

MINUTES

Toxics Board
Saul Room--Atrium Building

November 12, 1997
11:30 p.m.

PRESENT: Mary O'Brien, Chair; Tim Foelker, Sam Frear, Steve Johnson, Steve Morgan, Don Upson, Cathy Verret, members; Glen Potter, Linda Grenz, Judy Ivy, Fire Marshal's Office; Michael Love, Ken Luse, Evelyn McConnaughey, Andrew Poynter, David Thies, guests.

Ms. O'Brien called the meeting of the Eugene Toxics Board to order at 11:30 a.m.

I. APPROVAL OF AGENDA

In response to a question from Mr. Morgan, Ms. O'Brien said that discussion of the Characteristic Chemicals List would take place during the agenda item concerning revision of the handbook.

Ms. O'Brien determined there was consensus that discussion of handbook revisions would cease at the conclusion of the 55 minutes allotted in the agenda.

II. PUBLIC COMMENT

Mr. Luse stated that it would be helpful to include the hyphens in the Chemical Abstract Service (CAS) numbers on the list of reportable chemicals.

III. APPROVAL OF MINUTES

In response to a question from Ms. O'Brien, Mr. Potter said that he had not yet received the City Attorney's memorandum regarding implementing ordinances. The board placed this item on the November 26 meeting agenda.

Ms. Verret requested that paragraph 4 on page 2 of the minutes of the October 22, 1997, meeting of the board be changed, as follows:

Referring to materials included in the meeting agenda packet, Ms. O'Brien led the board in a page-by-page review of both the suggested handbook revisions addressed in part during the previous meeting and those recently prepared by 4) Mr. Johnson and Ms. O'Brien; and 2) Mr. Morgan and Ms. Verret. Mr. Potter and Ms. Grenz recorded the board's comments and decisions regarding each proposed change.

Mr. Johnson moved, seconded by Mr. Foelker, that the minutes of the October 15, and October 29, 1997, meetings of the Eugene Toxics Board be accepted as distributed and that the minutes of the October 22, 1997, meeting be accepted as amended. The motion was adopted unanimously, 7:0.

Ms. Verret reminded members that she had abstained from voting on adoption of the minutes of the October 1, 1997, meeting of the board because she had been concerned that its report about actions of the governor was overstated. She said she had been convinced that an acceptable interpretation of the words used was possible and that she wanted to be recorded as approving the minutes as submitted.

III. STAFF REPORT

Mr. Potter reported that Deputy Fire Chief Philip Prince would retire on December 31 and that a replacement would be named before that time.

Mr. Potter reported that Ms. Ivy had been hired as a new temporary Administrative Aide in the Office of the Fire Marshal and that recruitment for a permanent Administrative Aide would begin soon.

Mr. Potter reported that the response to the follow-up post cards seeking the identity of additional local businesses who may be required to report under the charter amendment had consisted of a small number of telephone calls requesting clarification of the status of certain individual businesses; the existing list of companies required to report was virtually unchanged, except for the addition of one or two companies who wished to remain informed.

Mr. Potter reported that two applications for appointment to the Toxics Board advocacy position had been received, that an additional application for the same position was anticipated, and that it was likely the deadline would be extended to encourage submission of applications for the industry position to be filled.

Mr. Foelker stated that he was waiting for the approval of his employer before submitting an application for re-appointment to the Board.

IV. HANDBOOK REVISIONS

Ms. O'Brien referred to a document entitled "City of Eugene, Oregon 1998 Hazardous Substance Reporting Forms and Instructions--Draft 10/29/97" distributed with the agenda of the meeting. She noted the version distributed contained proposed changes and comments made previously by members. She invited members to discuss the document.

Members discussed the handbook, reaching consensus on a number of additional changes which were recorded by staff.

Members discussed potential confusion by reporting companies of what chemicals were required to be reported. It was agreed that the list of reportable chemicals would likely be revised as experience with the toxics reporting ordinance increased.

On the request of Mr. Morgan, depleted un-punctured aerosol cans were added to the list of examples of hazardous substances which did not need to be reported (Section IX-E of the reporting instructions).

Mr. Upson requested that the board vote approval of the final version of the handbook and chemicals list at its next meeting scheduled on November 26, 1997. The board agreed.

V. HANDBOOK FORMAT

In response to questions raised by Mr. Potter, members came to consensus regarding matters of handbook format, as follows:

- A cover similar to that produced in the previous version and spiral binding will be used.
- A printed chemicals list in CAS number order will be included in the handbook and an electronic version of its database in the most accessible formats on a 3½ inch computer disk will be provided with it.

Mr. Upson left the meeting at 12:40 p.m.

- Two hundred copies of the handbook will be printed.
- Appendices will appear in this order: Charter Amendment IV, SIC table, sample completed forms, chemical list, 40 CFR 261 (Subpart C).
- Blank reporting forms will appear in the front of the handbook.
- The "flow chart" will face the page the gives the instructions regarding who is required to report.
- A letter of transmittal is not necessary.
- The handbook will be printed and mailed as soon as possible following final board approval.

VI. TRADE SECRET CHEMICALS HANDBOOK

Ms. O'Brien referred to her electronic mail message to the board dated November 5, 1997, regarding development of a trade secrets handbook, distributed with the agenda of the meeting. The board reached consensus as follows:

- Ms. O'Brien and Ms. Verret will prepare a draft report form to document the validity of a trade secret to be confidentially submitted to the Fire Marshal's Office by the next meeting of the board.
- A proposed form entitled "Notice to Toxics Board of Trade Secret Reports Filed with the Office of the Fire Marshal" distributed to members was acceptable, with the addition of provision for providing the address of the reporting company.
- Aggregate trade secret materials will be reported on the regular reporting form if more than one trade secret chemical is claimed. If only one trade secret chemical is claimed by a business, then materials balance accounting is not required for that chemical.
- A form to be used by an independent auditor to identify whether a company is using trade secret chemicals in the most protective manner and whether protective alternatives are available will not need to be available until 1999.

Referring to her memorandum, Ms. O'Brien determined there was consensus to accept its listing of possible sections to the trade secrets handbook, with the following changes: 1) the subject of the section on auditing should be "Auditing of facilities for precautions and alternatives"; 2) the portion of the charter amendment addressing trade secret chemicals will suffice for inclusion in this new handbook; and 3) it is not necessary to include copies of applicable federal and state laws, though those laws should be mentioned in the handbook.

Mr. Potter distributed copies of a document entitled "Public Report of Precautions in Use and Alternatives to Use of trade Secret Hazardous Substances." He reviewed information on the document and determined there was consensus, as follows:

- Instructions following Item D should be changed, as follows:
 - Answer E-~~G~~ only for a substance for which a previous year's audit report has been filed.
- Item G should be changed, as follows:
 - ~~Did you document~~ **Are you aware of** technological options that likely are more protective, and report these to the company?
- A new Item H should be added, renumbering the following items as I and J, as follows:
 - Did you inform the company?
- Instructions following the new Item H should be added, as follows:
 - If yes, answer I-J.

- Provision for listing the address and phone number of the auditor should be added to the form.

VII. NEXT MEETING

Members were reminded that the next meeting of the board was scheduled for November 26, 1997, and that the subsequent meeting was scheduled for December 8, 1997.

It was agreed that the agenda of the next meeting would include approval of the final version of the reporting instructions and chemical list, review of draft forms being prepared, discussion with the City Attorney regarding implementing ordinances, and consideration of recruitment of members.

The meeting adjourned at 1:25 p.m.

(Recorded by Dan Lindstrom)
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