

Amazon tenants may ask court to enjoin herbicide spraying

By David Brown
Of the Emerald

The Amazon Community Tenants is considering going to court to get an injunction to stop herbicide spraying by the 4-J school district.

The decision will depend on findings of the John Muir Institute, retained by 4-J to study its herbicide program.

Already two separate analyses have verified that Round-up, a controversial chemical weed-killer, drifted across a fence onto the University's Amazon housing during an April 26 application by 4-J workers on South Eugene High School grounds.

Residents watched 4-J workers spray with Round-up to eradicate dandelions, and saw the spray drift through a fence into their adjacent gardens, says ACT member Courtney Lupton.

"We were out there sun-bathing," she says. Round-up instructions specify the chemical not be applied in winds above 5 mph, but that gusts that day reached 10 mph, Lupton says.

At the residents' request, Legal Services Director Charles Spinner warned 4-J officials that the tenants' group would seek a court injunction to stop a planned June application of Round-up.

Since that time, the school district has generally suspended herbicide use until the John Muir Institute states how or if 4-J should use chemicals as weed control, says Jane Burkhart, the tenants' legal representative. Other community opposition to the district's herbicide program may have contributed to the district initiating the study, she says.

If the institute recommends that spraying be resumed, Burkhart says, the tenants will "rush to court to request a permanent injunction" against further herbicide treatment of property adjacent to the Amazon housing. The court action would involve laws of chemical trespass, she says.

An analysis by the agriculture department found residue of a chemical inherent to Round-up at 0.20 parts per million on vegetation in the Amazon housing gardens adjacent to affected South Eugene High grounds. Environmental Protection Agency standards for Round-up permit a residue of no more than 0.20 parts per million on asparagus, sugar beet tops, and leafy vegetables, says Tom Harrison, supervisor of the department's Salem office.

The second analysis, contracted with the Umpqua Research Company by the tenants and using the same agriculture department samples, showed 360 parts per billion residue on garden vegetation. (Three hundred sixty parts per billion equals .36 parts per million.)

The Umpqua analysis also reported 90 p.p.b. residue in area's dirt play area and 30 p.p.b. on the lawn adjacent to the high school fence. The agriculture department reported no residue in those cases, but its tests apparently were not as sensitive as the Umpqua tests.

The agriculture department test was probably conducted at parts per million rather than billion to avoid interference from other chemicals that can take place beyond a specific point of accuracy for detecting Round-up residue, Harrison says. The person who conducted the test was unavailable for comment.



Emerald Photo

An Amazon area sign was a stark reminder of alleged errant spraying.

Authorities at the Umpqua Research Company, however, felt confident in testing at parts per billion.

In addition to the test results, the tenants' group collected 15 affidavits from "physically impacted" residents living along the "back line" of homes about 10 feet from the fence sprayed by 4-J, Burkhart says. Those affidavits attest to consistent occurrences of "excruciating headaches" among adults, and "diarrhea and stomach cramps" among adults and children.

The affidavits were solicited on an individual basis, and no one approached was told what others had said, Burkhart says. In many cases, "residents did not realize" a possible connection between the herbicide spraying and their maladies, she adds.

Because most residents received free treatment at the Student Health Center, ACT cannot sue for community loss, Burkhart says.

"Going to court has to be worth it," she says. But Lupton calls the community loss "considerable." The community relocated the gardens to back yards on the opposite side of the development at an expense of about \$600, she says.

"We have to pay \$1000 to ASUO," Lupton says in regard to funds borrowed for legal expenses. And the Umpqua analysis cost the community \$700, she says.

"As citizens we find it inappropriate and unacceptable to be sprayed with herbicides," Lupton says.

School district 4-J officials authorized to comment on the matter were unavailable.

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