

## IN BRIEF

## Cannon Beach fire district dedicates communication room to Aya

CANNON BEACH — The Cannon Beach Rural Fire Protection District has dedicated its communication room as a memorial for Alfred Aya.

Aya, who died last year, was the founding father of the community tsunami warning system. He came up with the distinctive “mooring” sound.

He spent nearly 30 years serving the fire district and was elected to the fire district’s board.

“As his voice lives on in our warning system messages we dedicate the communication room, which houses all of his many hours of study and work, to the memory of his name,” Gary Smith, the fire district’s board president, said in a letter on behalf of the board.

## Saddle Mountain access to close for repairs

Public access to Saddle Mountain State Natural Area will be closed Nov. 25 to Dec. 6.

Construction crews will be making repairs to the park’s entrance road. For more information, visit the park’s website.

## Clatsop County Fair Board seeks applications

Clatsop County is seeking applications from people interested in joining the fair board.

There are three open positions, each with three-year terms that expire Dec. 31, 2022.

The fair board is responsible for the management of the Clatsop County Fair and Expo and organizes the annual county fair. Meetings are on the first Tuesday of each month.

To apply, visit the Clatsop County Manager’s Office at 800 Exchange St., Suite 410, or apply online through the county’s website.

Applications are due by Dec. 13. The Board of Commissioners will make the appointments.

— *The Astorian*

## Analyst explains Willapa coho fishing closure

RAYMOND, Wash. — The Washington Department of Fish and Wildlife has closed Willapa Bay and its surrounding tributaries to all salmon fishing for the second year in a row.

According to Chad Herring, a state analyst, the closure was implemented because of record low native coho returns.

“Right now we have a run size update that is suggesting we are seeing only about 40% of what was predicted pre-season,” Herring said. “So we have downgraded the run.”

— *Chinook Observer*



A bald eagle patrols the shores of Willapa Bay.

Madeline Kalbach

## DEATHS

Nov. 14, 2019

EWALD, Patricia Ann, 97, of Astoria, died in Astoria. Caldwell’s Luce-Layton Mortuary of Astoria is in charge of the arrangements.

Nov. 13, 2019

TREMONTI, Merilyn, 80, of Warrenton, died in Warrenton. Caldwell’s Luce-Layton Mortuary of Astoria is in charge of the arrangements.

Nov. 12, 2019

FOSS, Orocia “Rosie,” 83, of Astoria, died in Astoria.

Hughes-Ransom Mortuary is in charge of the arrangements.

SHANE, Gloria Faye, 90, of Astoria, died in Astoria. Caldwell’s Luce-Layton Mortuary of Astoria is in charge of the arrangements.

Nov. 11, 2019

HUTCHISON, Mark, 59, of Seaside, died in Seaside, Oregon. Caldwell’s Funeral & Cremation Arrangement Center of Seaside is in charge of the arrangements.

## PUBLIC MEETINGS

MONDAY

**Knappa School Board,** 5:30 p.m., Knappa High School library, 41535 Old U.S. Highway 30.

**Astoria City Council,** 7 p.m., City Hall, 1095 Duane St.

**Jewell School Board,** 7 p.m., Jewell School library, 83874 Oregon Highway 103.

TUESDAY

**Union Health District of Clatsop County Board,** 8 a.m., Providence Seaside Hospital, Education Center, Room B, 725 S. Wahanna Road, Seaside.

**Port of Astoria Commission,** 4 p.m., Port offices, 10 Pier 1 Suite 209.

**Astoria Historic Landmarks Commission,** 5:15 p.m., City Hall, 1095 Duane St.

**Sunset Empire Park and Recreation District Board of Directors,** 5:15 p.m., Bob Chisholm Community Center, 1225 Avenue A, Seaside.

**Seaside School District Board of Directors,** 6 p.m., 1801 S. Franklin.

**Seaside Planning Commission,** 7 p.m., work session, City Hall, 989 Broadway.

**Shoreline Sanitary District Board,** 7 p.m., Gearhart Hertig Station, 33496 West Lake Lane, Warrenton.

## Ban on flavored nicotine and cannabis vape products on hold

By FEDOR ZARKHIN  
*The Oregonian*

Gov. Kate Brown’s six-month ban on both flavored nicotine and cannabis vape products is on hold with new rulings Thursday by the Oregon Court of Appeals.

“We’re very happy,” said Andrew DeWeese, the Green Light Law Group attorney representing Herban Industries, which sued over the cannabis vape oil portion of the ban. “It’s a win for the cannabis industry and it is, frankly, a win for the Oregon consumer.”

The court a month ago temporarily halted the ban on only flavored nicotine vaping products. It now has extended that stay and granted a stay covering the ban on flavored cannabis vaping products as well.

The decisions are a major blow to Brown’s efforts to address the vaping-related lung illness epidemic.

“This gives us some surety that the state is in the wrong,” said Paul Bates, owner of one of the companies that sued the state.

Brown moved to ban all flavored vape products through an executive order in October, following two deaths in Oregon from severe lung illnesses connected to vaping.

