

LANE COUNTY FREEDOM FROM AERIAL SPRAYING OF HERBICIDES BILL OF RIGHTS

Preamble

We the people of Lane County assert that the practice of aerial spraying of herbicides on Lane County's forests is causing serious chemical contamination of our county's people, wildlife, ecosystems, air, and watersheds, as well as terminal degradation of our soil. A large number of herbicides being used, among them, but not limited to, 2,4 D, glyphosate, and atrazine, have been proven harmful to both humans and the environment;

We the people of Lane County acknowledge that the World Health Organization recently determined that glyphosate is "probably carcinogenic to humans" and that 2,4-D is "possibly carcinogenic to humans", and there is mounting evidence linking a wide variety of herbicides to many significant negative health effects;

We the people of Lane County assert that the practice of aerial spraying of herbicides leads to considerable airborne drift, diffusion, disbursement, and volatilization that ultimately exposes residents and their property, crops, livestock, pets, landscaping, and edible food gardens to toxic chemicals;

We the people of Lane County assert that the practice of aerial spraying endangers our local economy. Successful wineries and organic farming operations depend on our fertile valley, and the drift from aerial sprayed herbicides put their products at risk, lose market value, or become unsalable if they become contaminated by those herbicides;

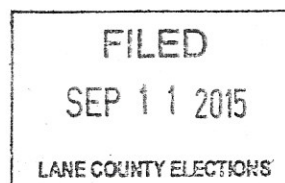
We the people of Lane County assert that the people's authority to recognize and secure these rights, and enforce these prohibitions, is anchored by the inherent right of local community self-government in Lane County, which is also secured by the Declaration of Independence, the Oregon Constitution, and the United States Constitution.

Now, therefore, the people of Lane County hereby adopt this Charter Amendment, which shall be known and may be cited as the "Lane County Freedom from Aerial Spraying of Herbicides Bill of Rights."

Section 2. Definitions

- (a) "Chemical Trespass" means exposure to toxic chemicals without the subject's consent.
- (b) "Corporations" refers to any corporation, limited partnership, limited liability partnership, business trust, business entity, or limited liability company organized under the laws of any State of the United States or under the laws of any country. The term includes all public corporations and municipal corporations.
- (c) "Governmental entities" refers to state or federal agencies, and state or federal entities.
- (d) "Engage in aerial spraying," means the physical deposition of herbicides into the land, water, or air by any aerial method, including, but not limited to, all actions taken to prepare for that physical deposition.
- (e) "Herbicides" means any chemical that is toxic to plants and is used to destroy or inhibit the growth of unwanted vegetation.

Section 3. Statements of Law – Freedom from Aerial Spraying of Herbicides Bill of Rights



(a) Right to be Free from Chemical Trespass. All people of Lane County possess the right to be free from chemical trespass of aerial sprayed herbicides.

(b) Right to Clean Air, Water, and Soil. All people of Lane County possess the right to clean air, water, and soil free from chemical trespass of aerial sprayed herbicides within Lane County

(c) Rights as Self-Executing. All rights delineated and secured by this Article are inherent, fundamental, and unalienable, and shall be self-executing and enforceable against both private and public actors. They shall not require any enabling or implementing legislation to be enforced by the County or any resident of Lane County.

Section 4. Statements of Law – Prohibitions Necessary to Secure the Bill of Rights

(a) It shall be unlawful for any corporation or governmental entity to violate any right secured by this Article.

(b) It shall be unlawful for any corporation or governmental entity to engage in aerial spraying of herbicides within Lane County.

(c) Corporations and governmental entities engaged in aerial spraying of herbicides in Lane County shall be strictly liable for damages caused by those herbicides to the people and property within Lane County.

Section 5. Authority and Enforcement

(a) This Article is enacted under the authority of the people’s inherent and inalienable right of local community self-government exercised to protect our community from the aerial spraying of herbicides.

(b) Lane County or any resident of Lane County may enforce this Article through an action brought in any court possessing jurisdiction over activities occurring within Lane County, including, but not limited to, seeking an injunction to stop prohibited practices. In such an action, Lane County or the resident of Lane County shall be entitled to recover damages and all costs of litigation, including, without limitation, expert, and attorney’s fees.

Section 6. Self-Execution

This Article is self-executing.

Section 7. Severability

The provisions of this Article are severable. If any court decides that any section, clause, sentence, part or provision of this Article is illegal, invalid or unconstitutional, such decision shall not affect, impair or invalidate any of the remaining sections, clauses, sentences, parts or provisions of this Article.

Section 8. Effect

This Article shall take effect thirty (30) days after adoption.

