

**LANE COUNTY FREEDOM FROM AERIAL SPRAYING OF HERBICIDES
BILL OF RIGHTS ORDINANCE**

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 Ordinance, which shall be known and may be cited as the "Lane County Freedom from Aerial Spraying of Herbicides Bill of Rights Ordinance."

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 Ordinance 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 Ordinance.

(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 Ordinance 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 Ordinance 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 Ordinance is self-executing.

Section 7. Effects of Preemption

If, on the effective date of this ordinance, state or federal law preempts one or more provisions of this ordinance, such preempted provisions shall be codified and shall become operative at such later time as the preemption has been removed by legislation or court decision.

Section 8. Severability

The provisions of this Ordinance are severable. If any court decides that any section, clause, sentence, part or provision of this Ordinance 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 Ordinance.

Section 8. Effect

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

For
Distribution
to BCC
Testimony (Oct 29 2017)

July 14, 2019

Friends,

Since I retired six months ago, I have made it a priority to become more informed about the threats we face from climate change. There is no longer any room for doubt that the planetary warming we are experiencing is caused by the rise in heat trapping gases in the atmosphere, primarily CO₂, and that this is a direct consequence of human activities that produce these gases, primarily by burning fossil fuels. Anyone who continues to deny this is simply not credible. Climate scientists now have enough data and knowledge to predict what will happen as CO₂ levels continue to rise. This includes reduced snowpacks, droughts and water shortages, more violent hurricanes and tornados, massive fires, melting glaciers and polar ice, sea level rise, and ocean warming and acidification.

These things already cost the U. S. an estimated \$250 billion a year. If humans do not take rapid and effective actions, they will drastically worsen. Large areas of the earth, which are already hot and short of water, could become uninhabitable. Vast coastal lowland areas on all continents, which contain many of the world's major cities, will be under water. Humans will be forced to evacuate these areas, and the resulting mass migrations could result in unprecedented social upheaval. Agriculture and food production will suffer severely, and extinctions of plants and animals will occur. These things could reach catastrophic levels of severity within 60 to 80 years and continue to worsen after that.

Those of us over the age of 50 will not live long enough to experience the worst of what is to come if we do nothing to intervene. This will fall squarely on the backs of our children and grandchildren. The imminent threat of global warming forces each of us to confront the question: *What are we willing to do to keep our children safe?*

Before discussing predictions for the future, here are some facts you need to know:

1. Currently, 10 billion tons of fossil fuels are burned every year, producing almost 40 billion tons of CO₂.
2. CO₂ and some of the other greenhouse gases remain in the atmosphere for hundreds of years after being released.
3. CO₂ is absorbed into the oceans producing carbonic acid and results in acidification of the oceans.
4. Prior to 1950, CO₂ levels never rose above 300 parts per million (ppm). Since 1950 they have risen from 300 ppm to 410 ppm, and the trajectory continues rapidly upward. This has resulted in a rise in average global temperature (AGT) of around 1.0 degrees C. The current rate of burning fossil fuels will cause this to continue to rise rapidly.
5. It is generally agreed that if we can take actions which prevent AGT from rising more than an additional 1.0 degree C (2.0 degrees C above historical levels), the resulting environmental, economic, and social damage, although still significant, should not rise beyond levels that exceed the ability of humans to adapt and cope.
6. Net zero carbon emissions is when as much CO₂ is captured from the atmosphere as is released into it.

Two major reports on climate change have been published in the past several months. The National Climate Assessment (NCA) was done by 300 experts under the direction of several U. S. governmental agencies. The Intergovernmental Panel on Climate Change (IPCC) is under the direction of the United Nations. The mission of both is to enhance the ability of humans to anticipate, mitigate and adapt to changes in the environment due to climate change. Both reports came out with similar findings:

1. Based on predicted population growth and expected energy needs, the AGT will rise by 3.5 to 4.5 degrees C (6 to 8 degrees F) by the year 2100 *if nothing is done*, and will continue to rise after that.
2. To prevent the AGT from rising more than 1.5 degrees C above historical levels, global fossil fuel emissions *must be reduced by 45% by 2030* and be to net zero emissions by 2050.
3. To prevent the AGT from rising more than 2.0 degrees C, fossil fuel emissions *must be reduced by 25% by 2030* and be to net zero carbon emissions by 2070.

