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Oregon Timber Grower Complains Of Helicopter Herbicide Spraying

by **Tony Schick** (</contributor/tony-schick/>) EarthFix | May 27, 2016 7 p.m. | Portland

Peter and Pam Hayes's claim about herbicide exposure in the forest of the Oregon Coast Range begins the same way as most from the news in recent years.

On May 17, they and two others were out tending their property. They heard a helicopter in the distance and thought little of it. Then, they say, they began to smell and taste chemicals. (<http://hylawoods.com/?p=795>)

“The helicopter was not over me. It was not droplets. It was just a super strong, strong taste,” Pam said.

Both are familiar with the idea of aerial spraying. Pam and her husband, Peter Hayes, are fifth generation loggers and the owners of Hyla Woods in Washington County.

Peter is a former member of the Oregon Board of Forestry. He's also become an advocate for more environmentally friendly logging practices, including the elimination of herbicides.



Peter Hayes manages Hyla Woods in the Oregon Coast Range. Hayes tries to manage his forest in a sustainable fashion.

Hayes uses some herbicide on his property to control invasive plants, but he has a goal of getting to zero herbicide use. He applies them by hand rather than by helicopter, which many timber companies use to cover large swaths of land in the sometimes narrow window when herbicides are most effective at killing vegetation that competes with young trees.

Hayes has said he views profit at the expense of the land as a form of theft.
(<http://www.opb.org/television/programs/ofg/segment/hyla-woods/>)

The Hayes' complaint comes in the midst of ongoing debate about the practice of aerial spraying.

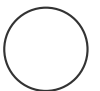
Last year, multiple bills were introduced to change the rules for the practice. This year, environmental groups and coastal residents introduced a ballot measure aiming to limit and stop the practice altogether.

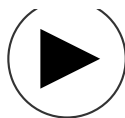
The Oregon Department of Agriculture is investigating Hayes' claim. That includes reviewing records and taking samples from the property in an attempt to determine if chemical trespass occurred, how and from where.

The helicopter in question was hired by Stimson Lumber Company, whose property is more than a half-mile away from Hyla Woods. The application was done by Wilbur-Ellis.

"We welcome the investigation and are cooperating in every way we can," said Scott Gray, Western Resource Manager for Stimson Lumber.

Gray said he was "very surprised" to hear from Hayes about drift, given the distance from the application site to the Hyla Woods property, which he said is more than 3,600 feet.





Gray said the application was in compliance with all the regulations that apply, and that the company used an additive in the herbicide mixture to prevent drift.

“Our job is to manage the timberland, but we also have to protect all the other resources we don’t own. That’s our professional responsibility we have to abide by,” Gray said.

Peter Hayes urged against rushing to judgment in such a case. Stimson and Hyla Woods have been neighbors for years with a good relationship. The case was actually referred to the Oregon Department of Agriculture for an exposure investigation by the Department of Forestry, not because Hayes complained directly.

“I’d call them friends,” Hayes said of Stimson.

But, he said, he is not OK with chemical trespass, and he said Oregon has allowed it to be a problem for too long.

“I think we need to take a hard look at the current practice,” Hayes said, referring to helicopter spraying. “Too often, it degrades the things we have in common: our air and water. Too often it has impact on other people’s lands. We need to take a solid look at it.”

This latest complaint comes as rulings on two other high-profile aerial spray cases are still pending. The first is a lawsuit over a 2013 incident in Gold Beach (<http://www.opb.org/news/article/oregon-right-to-farm-law-pesticide-dispute/>). The other is an administrative hearing over whether the state was justified in suspending the

license of Applebee Aviation (<http://www.opb.org/news/article/oregon-agriculture-agency-hits-pesticide-sprayer-with-big-penalties/>) after it violated worker protection rules.

