

MINUTES

Eugene Toxics Board
Saul Conference Room—The Atrium Building—99 West 10th Avenue

January 17, 2002
3 p.m.

PRESENT: Steve Morgan, Cathy Verrét, Steve Johnson, Clyde Carson, Mary O'Brien, Madronna Holden, Brian Allen, members; Glen Potter, Fire and Emergency Medical Services Department; Ken Luse, Andy Poynter, Jen Gleason, Paula Holloway, Terry Connolly, guests.

Mr. Morgan called to order the meeting of the Toxics Board.

I. APPROVAL OF AGENDA/NEW ITEMS

Mr. Morgan determined that there was consensus to approve the agenda. There were no new items added to the agenda.

II. ELECTION OF CHAIR AND VICE CHAIR FOR 2002

Mr. Morgan recalled that during the previous meeting, members agreed that Ms. Holden would serve as Chair and Mr. Carson would serve as Vice Chair.

Ms. Holden explained that, due to family matters that would require her frequent absence from Eugene, she would be unable to perform the duties of Chair.

Mr. Johnson moved, seconded by Mr. Carson, to appoint Ms. O'Brien as Chair and Mr. Carson as Vice Chair. The motion passed unanimously.

Board members also reconfirmed their expectation that Mr. Carson would serve as Chair, and Marylee Bowman as Vice Chair, in 2003.

Mr. Morgan yielded the Chair to Ms. O'Brien.

III. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA

Mr. Luse stated that business representatives had contacted him and inquired as to why they were receiving 2002-related materials by mail. He said businesses were confused as to whether they should use 2002 or 2001 materials. Ms. O'Brien explained that businesses receive 2002 tracking instructions shortly before the beginning of 2002, and receive 2001 reporting software and instructions shortly after the end of 2001.

In response to an additional question from Mr. Luse, Mr. Potter stated that new reporting software would be sent to businesses at or about the end of January.

IV. APPROVAL OF MINUTES

Members reviewed the minutes of the November 8, 2001, meeting of the Toxics Board.

Referring to paragraph 2 on page 3 of the minutes, Mr. Carson requested that sentence 2 be amended to read: "He agreed the toxics amendment was not appropriate for the charter, but suggested that if the amendment remained in the charter it might make it easier for its opponents to eliminate it because it would be 1) easier to litigate; and 2) more difficult to modify."

Ms. Verrét moved, seconded by Mr. Johnson, to approve the minutes of the November 8, 2001, meeting of the Toxics Board, as amended. The motion passed unanimously.

IV. STAFF REPORT

A. Distribute New Handbook

Mr. Potter distributed copies of the 2002 handbook.

B. Charter Review Committee

Recalling that a representative of the Citizen Charter Review Committee (CCRC) had made a presentation to the Toxics Board during its November meeting, Mr. Potter reported that the CCRC had since issued its final report to the City Council. Noting that City Council had accepted the report, Mr. Potter said a City Council work session regarding the report was scheduled for January 28, 2002. In conclusion, Mr. Potter presented a brief overview of the proposed revisions.

Mr. Potter reported that, contrary to the recommendation of the Toxics Board, the CCRC had recommended revisions to the language in Article III, paragraphs A and E-5. These originally provided that substances added to the Federal lists cited in the Charter Amendment would automatically be added to Eugene's list of reportable substances. Though court rulings have made these provisions inoperable, the Toxics Board had recommended their retention in the

interest of preserving the original intent of Eugene voters. Mr. Potter noted that the CCRC did act to preserve the voters' original intent by recommending no change to Article III, paragraphs E-1-d and E-1-e, requiring reporting of pesticides, even though those provisions also had been overturned by the courts.

In response to discussion by the board, Mr. Potter explained that the Toxics Board could contact the City Council directly regarding this matter.

Ms. Holden moved, seconded by Mr. Johnson, to send a memo to the City Council requesting consistent application of the principle of preserving the original intent of the voters in adopting Charter Amendment IV. This motion passed 6:0 with Mr. Carson abstaining.

C. FY03 Program Budget

Referring to a document entitled *Eugene Toxics Right-to-Know Program Budget Report*, copies of which were included in the meeting agenda packet, Mr. Potter presented a brief overview of the proposed FY03 budget. The board discussed the proposed budget with staff.

Mr. Carson moved, seconded by Mr. Allen, to approve the FY03 budget, as proposed in the aforementioned document. The motion passed unanimously.

D. 2001 Reporting Software

Mr. Potter reported that Information Services Division representative Steve Chipman was currently developing the 2001 reporting software. Mr. Potter said the software would likely be mailed to businesses at the end of January.

In response to discussion among members, Mr. Potter agreed to provide businesses with a CD-ROM version of the reporting software. He said that businesses without CD-ROM capability could request floppy disks.

V. PUBLIC ACCESS TO DATA

Ms. O'Brien reported that a Massachusetts company has decided to maintain its toxic materials database, despite Attorney General Ashcroft's recommendation that such information be withheld from the public. She said the Massachusetts company based its decision upon the fact that the information generally available to the public was related to toxic substances as opposed to "explosive" substances.

Mr. Carson suggested that a subcommittee of the Toxics Board explore the issue.

Mr. Johnson stated that he would support the formation of a subcommittee; however, he said the subcommittee should consider whether access to information on the database presents a greater risk than information otherwise available to the general public via other means. He said he was opposed to forfeiting the very freedom that defines the United States. Mr. Johnson said it may be possible to build into the web site a function that could track who is accessing what types of information.

Members agreed that the subcommittee would consist of: 1) Jennifer Gleason; 2) Brian Allen or

Clyde Carson; and 3) Marylee Bowman or Mary O'Brien.

VI. SCHEDULE NEXT MEETING/AGENDA ITEMS

The next meeting of the Toxics Board was scheduled for 3 p.m. on March 5, 2002. The meeting will be held in the Saul Room in the Atrium Building. The committee agreed to the items that would be included on the next meeting agenda.

VII. REMARKS BY DEPARTING MEMBERS/REFRESHMENTS

Departing board members Mr. Morgan, Mr. Johnson, and Ms. Verrét commented positively on their experiences as members of the Toxics Board, and received the thanks of continuing board members and staff for their service.

The meeting adjourned at 4:30 p.m..

(Recorded by Kim Kunkel)

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