

AERIAL SPRAY BAN

Lincoln County passes a ballot measure banning the aerial spraying of pesticides

On May 30, Lincoln County passed ballot measure 21-177, a measure banning the aerial spraying of pesticides, making it the first county in the nation to do so. A group in Lane County is looking to enact a similar ban.

Aerial sprays are used to kill unwanted plants and bugs on crops and on private timberlands. Though many environmentalists and environmental justice advocates have qualms with any usage of toxic pesticides, aerial application is particularly frowned upon due to the risk of pesticide “drift” or “trespass” — when pesticides are dispersed outside of their target area due to wind and runoff. That phenomenon can affect humans as well, whether directly or through waterways.

Along with making it unlawful for any corporation to aerially spray pesticides, the Lincoln County measure also includes the “Right to Local Community Self-Government,” according to the Lincoln County’s Voter’s Pamphlet, where “for limited purpose of prohibiting aerial spraying, community has collective and individual right of self-government.”

Within this section of the measure, it also “authorizes direct action by person if county or courts fail to enforce law.”

Although the measure’s passing was a big win for both environmental and community rights activists, it’s not totally out of the woods yet as it’s faced both legal backlash and public opposition from local government.

On June 6, Rex Capri of Newport filed a lawsuit challenging the aerial spray ban.

A press release from Citizens for a Healthy County, the organization that campaigned for the measure, says, “Mr. Capri is represented by Davis Wright Tremain of Portland.” Tremain was an attorney for Oregonians for Food and Shelter, an organization that “contributed \$33,000 to the No on 21-177 campaign.”

“It’s obvious that the lawsuit isn’t coming from the person listed but from the chemical and timber corporations that profit from the poisons,” says Maria Sause, of Citizens for a Healthy County, in the press release.

Citizens for a Healthy County is in the process of talking with legal counsel to begin planning next steps, Sause tells *EW*. “We worked so hard on our campaign, and even though we expected that there would be pushback, we’re still disappointed that we couldn’t just wait the 30 days for the ordinance to go into effect,” Sause says. “We’ll have to wait much longer than that.”

Citizens for a Healthy County is also reaching out to county commissioners and to the public to round up support, says Rio Davidson, also with the organization. But Davidson says some members of the Lincoln County government were not supportive of the measure in the first place.

In Lincoln County’s Voters’ Pamphlet, opposing arguments said that the authorization of “direct action” could open a window to vigilantism and that county funds could be diverted toward lawsuits to protect the measure.

“The measure is a direct challenge to the U.S. Constitution, claiming that a county ordinance should supersede state and federal law,” three members of the Lincoln County Board of Commissioners say in their statement. “The county will face a protracted battle to defend it in the courts and the legal costs that will tradeoff with funds for county services.”

“I think it’s important that the community’s decision-making authority is enforced by the county,” Davidson responds. Not all of city and county governments were against the measure, he adds. “The city of Yachats came out and supported the measure.”

The measure has been inspirational for the community rights movement in Oregon.

“A win in Lincoln County is a win for the planet,” says Michelle Holman with Community Rights Lane County (CRLC). “It’s a win for Lane County, it’s a win for Oregon and the U.S.”

Activists in Lane County are working on forming a similar measure to urge corporations to stop aerial spraying.

“There are currently two initiatives that are being circulated: one to ban aerial spraying of herbicides and another to recognize our right as a community government,” says Ann Kneeland of CRLC. “We’re optimistic that our community will get the same opportunity that Lincoln County has.”

Holman and Kneeland agree that although aerial spraying happens primarily in rural parts of Oregon, it’s not just a problem for rural citizens.

“The pesticides and herbicides fall on our waterways,” Kneeland says. “This is an issue on our environmental health as it affects all Oregonians. It’s not just a rural issue.”

“Anywhere there’s logging going on, there’s spraying going on,” Holman says. “We all live downstream.”

Holman says Community Rights Lane County is in the process of gathering signatures for the two initiatives and hopes to have them on the May 18, 2018, ballot.

As for Lincoln County, Citizens for a Healthy County says there is no indication of how long the lawsuit will delay the measure that was slated to go into effect in early July. ■

THREE RIVERS

CASINO RESORT



June Weekend Entertainment

Every Friday & Saturday 9PM – 12:30AM

June 16 & 17
Hank Shreve Band



June 23 & 24
Jessie Leigh

June 30 & July 1
Rekless Kompany



Paperback Writer

THE
BEATLES
Experience



IN FLORENCE

SATURDAY, JULY 15 7PM & SUNDAY, JULY 16 4PM
TICKETS START AT \$14.99

Things are luckier here!

FLORENCE · COOS BAY
877-374-8377 · THREERIVERSCASINO.COM