Nationwide, nearly 2,200 people have fallen ill in the epidemic. Federal health officials have said that illicit vape oils with marijuana’s psychoactive chemical THC are most directly implicated, although some victims reported using only nicotine products. As of Nov. 12, 17 Oregonians have fallen ill, six who used only nicotine vape products and five who used only THC products, according to the Oregon Health Authority.

The governor’s office said the courts two stays were “unfortunate,” given the that threat both the lung illness epidemic and the growth in vaping among Oregon youth pose to public health. The governor will keep looking for long-term solutions to protect people from vaping-related lung illnesses, spokesman Charles Boyle said in a written statement.

“Governor Brown continues to urge Oregonians to heed the public health warning of the Oregon Health Authority and to stop vaping immediately,” Boyle said.

The stay on the flavored cannabis vape ban was first reported by Willamette Week.

The Court of Appeals action on flavored cannabis vapes came in response to a suit by the Oakland-based

company Herban Industries against the Oregon Liquor Control Commission, which licenses and regulates the state’s marijuana industry.

The agency had moved to enact Brown’s order by banning all THC vape oil products containing flavor chemicals, called terpenes, derived from anything but marijuana. The OLCC had said that this would amount to about 10% of the marijuana market.

The court was convinced by the company’s argument that it would suffer irreparable harm.

Herban Industries sells vape oil products under the brand name “Winberry” that, according to the order, contain a proprietary blend of terpenes that mimic those found in cannabis. But because those terpenes aren’t derived from actual cannabis plants, the ban forbade the company from selling them.

More than 80% of the company’s revenue comes from flavored Winberry vape cartridges, according to the order. The company argued that because the products are so fundamental to the business, a ban could force it to fire many of its employees. The Court of Appeals agreed.

“The court is persuaded that petitioner has demonstrated that irreparable harm is likely to result unless enforcement of the rule is stayed,” the order said.

The OLCC argued that halting the ban would harm the public, but the court was not convinced, saying there is no evidence connecting non-marijuana flavors to the lung illnesses.

In a separate case, the Court of Appeals found that the state most likely

did not have the standing to ban flavored nicotine vape products.

That case was led by the trade group Vapor Technology Association, three Oregon vape companies and Bates, owner of the Portland vape shop Division Vapor.

The Oregon Health Authority in October wrote temporary rules to enact the flavored nicotine vape products portion of the governor’s executive order. The Court of Appeals said that Brown’s command was likely not enough to give the agency the power to write the rules.

The Court of Appeals concluded that vape shops would likely suffer serious harm if the flavored vape product ban remained in place.

The companies argued that the rule could “cause the entire industry in Oregon to be destroyed,” the court order read. The health authority did not dispute that claim in court.

The court cited the basic facts surrounding the vaping-related lung illnesses to reject the agency’s argument that a ban is necessary to protect the public. Most of the lung illness cases nationally involved cannabis vape products, the court order said — not nicotine products. Moreover, the court order said, no evidence has been presented connecting flavored vape products to lung injuries.

The Vapor Technology Association’s executive director, Tony Abboud, lauded the ruling.

“As we’ve said, bans don’t work,” Abboud wrote in a statement. “They never have.”

## the Astorian

Established July 1, 1873  
(USPS 035-000)

Published Tuesday, Thursday and Saturday by EO Media Group, 949 Exchange St., PO Box 210, Astoria, OR 97103 Telephone 503-325-3211, 800-781-3211 or Fax 503-325-6573. POSTMASTER: Send address changes to The Astorian, PO Box 210, Astoria, OR 97103-0210

DailyAstorian.com  
MEMBER OF THE ASSOCIATED PRESS  
MEMBER CERTIFIED AUDIT OF CIRCULATIONS, INC.

Circulation phone number:  
503-325-3211

Periodicals postage paid at Astoria, OR  
ADVERTISING OWNERSHIP  
All advertising copy and illustrations prepared by The Astorian become the property of The Astorian and may not be reproduced for any use without explicit prior approval.

COPYRIGHT ©  
Entire contents © Copyright,  
2019 by The Astorian.

Printed on recycled paper

Subscription rates  
Effective May 1, 2019  
MAIL (IN COUNTY)

EZpay (per month) .....\$11.25  
13 weeks in advance .....\$37.00  
26 weeks in advance .....\$71.00  
52 weeks in advance .....\$135.00

Out of County Rates available at 800-781-3214

DIGITAL

EZpay (per month) .....\$8.00

**VOLUNTEER**  
PICK OF THE WEEK  
**Neko**  
7 year old White  
Labrador Blend  
Neko is deaf but expressive, responsive and eager to engage.  
See more on Petfinder.com

Sponsored by Bayshore Animal Hospital  
CLATSOP COUNTY ANIMAL SHELTER  
1315 SE 19th St., Warrenton • 861- PETS  
www.dogscats.org Noon to 4pm, Tues-Sat

**WANTED**  
Alder and Maple Saw Logs & Standing Timber  
Northwest Hardwoods • Longview, WA  
Contact: John Anderson • 360-269-2500