

MEMORANDUM

March 19, 2002

TO: Toxics Board

FROM: Public Access Subcommittee (Clyde Carson, Jen Gleason, Marylee Bowman)

SUBJECT: SUBCOMMITTEE MEETING AND DISCUSSION

Our subcommittee met today at 3 p.m. in the Saul Room with all members present plus Glen Potter, staff, and Ken Luse, guest (first part of meeting only).

We did not arrive at a recommendation to make to the board. We would ask that the full body consider this issue at the next meeting.

Jen began by presenting a list of written points (see attached). She also discussed the memo written by Attorney General John Ashcroft which was a factor leading to creation of our subcommittee. Glen provided copies of that memo (see attached). Jen stated that the memo is about the Freedom of Information Act and not about the release of chemical information. Clyde concurred but stated that a common principle underlies both.

Glen reported that the Toxics Board approved making data available on the Internet in 1998, and that he did not recall hearing major objections from business representatives at that time. Clyde reported that he recalled the board having revisited the issue at a later date and voting 4-3 to proceed. A review of the board's minutes confirms that this did occur on March 17, 1999. A motion was made to exclude the information from the Internet, and the motion failed on a 3:3 vote with Mary O'Brien absent.

Jen reviewed some of the points given in the attached list.

Clyde stated that participating businesses would prefer that the information not be posted on the Web. He said businesses would prefer to use the funds now spent on Internet programming to make compliance easier for businesses. He noted that the Charter Amendment does not require that the data be made available on the Web. Jen countered by referring to Article V, Section C, which provides that reporting forms shall be compatible with the Library's computer system.

Clyde stated that recent events -- including the events of Sept. 11 and the arson fire at Romania Chevrolet in Eugene -- have made businesses less complacent about providing access to chemical information. He stated that there is much chemical information available on the Internet that has been reported to the State or Federal government, but noted that restricting access to Eugene data is something we can do locally.

Marylee suggested that the Eugene Toxics website could restrict access to information about large quantities of hazardous materials while providing all other reported information. However, this would erode materials balancing accountability, plus the mere fact that the information is restricted would suggest the presence of large quantities.

Clyde and Jen discussed whether only Eugeneans, who voted for the law, had the right to the data, or whether everyone did.

Ultimately, Jen held the position that the Eugene website provides little information of value to terrorists, and none that could not be readily obtained elsewhere, while Clyde maintained that putting local information on the Internet is unnecessary and unrequired, has some financial cost, and makes more information more accessible than would otherwise be the case. Marylee acknowledged the validity of arguments made on both sides and agreed that the full Toxics Board should consider the issue.