

March 22, 2017

Dear Chair Dembrow and Senate Committee members:

I am writing to plead that you pass SB 892 and SB 500 in your committee. Rural people like me need your help to feel safe on our property.

Throughout 2014 and 2015 I came to the State Capitol, all the way from Gold Beach. That is a four hour drive, one-way. I came with many of my neighbors who were also made ill from an aerial spray. We the people have lost faith in our government. We asked for our elected officials to protect us rural residents with advanced notice of aerial sprays and a no-spray buffer zone.

As a result of our testimony telling the story of how nearly 40 people were made sick from pesticides that drifted onto our residential properties in Cedar Valley, the Legislature adopted a 60-foot no-spray buffer from houses and schools. That may help somewhat, but we still have no idea when a spray is going to occur, or what chemicals may be drifting on the air currents near our homes.

We hear that the lobbyists from timber and chemical companies want you and other legislators to think that our experience was just a one-time accident, a mistake by a "bad actor." The pilot was fined and his license was taken away by state agencies. But that is not the point.

In our case, no one had an inkling that a spray was about to take place, not even the state foresters from the Department of Forestry. That pilot did not bother to file an updated notification. He did the spray job anyway, flying back and forth across our valley seven times, without notifying state agencies or the residents whose homes he flew over. Forty people were exposed to 2,4D, Triclopyr and crop oil, the chemical mixture he put in his spray tanks.

Our story is proof that SB 892, requiring advanced notification and information about the sprays, is desperately needed for rural residents. If advanced notification had been required in 2013, when we were sprayed, the state foresters who were in charge of monitoring sprays would have been alerted. As it turned out, the absence of a spray notification and advanced warning caused a significant delay in the State's investigation. ODF and ODA couldn't figure out who flew over our homes for weeks after the incident occurred.

In the words of Katy Coba, former Director of the Department of Agriculture, the Gold Beach case was the most complex and difficult case the Department had ever dealt with. We were not informed of the chemicals we were exposed to for six months. We were not sure who had been responsible for the aerial spray and the chemicals that were found on our properties and had made us so sick. We had to wait until the six month investigation was completed before having the information with which to file our Report of Loss.

The Department of Agriculture was not able to obtain the correct spray records for nearly two months after the incident took place. Without this information, my neighbors, my husband and I were unable to get appropriate health care. These sprays caused serious health issues, killed our pets and maimed our livestock.

Later, when a judge was considering our pesticide exposure case, the lawyer for the pesticide sprayer argued that the entire case should be thrown out for one reason – the fact that we waited more than 60 days to file our Report of Loss forms. Yet, we lacked the information to fill out the forms until the ODA and ODF investigations were completed. Using the 60-day filing deadline as the reason to dismiss our case is an example of how

arbitrary and unfair that old law is. No other state other than Oregon demands that people exposed to pesticide spray be limited to a mere two months to file their paperwork.

The 60-day limit on filing the Report of Loss is a tremendously unfair burden for people, especially those of us who don't know the system, don't even know such a form exists and were not told about the form by the pesticide investigators. Please support and pass SB 500, which would remove the 60-day filing requirement for this one-page form.

Oregonians around the state need your help to protect public health. We ask you to support free and timely public notification before aerials sprays occur. We ask you to require that spray records are provided to our state forester five days or sooner after the spray so we can get the right treatment from our doctors or an emergency room if an exposure occurs.

I am pro-timber. I am a logger's daughter and have worked in these woods. I know that we need the timber industry. Our health and property rights are important. We also need the ability to take protection from aerial pesticide sprays because our health and property are at risk. We need advanced notification now. We need relief from burdensome and arbitrary requirements about filing forms.

Sincerely,

Kathryn Rickard, on behalf of Kathryn and Eric Rickard

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