

MINUTES

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

June 5, 2014
3:30 PM

PRESENT: Stephen Flanagan, Chair; Wendy Cecil (arrived at 3:35 PM), Rick Nicol, Randall Prince, Christine Zeller-Powell, members; Joann Eppli, Fire Chief Randy Groves, Fire Marshal Al Gerard, Fire staff; Ken Luse, visitor.

ABSENT: Lisa Arkin, Sheena Gardner, members.

Mr. Flanagan called the meeting of the Toxics Board to order at 3:30 PM. He announced his term on the Toxics Board was ending, and this would be his last meeting.

I. INTRODUCTIONS/APPROVAL OF AGENDA

Those present introduced themselves. There were no changes to the agenda.

II. PUBLIC COMMENT

There was no one who wished to offer public comment.

III. CITY MANAGER'S FUTURE PROGRAM DIRECTION

Fire Chief Groves said the City had been reviewing the program to ensure the Charter Amendment requirements were being met while identifying ways to reduce the overall costs of the program that had grown over time. Legal staff had analyzed the program to ensure the program met the Charter Amendment requirements in the most cost effective way while providing the public information called for in the Charter. City staff time to manage the program has fluctuated over time, and had been run by .5 of a full time equivalent employee (FTE) prior to 2010 when Ms. Eppli started managing the program. The FTE had been reduced to .85 FTE this year, and the City Manager wanted to reduce the position to .5 FTE while continuing to meet the Charter Amendment requirements.

Wendy Cecil arrived at 3:35 PM.

Ms. Eppli stated she had emailed a memorandum from the City Attorney to Toxics Board members regarding minimum Charter Amendment requirements for the program.

Mr. Prince found the memorandum unsettling. He did not see how the memorandum could be considered confidential and was suspicious. He favored making the program more streamlined

but the memorandum did not provide details on proposed cutbacks.

Fire Chief Groves stated the Fire Department was striving to be more efficient, including merging of the Eugene Fire & Emergency Medical Services Department and the Springfield Fire & Life Safety Department.

Ms. Zeller-Powell was concerned that the City Attorney did not find a Charter mandate to have an inventory process to identify covered entities. She felt identifying covered entities was a basic element of the Charter. It was unfair to businesses who did not report when others who should report did not. Based on Section 6.3 of the Charter, not everything that had to be reported was specifically listed, and the Toxics Board was tasked with identifying those things. It was also important to maintain the List of Reportable Chemicals. Additionally, Ms. Zeller-Powell noted that Ms. Eppli had spent a lot of time and effort over the course of managing the program to bring the program into compliance with applicable laws, rules and regulations at the local, state and federal levels, because the person previously in the position did not.

In response to Mr. Prince, Ms. Eppli said the Toxics Board had previously reviewed the staff tasks. There were tasks done by staff that were not called out in the Charter, but that supported tasks specifically called out. A lot of work had been done to streamline the program, and policies and procedures had been developed to ensure all Charter requirements were complied with. The City Manager had given direction to streamline the program further. The Toxics Board could identify additional concerns and request a City Attorney opinion on them. She proposed the Toxics Board review the remaining tasks, eliminate some tasks, reduce others and identify necessary tasks that Toxics Board members could do.

Ms. Cecil suggested .5 FTE was feasible if the reporting function of the program was aligned with other reporting entities. She expressed concern that reducing staff time could result in creating a backlog of tasks over time.

In response to Mr. Prince, Fire Chief Groves said the FTE for FY15 was set at .85 FTE, and the program review needed to be done to reduce the FTE to .5 in conjunction with development of the FY16 budget.

Fire Chief Groves and Fire Marshal Gerard left at 4:00 PM.

Mr. Prince, seconded by Mr. Flanagan, moved to ask for details on items 2 and 7 in the City Attorney's memorandum. Mr. Flanagan noted consensus to ask the City Attorney for more information on items 2 and 7.

IV. APPROVAL OF MEETING MINUTES—April 24, 2014.

Mr. Prince, seconded by Mr. Flanagan, moved for the approval of the April 24, 2014 Toxics Board meeting minutes. The motion passed unanimously, 5:0.

V. STAFF REPORT

Ms. Eppli thanked Stephen Flanagan and Sheena Gardner for their time and service as members

of the Toxics Board. She noted Ms. Gardner was not able to attend today's meeting, and asked Mr. Flanagan to share his thoughts about his experience on the Toxics Board.

Mr. Flanagan stated he had been surprised about the amount of time the Toxics Board spent discussing the fee structure and Ms. Eppli's time, which had not been his inclination when he joined the Toxics Board. He saw the same cycle repeating. The Toxics Board had a small set of responsibilities and a small piece of the regulation puzzle.