Although, it may be unrealistic to think we can prevent a rise of less than 1.5 degrees above historical levels, I pray that we can prevent a rise greater than 2.0 degrees. If the AGT rises much more than 2.0 degrees, the environmental damage could result in a truly dystopian nightmare that no one wants to contemplate. So we must act quickly and decisively to reduce greenhouse gas emissions in the time frame given by the NCA and IPCC. Accomplishing this will not be easy, but it is doable. *The long term adverse effects of climate warming are infinitely greater in magnitude than the short term difficulties posed by transitioning from fossil fuels to a clean energy economy.*

The U. S. must lead the effort and put pressure on all nations to act. We do not have time to wait for others to act first. To be effective, the path to success must be multifaceted and include: *1. Aggressive reductions in use of fossil fuels. 2. Rapid development of clean energy alternatives. 3. Increased efficiency of energy use. 4. Capture and storage of CO2.*

I have looked at plans which have been devised to reduce greenhouse gas emissions, including cap and trade, and I have concluded that a carbon fee and dividend plan is the easiest, the most fair, and has the highest chance of success. It simply collects a fee when fossil fuels are removed from the ground and lets the free market work from there. The government places a per ton fee on companies when they remove fossil fuels from the ground. The fee is increased by a set amount yearly, it is kept separate from all tax revenue, and all of it is given back to households on a monthly basis. Fossil fuels will gradually become more expensive than clean alternatives. The free market allows each of us to choose what we want, but inevitably, we gravitate to less expensive options. The net cost to each of us will be minimal, because, although energy will be more expensive, the money we all get from the dividend will cover the increase.

It is important to emphasize that, although it is called a tax by some, the carbon fee is not truly a tax because the government cannot keep and use the money. The entire amount collected is distributed to all American households to financially protect us from any increased cost of energy. It is also important to note that almost all economists, both liberal and conservative, agree that a carbon fee should be the cornerstone of any set of policies to address the threats of climate warming. Most energy companies also acknowledge the need to transition to clean energy sources. This plan gives them impetus to change, and it gives them time to transition as the fee rises. Exxon Mobil actually endorses a carbon fee and dividend.

One proposal for a carbon fee and dividend plan was devised by a group called the Climate Leadership Council. This was led by two prominent conservative republicans, George Schultz and James Baker. This was touted as the republican party's solution to climate change, but when Donald Trump took control of the party, such talk quickly stopped. In off the record conversations, many republicans support this approach, but won't say so publicly in the current political environment.

This should not be a partisan issue. Climate warming will negatively effect the lives of our children and grandchildren whether we are a democrat or a republican, and choosing to do nothing to minimize it violates our responsibility to them.

There is currently only one carbon fee and dividend bill in congress. It is called the Energy Innovation and Carbon Dividend Act (HR 763). I have reviewed it in depth, and I support it as a well written and well thought out bill. It is supported by a grassroots organization of 130,000 people across the U. S. called Citizen's Climate Lobby (CCL), which I have joined. A study of the effects of this bill was done by a nonpartisan company called Regional Economic Models, Inc. It concluded that, after 20 years, CO2 emissions would be reduced by 52%, 200,000 lives would be saved due to reduced air pollution and extreme weather, and the economy would actually be stimulated due to the dividend going back to households. GDP would rise by around \$80 billion, and 2.8 million jobs would be added.

The bill is bipartisan in that it was co-introduced by a republican and a democrat. It now has over 50 co-sponsors. (A co-sponsor is a representative who wants it known that they support the bill even when it is still in committee) CCL wants more republican co-sponsors, but, even republicans who would support it have not yet signed on as co-sponsors for reasons I listed previously. I hope this changes soon. This bill is market based, and it is revenue neutral. It will not increase the size of government or increase the federal deficit. These are traditional conservative values. If it becomes law, the bill would mandate a transition away from fossil fuels to clean energy over a period of 50+ years. As with all major change, this will require some pain and sacrifice, but anything less will not be sufficient to keep earth's environment livable for our kids.

www.energyinnovationact.org

I encourage you to look into this yourselves. You can visit www.citizensclimatelobby.org and you can google "carbon fee and dividend, or, more specifically, "Energy Innovation and Carbon Fee and Dividend Act".

