

Senate Environment and Natural Resources

May 28, 2014

Hearing Room C, State Capitol

Committee Members Present: Senator Dembrow, Senator Olsen, Senator Bates, Senator Hansell, Senator Hass

Also Attending: Senator Whitsett, Representative Krieger, Representative Frederick, Representative Whitsett and Representative Witt

INFORMATIONAL MEETING

REGULATION OF PESTICIDES

Lisa Hanson, Deputy Director, Oregon Department of Agriculture (ODA) made a [presentation](#) on the “Regulation of Pesticides.” This overview addressed ODA’s regulatory authority, the Pesticide Analytical Response Center (PARC), the intersection of the Forest Practices Act (FPA) and pesticide regulation, the role of the Oregon Health Authority, and included a high level [summary](#) of the pesticide investigation in Curry County.

Peter Daugherty, Chief, Private Forests Division, Oregon Department of Forestry discussed how the FPA applies to the use of pesticides on forestlands. In forest operations, the most commonly used are herbicides.

Katrina Hedberg, MD, MPH, State Epidemiologist and State Health Officer, Oregon Health Authority submitted a [summary](#) of the Curry County Pesticide Exposure Incident and described the role of public health agencies in circumstances involving pesticides. The Federal Agency for Toxic Substances and Disease Registry (CDC-ATSDR) provides funding and technical support. Also, people may petition directly to this agency for an investigation. The state public health agency administers the reportable condition statutes and does case follow-up and monitors trends over time. They rely on local clinicians to do evaluations and testing.

Three Curry County residents, John Burns, James Aldrich and Kathryn Rickard, described their experiences during and after an aerial herbicide spraying in Cedar Valley on October 16, 2013. They made a [presentation](#) and provided the committee with a [link](#) to a video and an information [packet](#). Jim Welsh also spoke on behalf of his father who lived in Cedar Valley before passing away last month.

UPPER KLAMATH BASIN AGREEMENT

Richard Whitman, Natural Resources Policy Director, Governor's Office presented a "[Synopsis of the Upper Klamath Basin Comprehensive Agreement](#)." He described the water use and riparian programs in the agreement and the five year transition period for both program. He reviewed when groundwater might be regulated by the Water Resources Department and that guidelines for such regulation are part of the Proposed Agreement and will be proposed for adoption by the Water Resources Commission.

PROPOSED SPILL STUDY - NORTHWEST POWER AND CONSERVATION COUNCIL FISH AND WILDLIFE PROGRAM

Richard Whitman, Natural Resources Policy Director, Governor's Office discussed the proposed study. He indicated the need to look at the spill issue on a facility basis and that the spill experiment proposal has many off-ramps built in. The proposal is still going through a review by the Northwest Power Council and has been reviewed by the Independent Science Advisory Board (ISAB) who noted that additional work is needed. The state would like to work collaboratively with all partners and sees the 125 percent proposal as a starting point for conversation.

Ed Bowles, Fish Division Administrator, Oregon Department of Fish and Wildlife made a [presentation](#) on the proposed spill experiment. He reviewed the Columbia River dam system and historic and present water flow and salmon travel times. He noted that key considerations include power costs and stability, irrigation, commodity shipping and infrastructure.

Crystal Ball, Oregon Liaison, Bonneville Power Administration provided a preliminary hydrosystem [analysis](#) and written [testimony](#). She noted that the federal dams are on track to meet, and in some cases exceed, the Biological Opinion (BiOp) performance standards for fish survival.

Terry Flores, Executive Director, Northwest River Partners provided [testimony](#) to the committee indicating that the ISAB had found the spill experiment to be fatally flawed and noted that spill is not a silver bullet to salmon survival. She suggested that the current BiOp standards be allowed to work before any changes are made in spill.

Ted Case, Executive Director, Oregon Rural Electric Cooperative Association echoed the testimony given by Terry Flores.

Liz Hamilton, Executive Director, Northwest Sportfishing Industry Association made a [presentation](#) discussing the value of sportfishing trips and the importance of salmon to the Oregon economy. She provided testimony supporting the spill study and noted that this action would have an immediate and measurable benefit for fish and the industry. She stated that the ISAB has concurred that a spring spill test has merit and a detailed study design should be developed. She also submitted [testimony](#) from Sara Patton, Executive Director of the Northwest Energy Coalition, supporting the spill experiment.

CLEAN FUELS UPDATE

Dick Pederson, Director, Department of Environmental Quality, provided background and presented the [rulemaking schedule](#) for the Clean Fuels Program.

Anthony Eggert, Executive Director, Policy Institute for Energy, Environment and the Economy, UC Davis [presented](#) “Leveraging University Expertise to Inform Better Policy.” He noted that multiple studies conclude that a portfolio of strategies is required to provide the greatest potential to address climate and energy goals while maintaining or improving transportation accessibility and affordability. He shared studies showing that the volume of low-carbon fuels is growing in California and that carbon intensity of low-carbon fuels is improving.

Jeffrey Rosenfeld, Manager, ICF International made a [presentation](#) entitled “California’s Low Carbon Fuel Standard” that addressed the macroeconomic impacts of the LCFS, compliance cost versus value and an update on lawsuits related to the program.

Brian Doherty, Western States Petroleum Association presented testimony on behalf of [Oregonians for Sound Fuel Policy](#), the [Oregon Petroleum Association](#), and [Oregon Trucking Associations](#). These groups oppose the implementation of a low carbon fuel standard in Oregon because they do not believe the program will work as envisioned and that there is real potential for the program to result in fuel shortages and increase fuel production costs.

Chuck White, Director of Regulatory Affairs, Waste Management made a [presentation](#) to the committee via telephone entitled, “Creating Value and Energy from Waste – Financing Low Carbon Fuels.” He reviewed Waste Management’s fleet goal to reduce emissions and increase fuel efficiency by 15 percent by 2020 and the benefits of natural gas and biogas. He discussed elements of the California LCFS and the challenges and uncertainties that exist.