Mr. Nicol disagreed with Mr. Flanagan. He said there was too much against industry in the city. Businesses did not want to pollute, but the regulations needed to be fair. He appreciated the good job Mr. Flanagan had done while serving on the Toxics Board.

Ms. Eppli said Andree Phelps and Amber Everly were scheduled to be appointed to the Toxics Board by the City Council today, with their appointments effective July 1, 2014.

Ms. Eppli said the Chair and Vice Chair positions rotated annually on July 1. Ms. Gardner was scheduled to rotate into the Chair position and Ms. Zeller-Powell was scheduled to serve as Vice Chair. However, Ms. Gardner's work responsibilities no longer allowed her time to serve on the Toxics Board. Thus Ms. Zeller-Powell would rotate to Chair and Mr. Nicol would rotate into the Vice Chair position.

Ms. Eppli said she had sent a link to Toxics Board members on the Story Catchers interview with Lisa Arkin that was done in conjunction with the City of Eugene's 150th birthday. She iterated that the Toxic Board recommendation to cover a .85 FTE staffing level for FY15 was approved by City Council. She said there was a request in the Toxics Board email inbox to include a reference to the mesothelioma website on the Toxics Program's website. Toxics Board members discussed including that information on the Toxics Program's website.

Mr. Flanagan, seconded by Mr. Prince, moved to not add the requested link on the Toxics Program's website. The motion passed unanimously, 5:0.

VI. TOXICS PROGRAM GAP/IMPACT ANALYSIS

Ms. Eppli had previously distributed draft language related to neutral, advocacy and industry recommendations to the City Council regarding the future of the Toxics Program in response to the Council's request of the Toxics Board to look at options for the program in the future. While she initially intended to prepare a separate report for the Council, when looking at the City Manager's direction to reduce the FTE that supported the program, she proposed that the Toxics Board break into discussion groups to review and edit the materials she had prepared. She distributed sections from a draft memorandum to Mayor Kitty Piercy and the City Council, from Joann Eppli, subject Eugene Toxics Right-to-Know Program Update: Impact and Gap Analysis Report. Toxics Board members broke into discussion groups.

Mr. Flanagan noted his replacement on the Toxics Board would have to read both the advocate industry reports, and their individual conclusions in order to finalize the neutral section of the report from the Toxics Board. Ms. Zeller-Powell said the advocates needed additional time, and asked for a work session to finish their recommendations.

Ms. Eppli noted consensus by Toxics Board members to have a work session on the Gap/Impact

Analysis at the next Toxics Board meeting.

VII. MISCELLANEOUS ITEMS

- Advocacy Members' Research Findings Report
 - 2013 Annual Report Shipped as Waste 1-Year Change of 659.4%

Mr. Flanagan noted Ms. Arkin was not at today's meeting to provide information on advocacy members' research findings.

Ms. Eppli noted she had received no telephone calls expressing concern and asked Toxics Board members if the item should be removed from the agenda. Ms. Cecil, seconded by Mr. Nicol, moved to table the report until the Board heard public concerns. Ms. Zeller-Powell noted consensus to table the report.

Mr. Flanagan left at 4:59 PM.

In response to a suggestion by Ms. Eppli to consider hiring a third-party auditor to review the concern raised by Willamette Valley Company regarding reporting of petroleum distillates (CAS #064742-47-8) as an ignitable characteristic chemical, Ms. Cecil state that this was a task she would be willing to handle.

VIII. SCHEDULE NEXT MEETING/FUTURE AGENDA ITEMS

- Envision Eugene Overview by Eugene Planning Division Staff
- Annual Toxics Board Member Role Overview
- Review Characteristics Chemicals from Thermo Fisher Scientific for Addition to List
- Special Project Request from Willamette Valley Company
 - Review Reporting of Petroleum Distillates (CAS #064742-47-8) as an Ignitable Characteristic Chemical and Determine whether to Remove from List
- Presentation by Beyond Toxics: Review of Recent Reports that Include Data from Eugene's Toxics Right-to-Know Program
- Lane County Local Emergency Planning Committee (LEPC) Presentation

Toxics Board members discussed a date for the next meeting. Ms. Eppli agreed to survey members for a meeting on either July 10 or July 17, 2014. She said she would invite Envision Eugene staff to the meeting and prepare information for the Gap/Impact Analysis for the Toxics Board to continue discussing. She said she would provide new Toxics Board members with an orientation prior to the next Toxics Board meeting.

The meeting adjourned at 5:15 PM.

(Recorded by Linda Henry)