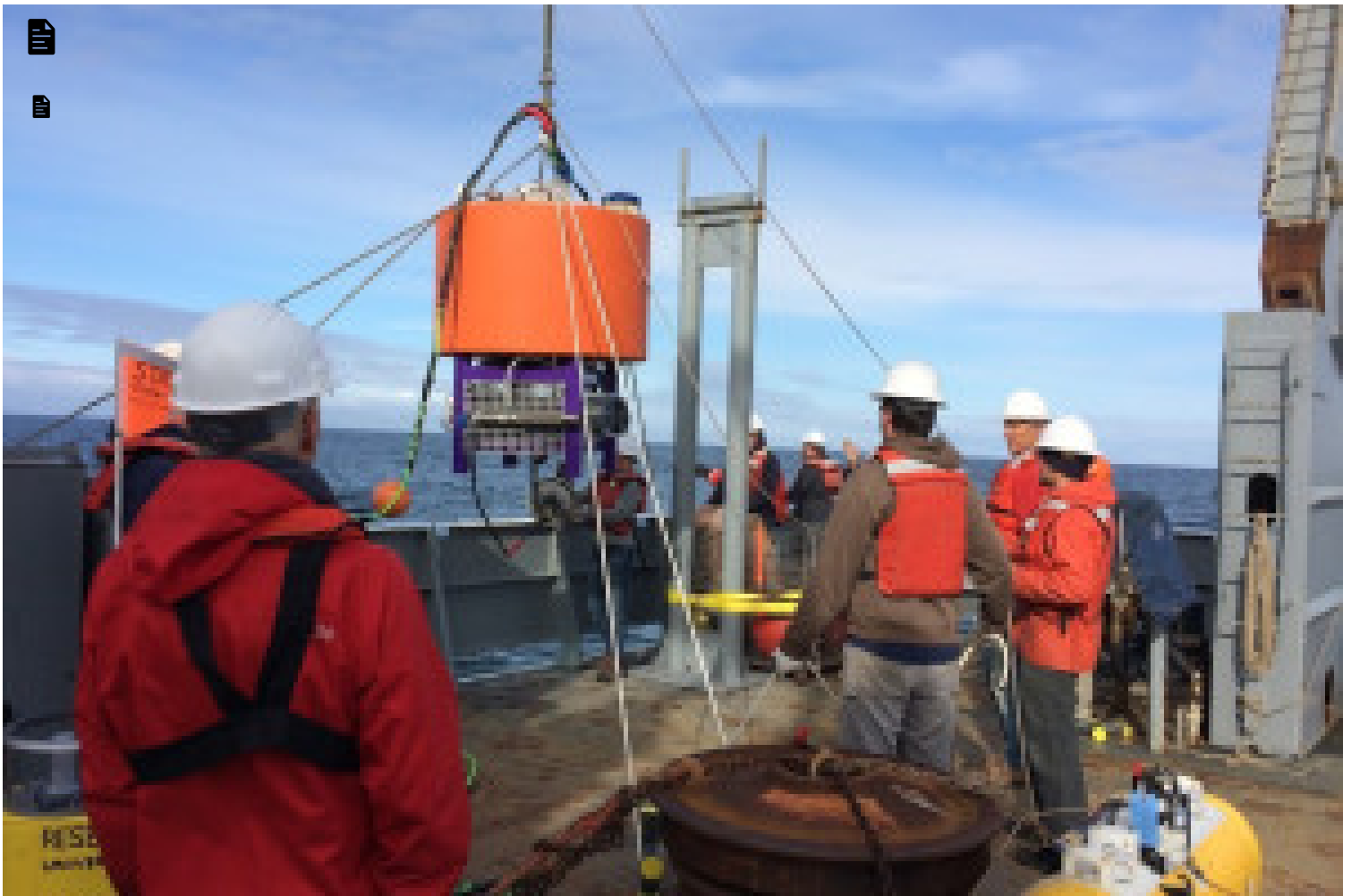
Decisions in both cases are expected this summer, which could affect future penalties assessed by state government and the liability of farm and forest companies in such cases.

