

## MINUTES

Eugene Toxics Board  
Fire Conference Room, Second Floor  
Eugene Emergency Services Center  
1705 West Second Avenue, Eugene

January 23, 2013  
3:30 PM

**PRESENT:** Tom Carmicheal, Chair; Stephen Flanagan, Vice Chair; Sheena Gardner, Alison Guzman, Rick Nicol, Christine Zeller-Powell, members; Al Gerard, Fire Marshal; Joann Eppli, Fire and Emergency Medical Services staff; Ben Sappington, guest.

**ABSENT:** Randall Prince.

### **I. INTRODUCTIONS/APPROVAL OF AGENDA**

Mr. Carmicheal called the meeting of the Toxics Board to order at 3:30 PM.

The agenda as presented was approved by consensus.

### **II. PUBLIC COMMENT**

Ben Sappington spoke on behalf of the Eugene Chamber of Commerce which had supported a fee cap of \$2,000 per year on reporting companies. A recent Chamber survey of all reporting and toxics fee-paying companies in the city had indicated there was overwhelming opposition to any fee increase at this time. Mr. Sappington reported that many people saw no value in what they considered a redundant program. He said that many businesses made minimal use of the materials that resulted in them being placed on the list, but paid the same as similar-sized businesses that used much worse chemicals. In summary, he said that manufacturers and the Chamber were opposed to any proposed fee increase and would consider it financially burdensome.

### **III. APPROVAL OF MEETING MINUTES—November 28, 2012**

The November minutes were approved by unanimous consent.

### **IV. STAFF REPORT**

Ms. Eppli said that Mr. Prince was unable to attend the meeting and that she would share his emailed comments on topics being discussed. Since Ken Luse was not in attendance she said that discussion of his concerns about the availability of hazardous materials information and companies on the website should be postponed until he was present. Ms. Eppli mentioned that Mr. Carmicheal's and Ms. Zeller-Powell's membership terms would expire in June. Mr. Carmicheal would not be applying for reappointment so there would be at least one vacancy to

fill. The board would discuss membership in greater detail at the next meeting.

At its last meeting the board had finalized its recommendations to the City Manager and City Council to update the Hazardous Substance Tracking Instructions and the List of Reportable Chemicals. There had been insufficient time to complete the Administrative Order process before the end of the year so characteristic chemicals would not be mandatory reportable for all reporting companies this year. The revised instructions outlined the formal process for reporting businesses to submit characteristic chemicals. If any reporting companies bring forward additional chemicals this year those chemicals would be added to the existing list of characteristic chemicals for board consideration, and then would be mandatory reportable for next year's reporting and beyond. Any additional requests to add chemicals would be forwarded to the board for its consideration after April 1. Ms. Eppli said that the updated list reflecting changes approved by City Council would be posted on the website soon.

Answering a question, Ms. Eppli explained that businesses who met at least three of the four requirements outlined in the Charter and who were within the City limits (as confirmed using the Regional Land Information Database of Lane County) were required to report. In response to feedback she had received, Ms. Eppli's intent was to communicate with program businesses more frequently than had been customary.

Ms. Guzman arrived at 3:42 PM.

Ms. Eppli had posted the most current version of the citizen guide and she asked members to let her know if changes were needed. There had been no time for additional site visits since the last board meeting. Audits of reporting continue without issue.

## **V. FISCAL YEAR 2014 TOXICS PROGRAM RECOMMENDED BUDGET**

Board members discussed the need to keep 2014 fees as low as possible to avoid creating additional financial burden for Eugene's small businesses. They noted that program maintenance and system improvement needs had required a fee increase last year, but they expected that with careful prioritization less staff time would be required in FY14.

Ms. Guzman hoped the board would discuss how to incentivize businesses to want to report and suggested that corporate social responsibility was a selling point for the program.

Mr. Carmicheal and Mr. Nicol saw redundancies in reporting to LRAPA and the Toxics Right-to-Know Program and little useful application for the data collected by the City program. Ms. Guzman responded that the Envision Eugene effort was using the Toxics data to avoid locating schools and parks in close proximity to certain industrial sites. She believed that the board could provide businesses with information that would be useful from a public relations perspective.

