

HOUSE COMMITTEE ON ENVIRONMENT

May 19, 2005 Hearing Room D

1:00 P.M. Tapes 59 - 60

Corrected 09/23/05

MEMBERS PRESENT: Rep. Gordon Anderson, Chair

Rep. Bob Jenson, Vice-Chair

Rep. Mary Nolan, Vice-Chair

Rep. Phil Barnhart

Rep. Bill Garrard

Rep. John Lim

Rep. Diane Rosenbaum

STAFF PRESENT: John Houser, Committee Administrator

Mike Reiley, Committee Assistant

MEASURES/ISSUES HEARD:

SB 68 – Work Session

SB 962 A – Public Hearing

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

TAPE/#	Speaker	Comments
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TAPE 59, A		
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003 Chair Anderson Calls the meeting to order at 1:26 p.m. Opens a work session on SB 68.

SB 68 – WORK SESSION

005 John Houser Committee Administrator. Introduces SB 68 and -1 amendment **(EXHIBIT A)**.

013 Rep. Garrard **MOTION: Moves to ADOPT SB 68-1 amendments dated 5/12/05.**

VOTE: 4-0-3

EXCUSED: 3 - Lim, Nolan, Rosenbaum

Chair Anderson **Hearing no objection, declares the motion CARRIED.**

020 Rep. Garrard **MOTION: Moves SB 68 to the floor with a DO PASS AS AMENDED recommendation.**

VOTE: 4-0-3

AYE: In a roll call vote, all members present vote Aye.

EXCUSED: 3 - Lim, Nolan, Rosenbaum

Chair Anderson **The motion CARRIES.**

030 Rep. Jenson **MOTION: Moves SB 68 be placed on the CONSENT CALENDAR.**

VOTE: 4-0-3

EXCUSED: 3 - Lim, Nolan, Rosenbaum

Chair Anderson **Hearing no objection, declares the motion CARRIED.**

030 Chair Anderson Closes the work session on SB 68. Opens a public hearing on SB 962 A.

SB 962 A – PUBLIC HEARING

035	Rep. Vicki Berger	House District 20. Testifies in support of SB 962 A. Explains the coordination with Sen. Laurie Monnes Anderson on SB 962 A.
070	Sarah Doll	Program Director, Oregon Environmental Council. Submits and summarizes prepared testimony and information in support of SB 962 A (EXHIBIT B).
172	Chair Anderson	Asks what Deca alternatives exist and asks for copies of the scientific reports cited by Ms. Doll.
175	Doll	Answers that the question of Deca alternatives will be answered later in the testimony and states that she will provide the committee with copies of the scientific reports.
178	Rep. Nolan	Asks for the purpose of the –A12 amendment (EXHIBIT C).
180	Doll	Explains the –A12 amendment.
190	Rep. Nolan	Clarifies that the –A12 amendment would set a preference for safer products.
210	Rep. Rosenbaum	Asks about the status of the European Union (EU) ban on Deca.
215	Doll	Answers that it is a complex issue and explains the legal status of the EU ban.
245	Rep. Rosenbaum	Clarifies that the ban is scheduled to become effective in July, 2006.
247	Doll	Answers yes.
250	Rep. Lim	Asks for Ms. Doll’s qualifications to address the issue.
255	Doll	Explains her work on toxics issues and that she has worked on the Deca issue for a year.
268	Rep. Lim	Asks if the –A12 amendments would allow Deca to remain in use if there is no viable safer alternative.
270	Doll	Answers yes. Stresses that the bill does not affect fire safety standards and states that safer alternatives exist.

295	Rep. Jenson	Cites Ms. Doll's testimony and clarifies that the Montana legislature has adjourned without taking action on Deca.
300	Doll	Thanks Rep. Jenson for the clarification.
310	Dr. Jan Semenza	Oregon Physicians for Social Responsibility (PSR). Submits prepared information and PowerPoint presentation in support of SB 962 A (EXHIBIT D) . Begins summarizing the presentation (EXHIBIT D, Page 1) .
384	Rep. Barnhart	Asks for a clarification of the groups of compounds and the Deca compound.
400	Semenza	Clarifies the group of compounds and Deca.
410	Rep. Barnhart	Stresses the importance of focusing on the Deca compound.
425	Semenza	Explains that Deca compounds can break down into other compounds that are more toxic.

TAPE 60, A

007	Rep. Barnhart	Asks to explain uptake and bioaccumulation and how Deca breaks down. Cites the May 17, 2005 committee meeting testimony that contradicts Dr. