

# MINUTES

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

September 16, 1998  
3 p.m.

PRESENT: Don Upson, Chair; Mike Friese, Madronna Holden, Steve Johnson, Steve Morgan, Mary O'Brien, Cathy Verret, members; Glen Potter, Judi Ivy, staff; various members of the public.

Mr. Upson called the meeting of the Eugene Toxics Board to order.

## I. APPROVAL OF THE AGENDA

In response to concerns raised by Ken Luse, Ms. O'Brien suggested that the Toxics Board discuss whether it should send additional letters to businesses in an effort to clarify the criteria for coverage under the Toxics Right-To-Know Law. Mr. Upson suggested that discussion of this matter be included at the end of the agenda.

Mr. Upson determined there was consensus to approve the agenda, as amended.

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

Mr. Upson determined that there was no one present wishing to make a comment to the board.

## III. APPROVAL OF MINUTES

Members reviewed the minutes of the August 13, 1998, meeting of the Toxics Board.

Referring to page 5 of the minutes, Ms. O'Brien requested that sentence 1 be amended to read "Ms. O'Brien said she believed the use of methyl bromide for fumigation was limited *to grain-related industries.*"

Referring to paragraph 2 on page 5 of the minutes, Mr. Upson requested that "grain millers" be replaced with "Grain Millers."

Referring to the first bulleted item under *Manufacturing and Maintenance Delineation Criteria* on page 4 of the minutes, Ms. Verret requested that end-quotes be added to "industry neutral."

Mr. Upson determined there was consensus to approve the minutes, as amended.

## IV. STAFF REPORT

### A. Combining Hazardous Material and Toxics Programs

Mr. Potter stated that although the Fire Marshal was unable to attend the meeting, included in the meeting agenda packet was a memorandum responding to the Toxics Board's request for information concerning the idea of combining the Toxics Right-To-Know Program with Eugene's Hazardous Materials Management Program. In the memorandum, the Fire Marshal responded negatively to the idea, and explained his reasons. Board members and staff discussed the memorandum. Following discussion, it was decided not to ask the Fire Marshal any follow-up questions at this time.

#### **B. Business Reporting Software: Feedback on Testing/User Instructions**

Mr. Potter reported that seven volunteers, three of whom were consultants, were currently testing the business reporting software. He reported on feedback received to date. Noting that September 18 is the deadline for submitting feedback regarding the software, Mr. Potter said an overview of the feedback received will be included in the October meeting agenda packet.

#### **C. "Questions and Answers" to Businesses: Board to Provide Guidance**

Noting that it has been discussed in the past, Mr. Potter requested board direction regarding whether to send information to businesses at this time.

Mr. Upson suggested that the board consider distributing to businesses its current list of questions and answers and include as the preamble to the document the board's definition of "article" and guidance concerning metals. He requested that staff e-mail the document to all board members for review and comment, and then mail it to reporting businesses if there is consensus.

#### **D. Other**

Noting that he would be traveling to New Jersey and Massachusetts for training at the end of September, Mr. Potter inquired as to whether the board wanted him to obtain specific information.

In response to a question from Mr. Upson, board members and staff discussed the fact that the board had not been asked to approve the expenditure for the training trip, and the general issue of program budget oversight. Following discussion, the board approved the training and identified the general issue as a possible future agenda item.

The board suggested, and Mr. Potter recorded, questions that Mr. Potter might ask during the training. Mr. Potter requested that members e-mail or relay to him via telephone any additional questions.

Mr. Upson suggested adding to the October meeting agenda a combined discussion about the September 10 memorandum regarding the duties of the Fire Marshal auditor and Mr. Potter's report from the training trip in order to define the board's position on the role and tasks of the auditor.

## **V. 1999 INSTRUCTIONS**

Referring to the draft *1999 Hazardous Substance Reporting Forms and Instructions* that were included in the meeting agenda packet, Mr. Potter requested comments.

