

**Via Electronic Mail:** [senr.exhibits@oregonlegislature.gov](mailto:senr.exhibits@oregonlegislature.gov)

Senate Committee On Environment and Natural Resources

Sen. Michael Dembrow

Sen. Alan Olsen

Sen Herman Baertschiger, Jr.

Sen. Floyd Prozanski

Sen. Arnie Roblan

900 Court Street, NE

Salem, OR 97301

To: Oregon Senate Committee on Environment and Natural Resources Regarding

**SB 892 and SB 500**

Dear Senators:

I understand there is a Hearing on these two Bills set for March 22, 2017.

I regret I have other matters scheduled today. Consequently, I write to provide written testimony on both Bills.

**SB 892**

I understand the Bill would allow citizens to learn when they or their property might be subject to aerial application or spraying of toxic chemicals. This would then allow a citizens to try to take appropriate precautions to protect themselves and/or their property. It would also allow citizens to learn what they had been sprayed with, so that they could inform their doctors or take appropriate steps to try to mitigate the damages to their property if necessary. These notifications could easily be accomplished with an existing notification system, that the Oregon Department Of Forestry already maintains.

Also, I understand that currently people who live or work in close proximity to an area that is going to be sprayed - or which has been recently sprayed - have no good way of knowing what will be sprayed, or what has been sprayed. How can a property owner take precautions to protect their property or themselves? Clearly, they also can't take steps to try to mitigate their damages, once they learn they have been sprayed. There are plenty of terrible stories within the Coast Range landscape concerning this type management violations. Whether it is Gold Beach, Triangle Lake or Wheeler the community should be made aware of spray operations in a timely fashion with all of the pertinent information.

SB 892 creates a clear roadmap to change this unacceptable management program. The time has come to truly use an adaptive approach to the forest management and change this program. Monitoring programs that truly looks at the post spray operations

during the subsequent storm events would give a clear indication if the spray operation did in fact reach any of the water bodies/stream network within the landscape.

## **SB 500**

I am supportive of this Bill that would reform a little-known, provision of Oregon law. As you are aware currently, a person who has been damaged by herbicide drift - or even direct misapplication - typically has **only 60 days** from the time they learn of the damage to report that situation to the Oregon Department Of Agriculture. This is called a Report Of Loss, or ROL.

Not being a lawyer or having any experience in this it just seems unfair that this is the normal way of dealing with some of the most challenging issues - damages to person and property due to toxic chemical mismanagement. We have a responsibility to our community to be forthright with the way we deal with such a sensitive and sometimes devastating experiences. I urge your committee to review the whole story of how the Triangle Lake community is dealing with past aerial spray operations upslope from a number of households. From my perspective this is completely unacceptable.

Currently, the process precludes many legitimately damaged property owners from recovering damages, against someone who clearly negligently or wantonly applied toxic chemical. What is fair? We can and must do better than the current management program.

Again, this existing management process makes no sense. From my perspective it is particularly harmful to people with private property who have been exposed and don't know who the perpetrator of the act was, or don't have the key information necessary to file a complaint.

It is clear that making a Report Of Loss is a useful tool. And I believe the revisions proposed in SB 500 allow for that kind of reporting and investigation to occur to fully analyze the circumstances around the violation. However, it takes away the unfair bar against legitimate (and often significant) damages claims, merely because the Oregonian involved didn't cross all the proper "t's" and dot all the proper "i's" **within 60 days**.

**Thank you for the opportunity to submit comments to you. And I urge you to pass out both SB 892 and SB 500.**

Paul Engelmeyer