I believe the reason we must support immediate and effective action on climate change comes down to love. If we love our children and our grandchildren, and if we love our country, and if we love this earth, then we must not stand by and do nothing.

I would be pleased to talk to anyone who wants to discuss these issues in more detail.

With respect,

Dick

Oct 29 2019
Terry

Sample resolution of endorsement

City of Bayfield

Office of the Clerk and Mayor
125 South First Street - P.O. Box 1170
Bayfield, Wisconsin 54814
Phone (715) 779-5712
cityclerk@cityofbayfield.com

RESOLUTION #549

Urging Congress to Support HR 763

- WHEREAS** increases in global average temperatures, the number and intensity of extreme weather events, sea level rise, and the melting of glacial and Arctic ice, indicate that the global climate is changing; and
- WHEREAS** the greater Chequamegon Bay area has experienced two 500-year extreme rain events in the past three years, which have caused extensive damage to area roads, bridges, culverts, and other infrastructure; and
- WHEREAS** studies by the Wisconsin Initiative on Climate Change Impacts project that if climate change continues unchecked, the area will experience increasingly warmer temperatures, especially during the winter months, and increasing amounts of precipitation and extreme rain events; and
- WHEREAS** such changes are likely to have substantial adverse impacts on area highways and roads and other critical infrastructure; and
- WHEREAS** such changes may also have adverse effects on the area's forests and timber industry by decreasing suitable habitat for such commercially important species as paper birch and quaking aspen, increasing the risk of wildfires, and increasing stress from forest pests, diseases, and non-native species; and
- WHEREAS** such changes may also have adverse impacts on area agriculture by increasing erosion from extreme rain events, hampering access to fields at critical times, causing alterations in late-winter freeze/thaw cycles and causing increases in agricultural pests and diseases; and
- WHEREAS** such changes may also have adverse impacts on the area's winter tourism economy by decreasing the duration of winter snow cover and rendering winter conditions less predictable; and
- WHEREAS** The City of Bayfield has been a local governmental leader in sustainable development, having formally [declared its commitment to sustainability in 2006](#); having become a [Wisconsin Energy Independent Community in 2009](#); and having become a charter [Wisconsin Green Tier Legacy Community in 2010](#); and
- WHEREAS** the above-described impacts of climate change, if not effectively addressed, are likely to have substantial adverse effects on the economy and well-being of the City of Bayfield and its ability to achieve a sustainable future; and
- WHEREAS** recent reports by the UN's Intergovernmental Panel on Climate Change and the US government indicate that to avoid the worst potential impacts of climate change, urgent action is needed to reduce carbon emissions; and

WHEREAS in order to reduce carbon emissions most effectively and efficiently, leading economists (including four past chairs of the Federal Reserve Board, 27 Nobel Laureates, and 15 past chairs of the Council of Economic Advisors) recommend a gradually increasing carbon tax on fossil fuels, with the proceeds thereof returned to American households as dividends, and with a border adjustment system to protect the competitiveness of American firms both nationally and internationally; and

WHEREAS the Energy Innovation and Carbon Dividend Act, introduced in the current Congress as H.R. 763, meets all of those criteria and has bipartisan support; and

WHEREAS competent studies have projected that if such legislation is enacted, it will result in a substantial reduction in carbon emissions as well as increases in GDP and employment; and that the dividends received by most low and moderate-income households will be more than enough to offset price increases due to the carbon fee;

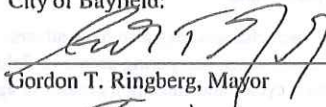
NOW, THEREFORE, BE IT RESOLVED that the City of Bayfield Common Council urges the United States Congress to pass H.R. 763 without delay; and

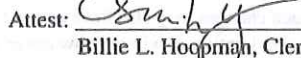
BE IT FURTHER RESOLVED that the City Clerk is directed to send copies of this resolution to Senator Ron Johnson, Senator Tammy Baldwin, Representative Sean Duffy, Governor Tony Evers, State Senator Janet Bewley, and State Representative Beth Meyers.

