

Board of County Commissioners



March 15, 2021

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
Washington, DC 20528

Dear Secretary Mayorkas,

As the Multnomah County Board of Commissioners, we are writing to elevate an issue that directly threatens the health and safety of residents in our community, and to ask that you act decisively to prohibit the use of chemical munitions in close proximity to schools, neighborhoods, and other areas where vulnerable children and adults may work, live, or play.

Over the past year, tear gas has been deployed by law enforcement agencies on multiple occasions in response to protests across Multnomah County, including in residential neighborhoods and parks. This indiscriminate use of chemical weapons does not just affect protestors, but also harms neighbors who are unwittingly exposed in their own homes. We have heard from residents jolted awake by tear gas drifting into their homes through open windows, and parents deeply worried about how to clean their homes and yards of residual chemicals to make it safe for their own children to play. It is unacceptable for people to be exposed to toxic chemicals in their own homes and neighborhoods.

One specific, sustained area of concern is the U.S. Immigration and Customs Enforcement (ICE) facility in Multnomah County at South Macadam and Bancroft, directly adjacent to the K-8 Cottonwood School of Civics and Science, and in close proximity to an affordable housing complex that is home to many Veterans. This ICE facility has been the site of numerous protests, during which federal law enforcement officers have deployed tear gas as a method of crowd control. Physical debris and residual toxic chemicals have been found on the schoolyard -- including CS gas residue and canisters -- and there is significant concern over the impact that these weapons may have on the health of young children, teachers, and the surrounding neighborhood.

Multnomah County serves as the safety net for those who are most vulnerable in our community, and are the “boots on the ground”, responsible for working directly with our communities to enact policies that protect public and environmental health. In line with this responsibility, we believe that chemical weapons should be strictly limited due to their potential to cause grave harm and injury. We are particularly troubled that the use

of chemical weapons has seemingly become a routine response to protest activity. Tear gas has been banned by the Geneva convention for use in war, and the director of the Human Rights Program for the ACLU in an interview has said:

"Particularly when it comes to tear gas, we're not suggesting that it should never be deployed. The question is when do you deploy it? When do you resort to that? There has to be layers and layers of de-escalation — steps and actions taken by law enforcement — before you reach that point. Perhaps, in the future, we will have a federal government that will really do the right thing by changing the rules, amending the laws and bringing this under control."

We hope that this new federal administration will take these words to heart. There is limited, if any, justification for the use of chemical weapons. If the practice is allowed, it should be extremely well-regulated and authorized only in very narrow circumstances. And in areas where children and vulnerable adults may be affected, there is truly no justification.

Several members of our federal delegation, including U.S. Senators Ron Wyden and Jeff Merkley as well as U.S. Representatives Earl Blumeneaur and Suzanne Bonamici, along with state legislators Senator Ginny Burdick and Representative Lisa Reynolds, have conveyed similar concerns to you about this issue.

As County Commissioners, we respectfully request that you use your authority to enact reasonable measures to prohibit the use of chemical weapons generally, and ban them outright in proximity to schools, residential neighborhoods, and other locations near vulnerable populations. We would also strongly urge your agency to address the immediate local impacts of the use of chemical weapons by committing to the following:

- Immediately suspend the use of chemical munitions around the ICE building at South Macadam and Bancroft;
- Communicate transparently with the Cottonwood School to provide information on the types of chemical weapons deployed around their school grounds;
- Provide assistance and support for assessing the level of soil, surface, environmental and building contamination due to federal officers' use of chemical weapons; and
- Remediate environmental damage or provide the necessary resources to do so.

Thank you for your attention to this matter.

Board of County Commissioners



Sincerely,

A handwritten signature in black ink, appearing to read "Sharon Meieran".

Sharon Meieran
Multnomah County Commissioner

A handwritten signature in black ink, appearing to read "Susheela Jayapal".

Susheela Jayapal
Multnomah County Commissioner

A handwritten signature in black ink, appearing to read "Deborah Kafoury".

Deborah Kafoury
Multnomah County Chair

A handwritten signature in black ink, appearing to read "Jessica Vega Pederson".

Jessica Vega Pederson
Multnomah County Commissioner

A handwritten signature in blue ink, appearing to read "Lori Stegmann".

Lori Stegmann
Multnomah County Commissioner