

# Former employee sues Columbia Basin Bioscience

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East Oregonian

HERMISTON — A Umatilla County resident is suing a local agricultural operations for \$300,000, claiming the company fired her in retaliation for making a complaint to government agencies about health and safety concerns.

According to the lawsuit, JaNessa Prewitt was employed by Columbia Basin Bioscience, an industrial hemp farm and processing facility in the Hermiston area, and also did some work for Columbia Basin Onion, an onion grower and processor also owned by Alan Cleaver.

The complaint claims that Prewitt, an evaporator operator, learned that ammonia tanks at her work site were leaking. It states that she was also exposed to other gases, including nitrogen, and hemp dust, but “was not fit-tested or given an appropriate respirator mask.”

The lawsuit lays out multiple dates on which Prewitt became ill with symptoms including nausea, vomiting, dizziness and shortness of breath while at work, and states that when she sought medical treatment, the doctor who examined her expressed concern that her symptoms may be from ammonia exposure and encouraged her to take steps that included wearing a respirator while at work. The doctor provided documentation for her employer about needs for accommodation on the job due to her continuing health problems.

As the situation progressed, the lawsuit states that Prewitt filed for worker’s compensation and filed a complaint with OSHA, and that when an OSHA

inspector arrived, “due to the nature of the complaint, it was evident to everyone that Plaintiff was the source of the complaint.” It states the building was evacuated for an ammonia leak during the course of the inspector’s visit.

It also states that her employers found out she was planning to file a complaint with the Bureau of Labor and Industries after she was allegedly told that she could be accommodated with an office job that fit her doctor’s recommendations but was instead sent to work on an onion processing line.

On July 17, 2020, the lawsuit states, Prewitt was told she could either voluntarily quit or have her employment terminated, and when she declined to quit, her employment was terminated. The lawsuit states that Columbia Basin Bioscience “discriminated and retaliated against” Prewitt for “opposing an unsafe environment.”

Christina Stephenson, the attorney representing Prewitt, said in an email that as the case moves forward, “we look forward to the transparency and accountability that only the courts can provide.”

The lawsuit states that the plaintiff is seeking \$300,000 in compensatory damages, which includes non-economic and economic damages, and that she will ask the court to allow her to seek punitive damages as well.

After the *East Oregonian* reached out to Columbia Basin Bioscience, employee Steve Williams said the company denies the allegations of wrongdoing but had no further comment on ongoing litigation.

# Last: Despite having more residents, Polk County still comes out ahead

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on the front lines and are exposed.”

The letter points out that Umatilla County, as well as Morrow and Malheur counties, have each received low vaccine allocations despite having some of the highest COVID-19 infection rates.

The counties hold the three highest COVID-19 testing positivity rates in Oregon, and only recently, as case counts have declined on average, have the counties been lowered in the state’s coronavirus risk categories. As of March 2, the counties ranked last (Umatilla), third to last (Morrow) and fifth to last (Malheur) in the state’s vaccination rankings.

The letter argues that the state is failing at its promises of delivering the vaccine to vulnerable minority communities, noting the three Eastern Oregon counties have some of the highest percentages of Hispanic and Latino populations in the state.

“This is not due to a lack of capacity to vaccinate our residents. We have never even tapped the upper limits of our vaccine allocations,” the letter says. “While equity is high on Oregon’s agenda, this is an embarrassing and inexcusable contradiction.”

County health officials have long said that Umatilla County’s Hispanic and Latino population has been hit disproportionately hard throughout the pandemic, but have resisted publishing data showing this. Approximately 28% of Umatilla County’s population is Hispanic or Latino, according to U.S. Census data.

“Our Hispanic community was hit very hard,” Joe Fiumara, Umatilla County’s public health director, said. “Especially in the food processing and essential worker, frontline work-



Ben Lonergan/East Oregonian, File

Registered nurse Laurie Post prepares doses of the Moderna COVID-19 vaccine during a Umatilla County Public Health drive-thru vaccination clinic at the Pendleton Convention Center on Jan. 28, 2021.

ing categories. It’s still my contention that, that’s where most of the spread has happened in this county.”

Part of the reason Umatilla County has not received as many doses as other counties is due to its comparatively small Phase Ia population, which includes health care and frontline workers, Fiumara said. He added the county has consistently been able to exhaust its vaccine supply when allocated, and the low numbers “are not for lack of trying.”

In the March 3 meeting, Umatilla County Commissioner Dan Dorran noted Polk County has vaccinated residents at a significantly higher rate than Umatilla County despite having a similar population. The county has nearly 1,800 more residents, but has vaccinated nearly 1,000 more people per 10,000 residents than Umatilla County.

“This is not an issue of capacity by the county to administer vaccination,” Murdock said. “We could

administer way more vaccinations than we’re able to at this time. But it continues to be a major problem with the county being supplied with adequate doses in order to keep up.”

Umatilla County health officials have previously estimated that, if provided with ample doses of vaccine, the county has the resources and staffing to vaccinate more than 2,000 people each week.

But for months, the county has been plagued by delayed shipments due to factors like a lack of federal vaccine allocation and inclement weather, forcing the county health department to cancel or postpone events multiple times.

In upcoming weeks, however, Fiumara said Umatilla County’s vaccine allocation could continue to increase due to its large essential workforce, which will soon become eligible, thereby bringing larger allocations to the county per the state’s rollout plan.