Passed and adopted this 20th day of May, 2019.



City of Bayfield:


Gordon T. Ringberg, Mayor

Attest: 
Billie L. Hoopman, Clerk

Established in 1913.

City of Bayfield is an Equal Opportunity Provider and Employer.

Complaints of discrimination should be sent to: USDA, Director, Office of Civil Rights, Washington, D.C. 20250-9410

Energy Innovation AND Carbon Dividend Act

THE BIPARTISAN CLIMATE SOLUTION

H.R. 763

The Energy Innovation and Carbon Dividend Act will drive down America's carbon pollution and bring climate change under control, while unleashing American technology innovation and ingenuity. It's:



Effective

This policy will reduce America's emissions by at least 40% in the first 12 years. It's supported by economists and scientists as simple, comprehensive, and effective.



Good for people

This policy will improve health and save lives by reducing pollution that Americans breathe. Additionally, the carbon dividend puts money directly into people's pockets every month to spend as they see fit, helping low and middle income Americans.



Good for the economy

Will create 2.1 million new jobs, thanks to economic growth in local communities across America.



Bipartisan

Republicans and Democrats are both on board, cosponsoring this bill together. The majority of Americans support Congress taking action on climate change, including more than half of Republicans. Solving climate change is too urgent to get caught up in partisan politics.



Revenue Neutral

The fees collected on carbon emissions will be allocated to all Americans to spend any way they choose. The government will not keep any of the fees collected, so the size of the government will not grow.

Sources for statistics available at: energyinnovationact.org/data-sources

How it Works

1

Carbon Fee

This policy puts a fee on fossil fuels like coal, oil, and gas. It starts low, and grows over time.

2

Carbon Dividend

The money collected from the carbon fee is allocated in equal shares every month to the American people to spend as they see fit.

3

Border Carbon Adjustment

To protect U.S. manufacturers and jobs, imported goods will pay a border carbon adjustment, and goods exported from the United States will receive a refund under this policy.

4

Regulatory Adjustment

This policy preserves effective current regulations, like auto mileage standards, but pauses the EPA authority to regulate the CO2 and equivalent emissions covered by the fee, for the first 10 years after the policy is enacted. If emission targets are not being met after 10 years, Congress gives clear direction to the EPA to regulate those emissions to meet those targets. The pause does not impact EPA regulations related to water quality, air quality, health or other issues. This policy's price on pollution will lower carbon emissions far more than existing and pending EPA regulations.

See Sponsors List & Learn More

Go to energyinnovationact.org to learn more about the Energy Innovation & Carbon Dividend Act.

Support the Bill

Go to cclusa.org/energy-innovation-act to contact your Congressional Representative

Heidi Christian

From:

heidi.christian83@gmail.com

To:

Dear Commissioners (via email)

Date:

10/29/2019 7:20 AM

Subject:

AOCC is one way Lane County should support our forestry community

Dear Dear Commissioners,

Please count the O&C funds as essential to our Lane economy. My husband and I are small woodland owners in the Camp Creek area. We value our Sheriff's patrol. And, we appreciate forest management especially for wildfire protection.

It is unfortunate Lane County commissioners voted to withdraw its membership from the Association of O&C Counties. This organization advocates for sustained yield management of Bureau of Land Management O&C forests, as required by federal law under the O&C Act, to protect and support jobs and local economies, essential public services, and healthy resilient forests. AOCC has successfully advocated for measures that ensure Lane County receives the revenues it deserves to fund Sheriff's deputies and public and mental health services. Forestry is essential to Lane County's economy and provides 7,400 family-wage local jobs. Supporting AOCC is just one way that Lane County can support the men and women who work in the woods, in the mills and all the small businesses and non-profit organizations that benefit from the local forest sector. The Board of Commissioners should reconsider its vote on AOCC membership, and work with- not against- this essential part of our county.

Sincerely,

Heidi Christian

88956 Sky High Dr

Springfield, OR 97478

heidi.christian83@gmail.com

RECEIVED

OCT 29 2019

LANE COUNTY ADMINISTRATION