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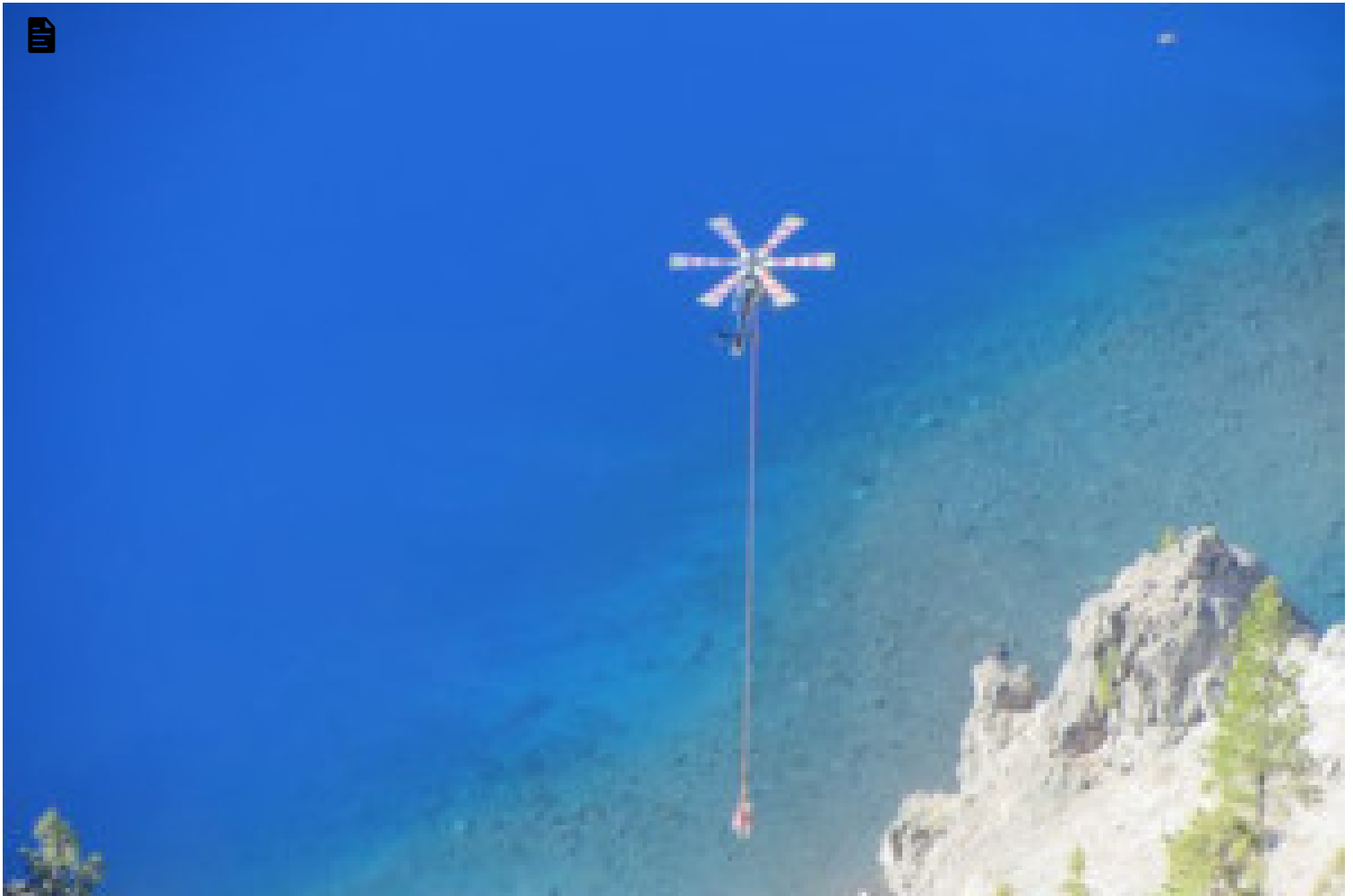
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