Ms. Gardner opined that because the Toxics Board and the reporting program were created by Charter amendment, they had to exist unless that amendment was repealed so the question before the board really was how much work should be done by staff and how much by the board.

Board members discussed the process of identifying covered entities and possible cost savings from reducing Ms. Eppli's time to 75 percent. Ms. Eppli said that with less time devoted to the program it would take considerably longer to complete that project. She would also

have less time to work with representatives of regulatory programs at the State and Federal levels to identify areas of collaboration and to work towards making reporting less burdensome on businesses and avoid duplication.

The group continued to discuss reporting requirements for different agencies, the degree of overlap, and differences in the amount of information data systems made available to the public.

Refocusing on how much of Ms. Eppli's time should be allocated to the program, Mr. Nicol commented that Ms. Eppli had successfully created a more systematic approach to the program. Ms. Eppli told the board that she could not both increase public outreach and maintain the program if her time was reduced. Mr. Flanagan maintained that a priority for Ms. Eppli should be to ensure that every business required by statute to participate was involved. Ms. Gardner added that the Board needed to review its priorities annually and redirect its activities based on that review and the budget. Ms. Zeller-Powell said that voters had not provided direction on spending more on right-to-know activities than on maintenance of the reporting system.

Ms. Guzman advocated for creating a mechanism to give credit to companies such as Flakeboard America that had significantly reduced their use of toxics.

**MOTION:** Ms. Gardner moved, seconded by Mr. Nicol, to reduce staff time to 75 percent for fiscal year 2014 and to direct staff to perform those tasks required by law and to contact new businesses that should be included in the program. This would result in a recommended fee of \$66.16 per FTE with a threshold of 31 FTE, and a total program budget of \$101,836 for FY14. The motion passed 4:1:1 with Ms. Zeller-Powell voting against the motion, and Ms. Guzman abstaining.

## **VI. IDENTIFYING COVERED ENTITIES**

Ms. Eppli called attention to December 6 and January 11 memos in the agenda packet. The second document identified 108 businesses not currently in the program that potentially should be. She suggested narrowing the list down by checking it against the State Fire Marshal's report and then sending the remaining manufacturers a short letter asking if they used any quantity of hazardous substances in their manufacturing process. If not they would be exempt from participating in the program, but if they did they would be asked to confirm their current FTE and to provide contact information for follow-up.

Board members recommended adding the definition of hazardous substances, to cite the City Charter amendment number and section, and to provide the program website address. They also asked Ms. Eppli to help businesses reconfirm their current SIC code when meeting with them.

**MOTION:** Mr. Flanagan moved, seconded by Mr. Carmicheal, to direct Ms. Eppli to send the letter as described. The motion carried unanimously, 6:0.

Mr. Nicol left the meeting at 4:35 PM.

## **VII. 2012 ANNUAL REPORT**

Ms. Eppli directed board members to the memorandum in the agenda packet and asked for questions or comments. Mr. Prince had indicated that it was acceptable to him as written.

Ms. Zeller-Powell suggested changing the first sentence under “Number of Reporting Manufacturers Decline” on page 2 to read as follows: “The total number of Eugene manufacturers reporting under the program declined in 2012.”

**MOTION:** Mr. Carmicheal moved, seconded by Mr. Flanagan, to approve the annual report with the change suggested by Ms. Zeller-Powell. The motion carried unanimously, 5:0.

#### **VIII. SCHEDULE NEXT MEETING/FUTURE AGENDA ITEMS**

Ms. Eppli said that reviewing characteristic chemicals submitted by reporting businesses would be the primary topic of the next meeting, and the agenda would also include discussion of the appointment/reappointment process to address upcoming Toxics Board member term expirations.

Board members agreed to schedule the next meeting for Tuesday, April 2, 2013 at 3:30 PM.

The meeting adjourned at 4:42 PM.

*(Recorded by Mary Feldman)*