

MINUTES

Eugene Toxics Board
Singer Room—Eugene Public Library
100 West 10th Avenue—Eugene, Oregon

February 14, 2007
3 p.m.

PRESENT: Marylee Bowman, Chair; David Doll, Jennifer Olson-Morzenti, Jennifer Gleason, Steve Johnson, RueAnn Thomas, John Jordan-Cascade, members; Glen Potter, Fire & Emergency Medical Services Department.

I. INTRODUCTIONS

Ms. Bowman called the meeting to order. Those present introduced themselves.

II. APPROVAL OF AGENDA/NEW ITEMS

Ms. Bowman determined that there was no objection to the printed agenda and members had no items to add.

III. PUBLIC COMMENT

There was no public comment.

IV. APPROVAL OF MINUTES

Mr. Johnson, seconded by Mr. Doll, moved to approve the minutes of November 15, 2006. Hearing no objection the minutes were approved by consensus.

V. STAFF REPORT

Reporting Cycle

Mr. Potter reported that the City sent out the toxics reporting software on schedule at the end of January 2007. Lanz Cabinets was the first to respond. Mr. Potter reminded the board that reports are due on April 1, 2007. He explained that the City had been using the software for several years and there appeared to be no bugs. He stated that the City programmer recommended that the City begin to e-mail the reporting software or provide a link to the program for participants next year.

He concluded that those who couldn't access these tools on-line would be offered a CD or any other assistance needed to facilitate full compliance.

Billing Cycle

Mr. Potter informed Board members that he would be asking them to act on 2007 fee recommendations. He reminded them that the City Council is scheduled to set the fees on March 12, in order to allow for billing to occur in late March so as to accommodate the Charter-provided payment-due date of May 1.

In response to a question, Mr. Potter reported that he had, as usual, sent forms to fee-paying businesses in January, requesting their 2006 FTE levels. After all responses were received, he was able to calculate the 2007 fees based on those reports.

Roster

Mr. Potter handed out a draft roster to the board for review and corrections. He requested that board members review the roster and communicate any changes needed to him as soon as possible. He also reviewed the order and rotation of Board Chair. He stated that the board had agreed to rotate the chair between business persons, right-to-know persons and seventh members. He elaborated that within that framework, rotation tended to be by seniority on an annual basis.

Nanotechnology

Mr. Johnson reminded board members that on occasion a guest had spoken about the dangers of nanoparticles and submitted articles and documentation. He remarked that while interesting, the evidence presented was of questionable scientific quality. Mr. Johnson reported that he had asked Mr. Potter to send articles from recognized scientific journals on nanoparticles to board members.

Mr. Johnson reported that the EPA had begun to regulate some nanoparticles for toxicity. He stated that the City of Eugene could require reporting on nanoparticles in the future when and if they were added to the federal list of regulated substances. Mr. Johnson clarified that he was not requesting that action be taken, but rather that he wished to alert the board to the potential of discussion about and/or regulation of nanoparticles in the future. He summarized by stating that clearly there are growing concerns about the small size and toxicity of nanoparticles.

Mr. Potter concurred with Mr. Johnson that there had been some agitation regarding this issue before the board. He explained that the Charter Amendment originally provided that when chemicals were added to federal lists, they would automatically be added to the City's list; however, this provision of the amendment was thrown out in court. Mr. Potter stated that the City Council had on occasion added to the City's list after something was added to a federal list. He summarized by stating that if the federal government began regulating nanoparticles it would provide impetus for the City to do so as well.

Mr. Johnson clarified that this is the first federal regulation of nanoparticles as a toxic material and in future they may be regulated for other properties outside of toxicity.

Ms. Bowman reminded the board that the University of Oregon is a center for nanotechnology research and that the board cannot regulate the University.

Ms. Olson informed members that OMSI, ONAMI and University of Oregon were hosting a forum on March 12, 2007 at the Erb Memorial Union to answer questions and to talk about the toxicity of nanoparticles and the technology. She offered to forward the information to board members via email.

VI. 2007 FEE RECOMMENDATION

Mr. Potter distributed copies of the spreadsheet used to calculate proposed 2007 program fees. He explained that the FTE levels of specific businesses were not public information so he was not at liberty to share that information; therefore, the spreadsheet did not include company names. He pointed out that, under the current calculation, a company with more than 54 FTE would be limited by state law to a fee of \$2,000.

Mr. Potter stated that the 2006 FTE total was approximately 6,000, which was down slightly from 2005. As a result of the calculation, the 2007 fee recommendation is \$37.38 per FTE up to the state cap, compared to \$31.30 last year. He clarified that the fee per FTE had increased since last year due to more companies posting FTE above the cap.

Mr. Potter recommended that the board approve the fee schedule.

Mr. Johnson moved, seconded by Mr. Doll, to approve the 2007 fee schedule as presented to the Toxics Board and recommended it to the City Council.

The motion was approved unanimously.

Several board members discussed the City's legislative agenda regarding toxics reporting and stated that the Council has told the City's lobbyist to seek elimination of – or an increase to – the state fee cap. Discussion is scheduled for this legislative session. Mr. Potter elaborated that the Council had recognized inequities in the program: under the 2007 recommendation, Hynix would pay \$1.77 per FTE while other businesses with fewer FTE would pay \$37.38 per FTE. Mr. Potter confirmed that eliminating the cap was still on the City Council's agenda.

VII. SCHEDULE NEXT MEETING/AGENDA ITEMS

Mr. Potter reported that the board has much less business than they did in the early years after the charter amendment first passed. He suggested that the board might conceivably only have to meet once per year for required business, unless other business arose. The board tentatively

scheduled meetings for May 16, 3 p.m. at Fire & EMS Headquarters, and October 17, 3 p.m. at the Eugene Public Library.

Ms. Bowman adjourned the meeting at 3:25 p.m.

(Recorded by Nancy Forrest)