

# **MINUTES**

Eugene Toxics Board  
First Floor Conference Room--858 Pearl Street

February 15, 1999  
3 p.m.

PRESENT: Cathy Verrét, Chair; Mike Friese, Madronna Holden, Steve Johnson, Steve Morgan, Mary O'Brien, Don Upson, members; Glen Potter, staff.

Ms. Verrét called the meeting of the Eugene Toxics Board to order.

## **I. APPROVAL OF THE AGENDA**

Ms. Verrét determined there was consensus to delete Item 7, State Task Force recommendations/1999 State Legislature, from the meeting agenda.

Mr. Morgan inquired as to whether substances listed in an MSDS as being present in "trace" amounts of a product are reportable. Ms. O'Brien suggested that such products would not be reportable. Mr. Upson said it was his opinion that there would be insufficient information provided to be able to report such a substance in a responsible fashion. Mr. Potter agreed to check with the Occupational Safety & Health Administration concerning any definition or requirements regarding trace amounts reported on MSDS's.

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

Ms. Verrét determined there was no one present wishing to comment.

## **III. APPROVAL OF MINUTES**

The committee reviewed the minutes of the January 28, 1999, meeting of the Toxics Board.

Referring to page 2 of the minutes, Ms. O'Brien suggested rewording paragraph 6 to read: "Mr. Upson said it was premature to act on Mr. Potter's recommendation at this time because in three months the committee will have acquired more data upon which to make a decision."

Ms. Verrét determined there was consensus to approve the minutes, as amended.

## **IV. STAFF REPORT**

### **A. Reporting Software**

Mr. Potter reported that he had called each of the 44 participating businesses regarding whether they had received and successfully installed the reporting software. Noting that he had e-mailed his findings to members, Mr. Potter said the majority of businesses surveyed had received and successfully installed the software; he had assisted or offered assistance to the rest.

### **B. Business Summary Report Format**

Referring to several Business Summary Report format options that were distributed to members, Mr. Potter said this was an opportunity for the board to select a format.

Members selected a format in which the chemical names are: 1) above the CAS number; 2) truncated approximately half way across the page; and 3) numbered.

## **V.1999 FEE STRUCTURE**

This item was deferred pending the arrival of City Attorney Jerry Lidz.

## **VI. PUBLIC ACCESS HANDBOOK**

Referring to the draft *1999 Citizen Guide* (Public Access Handbook), copies of which were distributed to the board, members offered the following comments:

- Page numbers need to be added.
- Questions and answers that are currently located at the back of the guide should be relocated to the front of the guide and called, for example, *Quick Guide to Accessing Toxics Right-to-Know Data*.
- In all but the initial screen illustration, it is not necessary to show the bottom part of the screen (giving links to other sites, etc.).
- Note in the guide that the companies referred to in the examples are actual but the chemical input/output data is fictional.

The board engaged in a page-by-page review of the guide and suggested a number of specific changes which were recorded by Mr. Potter.

## **V. 1999 FEE STRUCTURE (deferred from earlier in the meeting)**

Referring to a draft memorandum from the Toxics Board to City Council that was included in the meeting agenda packet, City Attorney Jerry Lidz made the following comments concerning the document:

- Proposals 1 and 2 will be lawful only if they are not fees based on quantity;
- According to current statute, any fee based on quantity must be collected through the City's contract with the State Fire Marshal;
- The City is not prepared to meet this requirement;
- Legal costs would be incurred if a fee based on quantity were instituted and then challenged;
- These costs would ultimately be borne by the reporting businesses.

Responding to a question from Mr. Upson, Mr. Lidz agreed that it would be possible to interpret the term "quantity" in ORS as referring to number of chemicals as well as to mass or weight, and that on that basis, proposal 3 belonged in the same category legally as proposals 1 and 2.

The board agreed to convey in its memorandum to City Council that due to a number of uncertainties, a new fee structure, applicable beyond the past year, cannot yet be recommended. The board agreed to include in the memorandum a statement of the board's interest in seeking a statutory amendment that would allow the Toxics Right-to-Know program to assess fees based on quantity. The board agreed that it would not be acceptable to create a scenario in which reporting businesses were required to pay a fee under a structure of questionable legality and then be required further to pay for the City's legal defense of such a structure.

The board requested that Mr. Lidz draft statutory amendment language. Mr. Potter agreed to assist in this.

Mr. Lidz left the meeting.

Mr. Upson suggested that the board consider increasing the base fee from \$500 to a greater amount, such as \$1,000. The board calculated and compared the per-employee and total fees that would be required at various levels of business size given a \$500, \$750, \$1,000, or \$1,500 base fee.

Following extensive discussion, the board decided to vote on whether a \$500 or \$1,000 base fee should be recommended. The vote was 4:3 in favor of recommending a \$1,000 base fee, with Ms. Holden, Mr. Johnson, and Ms. O'Brien voting in the minority.

## **VI. PUBLIC ACCESS HANDBOOK (continued)**

The board returned to its page-by-page review of the draft *1999 Citizen Guide* and suggested additional changes which were recorded by Mr. Potter.

In response to a question from Mr. Morgan, the board discussed the reporting of zinc and zinc compounds, and of metals in general. The 1998 and 1999 reporting handbooks provide that substances chemically altered in processing are to be reported as consumed in process (outputs), and then, as necessary, reportable derivatives are to be reported as produced on-site (inputs), and then reported in the appropriate output categories. The public access guidebook will make clear that this could occur, and that therefore, double-reporting is possible in that sense. The board also agreed that this will be among the issues that will be reviewed more fully in the future.

The meeting adjourned at approximately 5:30 p.m.

(Transcribed by Kim Kunkel)

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