The board offered the following comments and suggestions:

- Do not like including the questions in the text of the directions. Suggest allowing space for referencing question numbers, and placing the list of questions at the end of the report. (O'Brien) *(The board concurred)*
- Incorporate answers into the text as an explanatory sentence or example where applicable. (Morgan)
- Expand the section on "maintenance." It is an important question that will likely be asked by a number of businesses. (O'Brien)
- Suggest reordering several sections of the document. Will forward extensive revisions to Mr. Potter. (Upton) *(The board authorized Mr. Potter to incorporate into the document those revisions that are obviously reasonable, and flag for board discussion any questionable revisions)*
- Suggest that a subcommittee consider the document prior to the next Toxics Board meeting. *(Mr. Morgan and Ms. Verret agreed to meet as a subcommittee prior to the next meeting of the Toxics Board)*

## **VI. SET MEETING DATES FOR NOVEMBER, DECEMBER**

The Toxics Board set the following meeting dates (locations to be announced):

- October 15, 3 p.m.
- November 19, 3 p.m.
- December 10, 3 p.m.

## **VII. FEES**

### **A. Fee Alternatives**

Mr. Potter reported that Senator Susan Castillo referred to the Attorney General the Toxics Board's request for an opinion on the board's 1999 fee structure proposal. He agreed to try to learn when the opinion might be forthcoming.

## **VIII. BREAK**

The Toxics Board took a ten-minute break.

## **IX. PUBLIC ACCESS SOFTWARE**

Referring to a document entitled *Hazardous Substance Reporting Program Programming Specifications* that was included in the meeting agenda packet, Information Services Division Senior Application Systems Analyst Steve Chipman solicited board questions and feedback regarding the document.

The board issued the following questions and feedback:

- Would like to include left-hand row headings on every page (Upson)
- Exclude row and column totals for inputs/outputs only (O'Brien)
- Abbreviate facility names (O'Brien)
- Include on the entry page a menu of questions that users might ask (O'Brien)

Mr. Chipman said the Web page would be complete in approximately two to three months.

## **VII. FEES (CONTINUED)**

### **B. Fee Structure Draft**

Referring to a memorandum included in the meeting agenda packet, Mr. Potter solicited feedback regarding the proposed 1999 fee structure.

Mr. Upson suggested making emissions a smaller factor in the fees the first year (1999) and using the reported data to calculate the possible impacts that would result from making it a larger factor in future years. The board agreed to table discussion of this matter, pending issuance of the Attorney General's opinion regarding fee options.

## **X. DISCUSS QUALIFICATIONS FOR TRADE SECRET AUDITOR**

Referring to a memorandum included in the meeting agenda packet, Mr. Potter reviewed a list of possible qualifications for independent trade secret auditors and solicited board comments and suggestions.

The board issued the following suggestions:

- Given that applicants will be interviewed by the board, resumes, including references, should be submitted in advance.
- Do not require a Master's degree. Accept equivalent of the degree in experience.
- Require applicants to submit, prior to interviews, documentation of experience in precautions and alternatives to hazardous substances.
- Process chemical engineering, industrial hygiene, and database research are important elements that should be addressed in the documentation submitted by applicants prior to interviews.

- Require four-year degree.
- Delete item 3(c): “What is your understanding of the program’s requirements concerning ‘characteristic chemicals?’”

Mr. Potter said he would include a revised draft of the qualifications in the October meeting packet.

## **XI. PROCEDURE FOR FIRE MARSHAL’S OFFICE AUDIT**

Mr. Potter stated that the subcommittee report concerning the procedure for Fire Marshal’s Office audit was e-mailed to members. Mr. Upson reiterated that this matter would be addressed during the October meeting.

## **XII. METHODS TO ENSURE THAT BUSINESSES ARE AWARE OF THE REQUIREMENT TO REPORT**

Referring to an e-mail from Andrew Poynter to the Toxics Board, copies of which were distributed, Mr. Upson said Mr. Poynter had suggested that a one-page “fact sheet,” detailing possible reasons why some businesses had not yet declared themselves as hazardous substance users, be mailed to the HAZMAT permit program companies.

Ms. O’Brien said the question is whether it would be cost-effective to send notices to all HAZMAT permit program businesses not currently identified as required to report, suggesting that they re-evaluate whether they are subject to the provisions of the Toxics Right-To-Know Law.

The board agreed that adequate notice has already been issued and sending out the proposed “fact sheet” is unnecessary.

The meeting adjourned at 5:50 p.m.

(Recorded by Kim Kunkel)  
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