

MINUTES

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

March 17, 1999
3 p.m.

PRESENT: Cathy Verrét, Chair; Mike Friese, Madronna Holden, Steve Johnson, Steve Morgan, Don Upson, members; Glen Potter, staff; various members of the public.

ABSENT: Mary O'Brien, member.

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

I. APPROVAL OF THE AGENDA

Ms. Verrét determined there was consensus to approve the agenda, as written.

II. PUBLIC COMMENT ON ITEMS NOT LISTED ON THE AGENDA

Ken Luse stated that businesses have expressed concern regarding right-to-know information that is posted on the Internet. Mr. Luse said businesses are concerned that the information provided may serve as a "cookbook" and burglary "catalog" for Internet users attempting to identify and obtain specific substances needed to generate chemical reactions. Noting that the Toxics Right-to-Know Law simply states that the information will be available at the public library, Mr. Luse said businesses would like the Toxics Board to consider the Environmental Protection Agency's (EPA's) recent decision against putting risk management programs on the Internet. He said businesses are requesting that the City utilize a mechanism that can record the identity of browsers in the event that businesses are broken into and chemicals are stolen.

Mr. Upson requested that discussion of this matter be added to the agenda following the library report.

Addressing a separate issue, Mr. Luse said he sent an e-mail to the Toxics Board several weeks ago inquiring as to Mr. Potter's role in assisting companies to report. He inquired as to whether a company, given that it has completed the discovery and reporting process, can simply relay the numbers to Mr. Potter who can then complete the electronic filing.

Mr. Potter stated that he informed one company that it may relay its information via telephone because it will report only 3 chemicals. The Toxics Board agreed that businesses reporting more than 10 chemicals must file electronically, and not by telephone.

III. APPROVAL OF MINUTES

The committee reviewed the minutes of the February 15, 1999, meeting of the Toxics Board.

The board suggested the following change to the minutes:

- Page 4, paragraph 2: Conclude sentence 3 after the word "occur," and delete sentence 4.

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

IV. STAFF REPORT

A. Public Hearing/Council Action on Fee Structure

Mr. Potter reported that during a March 8 public hearing before the City Council, Toxics Board member Mary O'Brien testified in favor of a \$500 base fee. He said that on March 15, the City Council voted 6:1 in favor of a \$500 base fee. He said Councilor Farr voted "no."

For the record, Mr. Upson stated that he was highly insulted by the City Council's action. He said the Toxics Board considered, in immense detail, the fee structure issue for a period of two years and recommended to the City Council a structure that was supported by a majority of board members. He said a vote of 6:1 against the proposal was extraordinarily insulting.

Mr. Johnson stated that although he was not supportive of the board's recommendation, he would have preferred that the City Council remand the issue back to the board rather than overrule its recommendation. Ms. Holden said she considered the City Council's action an affront given the amount of time the board had dedicated to determining an appropriate fee structure.

The board discussed means of making its sentiments known to the City Council, and agreed to revisit this issue during its next meeting.

B. FY00 Budget

Mr. Potter presented a brief overview of the *Eugene Toxics Right-to-Know Program Budget Report* that was included in the meeting agenda packet. He answered a number of clarifying questions issued by board members.

Following extensive discussion, Mr. Potter said he understood the board to be in agreement that 15 percent of the current FY00 budget should be carried over from the FY99 surplus as a contingency, and that the remainder of the projected surplus should be used to offset fees. The board confirmed Mr. Potter's understanding of its position.

V. INTERNET/RISKS TO BUSINESSES

Mr. Luse re-stated the question he posed previously during the public comment period.

The Toxics Board discussed the issue of whether to make information regarding the chemicals used by reporting businesses available via the Internet, or simply making the information available at the public library, as is required by law.

Mr. Morgan moved, seconded by Mr. Friese, to exclude from the Internet the Toxics Right-to-Know information provided by businesses. The motion failed, 3:3, with Mr. Upson, Mr. Morgan, and Mr. Friese voting "yes."

The Toxics Board took a short break.

VI. LIBRARY REPORT

Scott Herron, Eugene Public Library, addressed a number of questions from board members regarding library patrons' access to the Internet and Toxics Right-to-Know information provided by businesses. He confirmed that all library patrons have access to the Library's Internet Room and therefore all information on the Internet.

Mr. Herron reviewed with the board some Library website modifications that he had drafted, as well as some written materials to be made available to the public. The board offered comments on the materials to Mr. Herron, and agreed to forward any additional comments to Mr. Potter by March 24.

VII. PUBLIC ACCESS HANDBOOK

Referring to the draft *Public Access Handbook* that was included in the meeting agenda packet, the board offered, and Mr. Potter recorded, a number of suggested revisions.

VIII. STATE TASK FORCE RECOMMENDATIONS/1999 STATE LEGISLATURE

Mr. Upson reported that the State Task Force completed its work and a report is forthcoming. He said the task force reached consensus on issues related to access and communication; however, it failed to reach consensus on the issues of State versus local jurisdiction and materials accounting.

With regard to the 1999 legislature, Mr. Potter reported that he testified at a public hearing on House Bill 2431 which, if passed, would preempt local hazardous substance reporting programs designed to disseminate information to the public. He said the American Electronics Association has presented a series of amendments to the bill. The amendments would provide that local jurisdictions may develop hazardous substance reporting program as long as the financial burden rests with citizens rather than reporting businesses, and to the extent that the local jurisdiction can prove through documented scientific evidence that a hazard exists in the community. The amendments would limit to \$1,000 per day the penalties for program violations. Mr. Potter said the City would continue to monitor this bill.

IX. AMENDMENT TO ORS 453.402(6)

Mr. Potter reported that because the bill filing deadline has passed, and because continuation of Eugene's entire Right-to-Know Program is currently being debated in the Legislature, staff will recommend that the City seek to address the fee structure in the next legislative session. As a result, the existing restrictions in state law will likely continue for at least two more years.

The meeting adjourned at 5:40 p.m.

(Recorded by Kimberly Young: Transcribed by Kim Kunkel)

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