

## MINUTES

Eugene Toxics Board  
Saul Conference Room—The Atrium Building—99 West 10<sup>th</sup> Avenue

May 15, 2001  
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; Steve Chipman, Information Services Division; Chelsea Potter, Ken Luse, Deirdre Malarkey, guests.

Mr. Morgan called the meeting of the Toxics Board to order. Mr. Potter introduced his daughter, Chelsea Potter, a student at Roosevelt Middle School, who was observing the board meeting as part of a school project.

### I. APPROVAL OF AGENDA/NEW ITEMS

There were no changes to the agenda.

### II. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA

There was no public comment.

### III. APPROVAL OF MINUTES FROM APRIL 17, 2001

Ms. O'Brien requested that paragraph 8 on page 2 be modified with the following addition to the last sentence: ". . . should be considered as advisory only, *but further agreed that companies should be prepared to explain why they were not characteristic.*" She also noted a misspelling of the title "Toxics Board" on page 3.

The minutes of April 17, 2001, were approved as amended.

## **IV. STAFF REPORT**

### **A. Legal Update**

Mr. Potter reported that oral arguments in the appeal of the case against the City of Eugene were scheduled before the Oregon Court of Appeals in Salem for June 14. He indicated he would e-mail the time for arguments to board members as well as a report on what occurred.

### **B. Billing/Payment Status**

Mr. Potter reported that there were 15 accounts with outstanding balances. He said reminders would be sent soon. The billing for Komag (HMT) had been withdrawn as the business was not operating in the City at the time of invoice, so there were a total of 79 companies obliged to pay. He speculated that the 15 companies with outstanding balances were awaiting the result of the court case. Responding to a question from Mr. Johnson, Mr. Potter said that the shortfall in receivables would not impact program operations.

### **C. Other**

Mr. Potter reported that the data for 2000 was on the Web site and also appeared in graphic form, and thanked Mr. Chipman.

## **V. FUTURE FEE STRUCTURE—FURTHER DISCUSSION**

Mr. Potter reminded the board that discussions regarding the program's future fee structure -- after the state-mandated \$2,000-per-business cap takes effect in 2003 -- had not resulted in any resolution of the issue. He said that there were several approaches available, but all had a degree of unfairness. He recommended that the board keep thinking about the topic and indicated he would query the City Finance Division to determine if staff had any other suggestions.

## **VI. REPORTING SOFTWARE**

Mr. Chipman reviewed options for pre-entering a previous year's data (from which companies could then begin a new report). After discussion of the advantages and disadvantages of the options, the board agreed on a system by which the businesses would be asked to retain an electronic copy of the last year's report, and then the new software would automatically transfer the appropriate data to the new year's report.

Mr. Morgan said he would like to have a printed list of all the chemicals he entered in

the reporting software for comparison purposes. Mr. Chipman indicated that he would make it obvious in the software how that could be done.

Regarding the task of downloading and printing reports, Mr. Chipman said the software would include a prompt asking what facility the information was being requested for. Mr. Luse indicated that would work for consultants.

Mr. Chipman reviewed options for highlighting a chemical reported as characteristic. The board agreed with a suggestion from Mr. Chipman to highlight characteristic chemicals in red. Mr. Chipman noted a complication created by the lack of CAS numbers and inconsistent CAS numbers for some chemicals. Ms. Verret indicated that there was a Web site with that information, and she would provide its location to Mr. Potter.

Mr. Morgan offered some suggestions to improve the software, including using arrow keys to move from field to field and having the tab key take one back to the top of the record. He added that he would like to be able to enter, for example, 9.0 and have it appear as 9.0 instead of 9. Mr. Chipman noted that all data are stored with three decimals but the website rounds to the nearest pound. Mr. Morgan also advocated for a printable certification form. Mr. Allen said he would like to see the field length increased. Mr. Carson did not like the fact that the enter function took one to a new record. Mr. Morgan said that he also had difficulty entering the chemical formaldehyde. Mr. Chipman noted the comments and indicated he would follow up.

## **VII. HB 2431—REQUIRED CHEMICAL DATA FOR PUBLIC**

Board members shared impressions of different Web sites containing epidemiological statistics (or related information) as required in Section 3(6)(c) of 1999 House Bill 2431. Mr. Morgan, Ms. O'Brien, and Ms. Verrét agreed to participate on a subcommittee to prepare a recommendation for the full board on possible Web sites and descriptors to add to the City's Right-to-Know Web page. It was noted that the City is not required to comply with Section 3(6)(c) until July 1, 2003.

## **VIII. POLICY ON COMPANIES THAT COME FORWARD**

Mr. Potter recollected that the board had indicated it would be lenient with companies that come forward voluntarily after failing to report. The board discussed how to proceed. Ms. Holden suggested that a paragraph be added to the handbook addressing the topic. Mr. Potter said that the companies would want to know about any fines involved. Mr. Carson believed it was unfair for companies to not come forward given that other companies did not like the law but were abiding by it. However, he wanted to encourage companies to come forward, pointing out the board

had not been “fine happy” to this point. Mr. Johnson concurred. He pointed out that the board had sent out notices and had an amnesty period. He expected that, having taken those measures, the board might penalize companies that come forward in the future, but he believed the board would be willing to hear of mitigating circumstances.

The board agreed to add the following language to the handbook: “Companies that discover they need to report are encouraged to come forward. These cases will be considered individually on their merits.”

## **IX.SCHEDULE NEXT MEETING**

The board tentatively scheduled its next meeting for September 20, 2001.

The meeting adjourned at 4:40 p.m.

(Recorded by Kimberly Young)

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