



## In Oregon, helicopters spray weed killers near people under West Coast's weakest protections

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Each year, helicopters spray weed killers on more than 165 square miles of Oregon timberland, an area larger than the city of Portland.

The spraying happens under the Pacific Northwest's most industry-friendly regulations.

Washington requires a wide no-spray zone around nearby homes. Oregon doesn't.

Washington says when it's OK to spray, right down to setting a 7 mph maximum wind speed. Oregon doesn't.

The Oregonian reviewed regulations in four states and found Oregon stacks the deck in favor of the timber industry. The state does less to protect people and the environment from drifting chemicals than neighboring states -- Idaho, Washington and California.

Oregon's rules even do more for fish than people. Streams with fish get a 60-foot buffer from aerial sprays. Residential properties get none.

Oregon's lax regulation is drawing scrutiny from state lawmakers after a helicopter pilot repeatedly flew over homes while spraying outside Gold Beach last October. Curry County residents standing outside said they felt chemicals land on their faces. Twenty complained. The pilot's spraying license was later suspended for a year and he was fined \$10,000.

The incident drew strangers together -- a retired nurse, a former firefighter, a logger -- and turned them into advocates.

"We feel we've been violated tremendously and the state still won't do anything for us," said John Burns, an assistant volunteer fire chief who fell ill after being sprayed last year. "We want the regulations and laws changed -- at least brought up to the standards of our surrounding states."

James Aldridge, a local resident who helped log the timber behind his home, discovered an oily sheen in his water tank after the clearcut was sprayed. He thinks oil from **sprays got into his drinking water stream**, which is surrounded by such a small buffer that wind gusts have bowled over many remaining trees. He now drinks bottled water at home.

Organized by a Eugene-based advocacy group, Beyond Toxics, Burns, Aldridge and other residents have begun lobbying to see laws tightened.

"Oregon has a history of regarding aerial spraying as simply a common tool in the tool chest, as if it's somehow a commonplace, safe activity," said Lisa Arkin, executive director of Beyond Toxics. "Other states see it for what it is – a hazardous activity."

Spraying by ground and air has increased 17 percent since 2010 as Oregon's timber industry has bounced back from the Great Recession. More than 800,000 pounds of herbicides were sprayed on forestland in 2008, the last year Oregon required amounts to be reported.

Helicopter spraying is the most efficient way to kill the blackberry bushes, ceanothus and other plants that sprout on new clearcuts and compete for light with replanted seedlings.

But it comes with risk. Aerial spraying can allow chemicals like glyphosate, 2,4-D and atrazine to drift long distances. Acute exposure to some chemicals can cause rashes, impaired vision and gastrointestinal irritation. Long-term exposure can harm the liver, kidney and muscles.

Oregon entrusts pilots to decide how wide a buffer they need to leave around sensitive sites like homes. As in every state, they're expected to follow federal guidelines requiring weed killers to be sprayed without moving off-target.

Still, other states, where some of the same industrial timber companies do business, go farther:

- Washington requires a 200-foot-wide buffer around homes where no



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Lisa Arkin, executive director of Beyond Toxics.

Rob Davis/The Oregonian

herbicides can be sprayed. Idaho doesn't allow spraying within a half-mile of cities and densely populated areas unless the wind is blowing away from them.

Oregon hasn't had a protective buffer around homes since the Board of Forestry removed it in 1996.

- Oregon's 60-foot buffers around fish-bearing streams and drinking water sources are the Pacific Northwest's smallest. Washington requires a buffer of between 125 and 325 feet, depending on the helicopter's elevation, an extra precaution to ensure sprays don't pollute waterways.
- Idaho and Washington define what wind speeds are acceptable for spraying. Oregon doesn't, giving applicators more leeway to decide when to spray, even in conditions where drift is more likely.
- Washington and California ensure that neighbors can learn about sprays beforehand. Washington allows the public to comment on planned sprays and requires sites to be posted five days in advance.

Oregonians hoping to avoid sprays must listen for the sound of an approaching helicopter as their only sign it's time to leave their homes or shut their windows.

Many concerned Coast Range residents rely on a notification system that is vague and costly. Starting at \$25 annually, the Oregon Department of Forestry will provide written notices companies must file saying what they might spray on a parcel during a months-long window.

The state doesn't require any warning for neighbors immediately before a spray. The state requires sprayers only to notify nearby water treatment plant operators.

- **Oregon law** doesn't require state agencies to investigate complaints about forest practices such as spraying. The same law makes it difficult to bring lawsuits about herbicide drift. Oregonians can't sue over chemical trespass unless they can prove their crops have been damaged or they've suffered serious physical injury or death.

The timber and chemical industries, for whom tighter regulation means more expense, say wider buffers like those in Washington aren't inherently better.

### Weed killer spraying

Curry County residents complained about being exposed to weed killer sprays four times between 2007 and early 2013, trusting that the Oregon Department of Forestry and Oregon Department of Agriculture would take them seriously.

An investigation by The Oregonian found that the state dismissed concerns or botched investigations – all involving the same timber company. Evidence was tossed away. Important details weren't shared. Key records

"We're not seeing benefit for what's done in Washington," said Scott Dahlman, executive director of Oregonians for Food and Shelter, an industry group that represents timber companies and chemical companies like DuPont and Monsanto.

"There are still complaints in Washington, there are still concerns in Washington. It's a more difficult, onerous system without more benefit."

weren't obtained.

**Read our earlier investigation.**

But authorities in Washington, which also has a large private timber industry, receive far fewer complaints about clearcut spraying than Oregon. The Washington Department of Agriculture, which investigates complaints about aerial drift from forestry, has received just one complaint since 2012.

Records show the Oregon Department of Agriculture has received six complaints in the same timeframe. That doesn't include the 2013 Curry County incident when 20 people complained.

Stu Turner, a West Richland, Wash., agronomist who investigates drift complaints for private landowners, said he gets far more business because of spraying on Oregon timberlands than his home state.

Turner said he hasn't investigated a claim about aerial drift from a clearcut spray in Washington for more than a decade, but averages two or three a year in Oregon. "There's no wilder place in the West," he said.

"Whatever they're doing in Washington is working better," Turner said. "It may not be perfection, but it's a step in the right direction."

Both Doug Decker, Oregon's state forester, and Katy Coba, the state agriculture director, demurred when asked if Oregon's laws needed to be tightened.

"This issue is a pretty politically sensitive issue," Coba said. "It's our job in these cases to provide factual information we have and have the policy discussion happen among legislators."

State Sen. Michael Dembrow, a Portland Democrat, has been leading efforts to update Oregon's laws.

Dembrow wants to improve the state's notification system to let neighbors know about sprays and ensure residents who complain don't get lost among the eight state agencies with roles in

herbicide regulation.

Residents today are sent "into a bureaucratic maze," said Dembrow, chairman of the Senate Environment and Natural Resources Committee. "I'm just not convinced it's working. It really needs to be improved and beefed up."

Dembrow's committee will meet in December to continue its discussions.

-- Rob Davis

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