“We’re already trying to

figure out how many migrant workers we’re talking about, how many food processors we’re talking about, where are they at and how are we going to connect with them,” he said. “Because we know at the end of the month they’re going to be eligible. And we don’t want to wait until then to figure out how we’re going to connect with them.”

Allocated doses are also expected to increase at various stores throughout the county, Fiumara said. Places like Bi-Mart, Walmart, Rite Aid, Safeway and Mirasol could each be seeing increased doses, and new shipments of the Johnson & Johnson vaccine are beginning to arrive in the county, providing some hope that more residents will be vaccinated soon enough.

“It’s still not enough, for right now,” Fiumara said. “But it is starting to look like the point of, ‘We have more vaccine than we can get people to come take it,’ is approaching closer and closer every week.”



East Oregonian, File

An Aeryon Scout unmanned aerial vehicle flies over a field off of McCormach Road on Sept. 30, 2014, north of Pendleton.

# Exemptions:

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only range in Oregon that had to comply with public records law.

While none of the committee members seemed opposed to the bill, some senators pointed out that some of their requests were already duplicated by existing exemptions and wanted to know what specifically the city wanted to protect from public disclosure.

Chrisman declined to delve into specifics, but he did say UAS companies wanted “peace of mind” when looking to protect their information, something Senate Bill 315 would afford them.

“I would prefer not to have to get into the nuanced arguments of law in the state of Oregon, when I’ve got lots of other competition that I’m competing against in other places,” he told the committee. “I just want to get them to Oregon because I think it’s in the best interest of Oregonians, if we can get this industry, this new and exciting technology, to come to Oregon and we enjoy the benefits of that.”

The city is also arguing that the Oregon Legislature has previously granted public records carve outs for other municipal projects, like the Klamath Regeneration Project in Klamath Falls.

In an email, City Attorney Nancy Kerns, who helped draft the language of the bill, agreed that the city could theoretically block any public records disclosure related to the UAS range as long as it could argue that it could cause a competitive disadvantage for the range or its customers.

The only person to speak out against the bill at the hearing was Tom Holt, a lobbyist for the Society of Professional Journalists, who argued that the language of the bill was too broad.

In an interview after the hearing, Hansell said he believes the city is seeking the public records exemption in good faith, but because of the SPJ’s concerns, he was encouraging the city to work with the editors from the *East Oregonian* to come up with a compromise.

Whatever solution the two sides arrived at, Hansell said he was confident the resulting bill would easily pass through the committee and the Legislature.

# Lawsuit: ‘I just want to be made whole’

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has always been the county’s, and the Waines had built their fence and other improvements on county property in error.

Doug Olsen, attorney for Umatilla County, said in an email that the county cannot discuss an ongoing lawsuit. The Waines named the city of Hermiston in the lawsuit as well because the road lies in the city’s urban growth boundary, and city attorney Gary Luisi also said the city declined to comment on ongoing litigation.

In a response to a request by the Waines for the court to grant an injunction against the Airport Road project, Umatilla County responded that all surveys of the corner are in agreement with the county, with the exception of a 1973 survey by David Krumbin, which the county said Krumbin later determined was wrong and corrected in 1980.

“The Northeast corner monumented by the pins set in 1954, 1980 and 1991, is the location being used by the County as the centerline of Airport Road and the road improvement project,” the court document submitted by the county states.

Chris Waine said things aren’t so clear cut, however. For example, the Waines’ memorandum in opposition to the defendants’ motion for summary judgment states that the 1954 survey conducted by James Higgins describes a half-inch-wide steel pin set in the ground as a monument to mark the northeast corner of the property. The document goes on to argue that an iron pipe the county considers to be the Higgins monument is not, in fact, the monument Higgins placed, and does not mark the correct location of the right of way.

The Waines’ lawsuit, filed in March 2020, asks for



Ben Lonergan/East Oregonian, File

Chris Waine speaks with Umatilla County Sheriff Terry Rowan as county surveyor Matt Kenney records the location of a trio of supposed property markers on April 23, 2020.



Ben Lonergan/East Oregonian, File

Chris Waine holds a metal tag that he found near what he believes is a charred post, a historical property marker, after construction crews began grading the road surface along his contested property line on April 22, 2020.

the title to their land to be cleared of the survey records they believe to be erroneous, a permanent injunction keeping the county off of what the Waines say is their property, an award of “costs and reasonable legal fees” and any other relief the court deems equitable. An emergency injunction halt-

ing construction was also requested but was denied last year.

Chris Waine said he’s not trying for a “huge” cash settlement in addition to resolving the issues with the land title, just reimbursement for his family’s ongoing legal costs and for the fence he had to install

after the county removed his original fence to complete the paving project.

“I just want to be made whole,” he said.

Waine said he does hope that the entire incident also sparks some reform for Umatilla County and the city of Hermiston. His property isn’t the only one where boundary lines are in question, he said, and those landowners also deserve a clear procedure for resolving issues, such as conflicting surveys or lost monuments.

“It’s kind of a mess and I think the county needs to have a protocol in place,” he said.

After Judge Eva Temple denied the motion for summary judgment on Feb. 19, clearing the way for the lawsuit to proceed in Umatilla County Circuit Court, Waine said both sides are now preparing for a three-day trial scheduled to start July 6, 2021.