

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

December 8, 1999  
3 p.m.

PRESENT: Cathy Verrét, Chair; Mary O'Brien, Steve Morgan, Madronna Holden, Mike Friese, Steve Johnson, Don Upson, members; Glen Potter, Fire & EMS Department; Terry Connolly, Ken Luse, Clyde Carson, Brian Allen, Yoshio Tsuchie, guests.

Ms. Verrét, Chair, called the meeting to order.

**I. APPROVAL OF AGENDA**

Mr. Upson asked to add "clarification of flash points of gaseous mixtures" under the 2000 Handbook discussion. Without objection, the item was added.

**II. PUBLIC COMMENT**

Mr. Luse asked if there was a list of reportable glycol ethers. He noted that he identifies materials that need to be tracked by Chemical Abstract Service (CAS) number, including glycol ethers.

Mr. Morgan replied that a list is available through the Environmental Protection Agency (EPA).

There was further discussion about identifying reportable glycol ethers. Mr. Morgan agreed to supply Mr. Potter with a Material Data Safety Sheet (MSDS) that could be used to draft language for the 2000 handbook instructions advising reporting businesses on how to determine whether they are working with a reportable glycol ether. The board also directed Mr. Potter to add a reference to the list mentioned by Mr. Morgan within the "glycol ethers" line on the City's list of reportable chemicals.

**II. APPROVAL OF MINUTES**

Committee members provided the following corrections to the minutes of November 17, 1999:

Mr. Upson requested that documents distributed at meetings be provided to members who were absent.

Ms. Holden asked to add "rebates" to the list of fee structure options in paragraph 2 of section II.

The word "discussion" was changed to "discussed" in paragraph 3 of section VIII.

Ms. Verrét noted that the term "MSDS sheet" is redundant as the "S" stands for "sheet."

The board agreed to revisit the draft 2000 handbook language concerning the report-ability of pesticides.

It was moved by Mr. Friese and seconded by Mr. Johnson to accept the minutes as corrected. The motion passed unanimously.

### III. STAFF REPORT

#### A. City Council Update / Fee Structure

Mr. Potter updated the committee on a memo sent to the City Council reaffirming the Board's recommendation that future fees be based simply on number of employees, but that fees be charged to all Eugene manufacturers with 10 or more employees regardless of level of hazardous substance inputs (unless it is zero). He noted that the memo had been reviewed by the Fire Chief and was then forwarded to the Council, which is scheduled to act on the matter in January.

#### B. Recruitment of New Member(s)

Mr. Potter reported that Ms. O'Brien and MaryLee Bowman applied for Ms. O'Brien's seat on the board, while Clyde Carson applied for the vacant business position. He said the City Council would act on the matter this evening.

It was moved by Mr. Johnson and seconded by Ms. Holden that the Toxic Board recommend Mary O'Brien and Clyde Carson for appointment.

The motion passed unanimously.

Mr. Potter said he would get a memo to Council for the meeting scheduled tonight.

#### C. 2000 Handbook / 1999 Reporting Software

Mr. Potter reported that the 2000 Handbook was almost done, and that the 1999 reporting software was in the process of being de-bugged. He said that there were no significant changes to what the Board saw at the last meeting.

Mr. Upson referred board members to a table from a physics handbook which noted the limits of flammability of gases and vapors in air. He suggested the board consider applying the limits to characteristic substances for purposes of determining reportability. Examples were discussed.

Mr. Morgan suggested that aqueous solutions be treated similarly. Mr. Upson agreed to try to find corresponding reference materials for aqueous solutions.

Board members agreed to assist Mr. Potter in writing language for the handbook that would reflect the board's discussion.

Mr. Potter asked for direction on whether acetylene was a reportable substance. He noted that while it was not on the list of reportable substances, several companies have reported it because they say it is "characteristic." Board members delayed this discussion until the next agenda item, Identified characteristic chemicals reported.

#### **D. Update on Court Case**

Mr. Potter reported on the court case and negotiations. He read an e-mail from Jerry Lidz, City Attorney, which stated that attorneys for the parties would exchange proposed versions of a declaratory judgment on December 10. On December 20 the parties intend to file the proposed judgments and memoranda with the court, and on December 23 at 9:30 a.m. the court will hear oral arguments. The items to be addressed will include 1) pesticides, 2) fee provisions in the charter amendment, 3) refunds and 4) plaintiffs' request to the court to enjoin any enforcement of the charter amendment.

### **III. NEW CHEMICALS**

#### **A. Identified characteristic chemicals reported**

Ms. O'Brien noted that only 20 to 30 chemicals were candidates for addition to the list of reportable substances based on having been reported as characteristic for 1998. She had consulted with Paul Engelking of the U of O concerning these chemicals, and Dr. Engelking had said that one could not simply look at the list and determine if a chemical was reportable. He had suggested that Resource Conservation and Recovery Act (RCRA) reports be examined, and if a company reported a substance to the federal government, then it could be concluded that the substance is characteristic.

Mr. Upson suggested the board consider each chemical and determine which ones should be considered reportable. He agreed to undertake such a review individually. The board reached consensus that chemicals would only be listed as reportable if there was concurrence from the both the business side and the right-to-know side.

Returning to the discussion of acetylene, board members suggested Mr. Potter call the State Fire Marshal's office and get the MSDS on file, and also call DEQ to find out if anyone had reported acetylene as a hazardous waste. Ms. Verrét offered to review the materials with staff.

#### **B. New TRI chemicals and PBTs — possible ordinance**

Ms. O'Brien distributed a chart (updated from last meeting) titled **Chemicals, Compounds, &**

**Persistent Bioaccumulative Toxic Chemicals (PBTs): A Proposal for Eugene.** She noted that chemicals shown in bold type were not on the Eugene list. She proposed that when chemicals are added by EPA, then the City Council should be asked to add them to the City's Right-to-Know list by ordinance. She recommended that Council be asked to add the chemicals in bold type and to amend the levels of reportability as shown in bold in the second column from the right.

Mr. Upson said he did not believe the board should be expanding the reporting universe of the charter amendment and that he did not support this proposal.

Ms. O'Brien agreed to report back on the characteristics of extremely persistent bioaccumulative toxins and will check on TBBPA (#14) listing. Further discussion of this issue was postponed to the next meeting.

Mr. Johnson asked what reporting threshold Ms. O'Brien would recommend on dioxin. Ms. O'Brien said she could not identify a threshold for reporting dioxin. She added that she considered dioxin to be the most toxic substance in the world.

#### **IV. SCHEDULE OF FUTURE MEETINGS**

The next meeting of the board is set for January 18, 2000 at 3 p.m.

The meeting was adjourned at 4:45 p.m.

(Recorded by Kris Aanderud)

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