

MINUTES
Eugene Toxics Board
October 7, 2002

3 p.m.
Saul Room
3rd Floor, Atrium Building, 99 W. 10th Ave.

PRESENT: Mary O'Brien, Chair; Marylee Bowman, Paula Holloway, Clyde Carson, Brian Allen, Madronna Holden, Jennifer Gleason, members; Glen Potter, Fire & EMS Department; Deirdre Malarkey, Rob Batchelor, David Monk, Terry Connolly, guests.

Ms. O'Brien called the meeting to order.

I. Approval of Agenda/New Items

Mr. Potter agreed to follow up with Mr. Allen concerning the program's fine schedule.

II. Public Comment on Items Not Listed on Agenda

No public comment was offered.

III. Approval of Minutes of May 14, 2002

In Section VII, Public Access Subcommittee, Mr. Carson asked that three points be added:

- that posting reported information on the Internet goes beyond the intent of the Charter Amendment;
- that it would be unwise for businesses to pay for posting of information when such posting could later harm the businesses if the information were used criminally; and
- that if the information were posted by someone else, at least the businesses paying fees to the Toxics Program would not be paying for it.

To the same discussion, Ms. O'Brien asked that language be added to the effect that posting the information on the Internet represents no additional cost to the program as there is already a provision requiring the information to be computer-compatible.

In the first sentence of the third paragraph in Section VII of the minutes, Ms. O'Brien asked that the word "clarified" be changed to "stated".

In the second sentence of the first paragraph of the same section, Ms. Gleason asked that the words "the Attorney General" be changed to "Mr. Carson."

In the second sentence of the third paragraph of the same section, Ms. Gleason asked that the first occurrence of the word "the" be changed to "a", and that the words "regarding the Freedom of Information Act" be inserted after "Attorney General".

In the second sentence of the sixth paragraph of the same section, Ms. O'Brien asked that the words "the federal government" be changed to "Mr. Carson."

Mr. Allen moved, seconded by Mr. Carson, to approve the minutes of May 14, 2002, with the above revisions. The motion passed unanimously, 7:0.

Later in the meeting, it was noted that Mr. Carson was listed twice in the attendance section of the May 14 minutes.

IV. Staff Report

A. Recruitment of New Members

Mr. Potter reported that the terms of Mr. Carson and Ms. O'Brien were expiring as of January 22, 2003. Ms. O'Brien, having served two consecutive three-year terms on the board, was not eligible for reappointment. Mr. Carson had applied for reappointment. Rob Batchelor had also applied for Mr. Carson's position on the board. David Monk had applied for Ms. O'Brien's position.

Mr. Potter reported that the City Council had been polled regarding its intent with respect to all applicants for all City boards and commissions. In the case of the Toxics Board, a majority of the Council had indicated the intent to appoint Mr. Monk and reappoint Mr. Carson. Mr. Potter noted that this action was not final, and agreed to e-mail the board and the applicants with the date scheduled for Council action.

B. State of Program

Noting that the board had not met for some time, Mr. Potter offered a number of observations regarding the current status of the Toxics Right-to-Know Program, including:

1. Four years' worth of data are now available online. While the usefulness of the data reported for 1998 must be discounted because companies were allowed to report commercial products rather than specific chemicals, the remaining data does allow for some valid trend analysis.
2. There are currently 42 facilities reporting, and an additional 32 that are required to pay fees but not required to report.
3. Fees have dropped from \$14.31 per FTE in 2000 to \$12.54 in 2001 and \$10.79 this year. Mr. Potter expressed the hope that he would be able to recommend another reduction for 2003.
4. Program expenditures have now leveled out at a little more than \$80,000 per year. The board agreed to place the FY04 budget on its agenda for the next meeting.
5. The number of board meetings per year has declined from 26 to 5; no new questions from businesses have been received that have not already been addressed by the board or by existing regulations; no litigation against the program is pending.

Board members directed Mr. Potter to add this information to the program's website and also to e-mail it to the board and the City Council.

Members also requested that Mr. Potter document the audit procedure now being used, and add to this procedure the step of informing companies of recent program changes and asking them how they are addressing these.

C. 2002 Annual Report

Mr. Potter reported that he would be working with Ms. O'Brien and later with the entire board to prepare the 2002 program report to the City Council. This is an annual report required by the charter amendment. Mr. Potter indicated that the end of the initial three-year audit cycle would probably be a primary feature of the report.

V. City's Pesticide Report

The board discussed the City of Eugene pesticide application information in the report sample supplied with the agenda. Mr. Potter reported that the City proposed to provide a link from the Toxics website to this data. Board members were concerned that no totals were supplied for the application of specific chemicals. Additional questions were asked concerning the City's ability to track pesticide usage in a manner approximating the requirements of the Toxics Program. It was agreed that City staff with specific knowledge in this area would be invited to the next meeting.

VI. Preparations for Next Reporting Cycle

Mr. Potter reported that staff is now planning for 2003 tracking, 2002 reporting, and any additional enhancements to the website that may be proposed. He requested input from board members, either at this time or prior to or during the next meeting, on the tracking instructions (handbook), reporting software, and website.

The board agreed that staff could send reporting businesses a handbook update rather than a new handbook. Members agreed to review the draft handbook update at the next meeting.

The board also authorized the use of e-mail for sending the City's reporting software to businesses, and for businesses to send their reports to the City. Certification forms will need to be either faxed or mailed. The old methods will also be made available for use as necessary.

No website enhancements were proposed at this time.

It was also noted that the citizen handbook (explaining the program and the use of the website) has not been updated for some time. Ms. O'Brien and Ms. Holden volunteered to work with Mr. Potter on this and report back to the board at the next meeting.

VII. Schedule Next Meeting/Agenda Items

The board agreed to meet again on Tuesday, November 12, at 3 p.m. in the Fire Conference Room, 2nd Floor, 1705 W. 2nd Ave. (2nd & Chambers).

Board members and member-designates agreed to continue to alternate meeting sites between 2nd & Chambers and a downtown location. Mr. Potter suggested City Hall as the Fire Marshal's Office has now moved there from the Atrium.

As previously agreed, members confirmed that Mr. Carson (subject to reappointment by the City Council) would serve as Chair for 2003 with Ms. Bowman as Vice Chair, and that Ms. Bowman would serve as Chair for 2004, with a right-to-know member as Vice Chair and presumptive 2005 Chair.

Members agreed on the following items for the November 12 agenda:

- FY04 Program Budget
- City Pesticide Reporting
- Citizen Handbook Update
- Tracking Instructions Update
- Draft 2002 Annual Report
- Written Audit Procedure

The meeting adjourned at 4:15 p.m.

