task force's recent commitment to meeting in communities throughout Oregon, both urban and rural, a recommendation made by Beyond Toxics at our 2015 Environmental Justice Forum. This is an important principle of environmental justice."

The Environmental Justice Task Force (EJTF) was created by the Legislature to help protect Oregonians from disproportionate environmental impacts on minority and low-income populations. The EJTF encourages state agencies to give all people knowledge and access to improve decisions that affect environment and the health of all Oregonians.

## It's time for a United Nations Declaration on Human Rights and Climate Change

by Tom Kerns, Ph.D., Beyond Toxics Board member and Director of Environment and Human Rights Advisory



The World needs a United Nations Declaration on Human Rights and Climate Change, but does not yet have one.

Having discovered in the fall of 2015 that the world still had no declarations, conventions or treaties of any sort that focused on the human rights implications of climate change, a group of us, thirteen scholars from seven different countries, all members of the Global Network for the Study of Human Rights and the Environment, drafted one ourselves.

The Draft Declaration on Human Rights and Climate Change was completed in time for the Paris climate meetings. It was later circulated in nine European, African and Asian languages to scholars, environmental lawyers and judges, indigenous community representatives and others all over the world for feedback and proposed amendments. The result was the final Declaration in May 2016.

On International Human Rights Day in 2015, the United Nations High Commissioner on Human

Rights, Zeid Ra'ad Al Hussein, stated that human-made climate change results in *"devastating impacts on a wide range of internationally guaranteed human rights – the rights to food, water, sanitation, adequate housing, and health-for millions of people...."*

to view ourselves as separate from nature rather than as inherently embedded in and constituted by it. To counter that risk, this Declaration includes

recognition of the inherent moral worth of all living beings and of the ecosystems out of which they emerge and on which they depend.

As a board member, helping to draft the DHRCC has been a way of helping Beyond Toxics' statewide work connect up with environmental justice efforts around the world.

One final note: Good

campers always leave their campsite cleaner and healthier than when they arrived. I see Beyond Toxics working every day to help our generation meet its moral obligation to not leave a less habitable earth for our children, for their children, and for those of many hundreds of generations to come.

To meet this obligation, Beyond Toxics has committed itself to the rights and duties laid out in this Declaration. We urge governments, corporations and individuals alike to do the same.

**“ Reaffirming the universality, indivisibility, interdependence and interrelationality of all human rights, the interrelationality of all life on Earth and the dependency of all life on Earth on a healthy biosphere and Earth system integrity... ”**

~ excerpt from the United Nations Declaration on Human Rights and Climate Change

*"We are living in an age of widespread breach of these obligations."*

We believe that human rights standards are justified moral claims universally held by all persons in order for them to lead a 'minimally decent life.' This reminds us that human rights are not lofty ideals but are, instead, basic moral minimums, a moral floor beneath which governments must not sink.

Human rights norms are, of course, inherently anthropocentric. They can be mistakenly seen as supporting the human tendency



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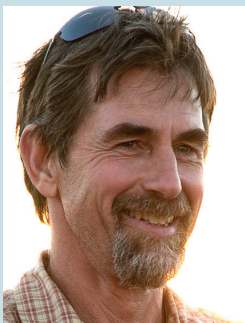
Beyond Toxics weaves social justice and human rights advocacy into environmental protection policies.

## Beyond Toxics Is Moving An Environmental Agenda Forward In 2017!

Join us in the fight to protect Oregon's environment and vulnerable communities from toxic harm! We are spear-heading numerous policy changes in 2017 that will provide crucial protections for our land, water, and air. Take action at these events:

**Saturday, February 11th, 9am-4pm, *Protecting Pollinators: Benefits of Ecosystems & Food Security in Oregon.*** | Location: OSU Extension Auditorium, 569 Hanley Rd. in Central Point, OR 97502.

This all day conference will present the latest research on bee survival and best practices for protecting pollinators. Co-sponsored with Pollinator Project Rogue Valley and OSU Extension.



**Friday, February 24th, 6pm-9pm, *A Celebration of Strength for the Environment: Honoring David Monk.***

**Location:** Vets Club Colonial Inn Room, 1626 Willamette Street, Eugene OR, 97401

David Monk served as Executive Director of Beyond Toxics from 2001-2004 and four years as Board President, most recently 2014-2016. Join us for food, music and fun as we kick off our 2017 Environmental Campaigns for Oregon!

**Thursday March 2nd – Sunday March 5th, *Public Interest Environmental Law Conference (PIELC).*** | Location: University of Oregon, Knight Law Center, Eugene, OR 97403

Join with hundreds of environmental advocates at the UO Law School to learn and activate! Beyond Toxics will be presenting panels.

**Monday, April 10th, 11am-2pm. *Beyond Toxics' Environmental Health Lobby Day.*** | Location: 900 Court St NE, Salem, OR 97301

Come out and show your support for environmental protection policies in Oregon! We're tackling Air Quality, Pollinator Survival and Timber Herbicides!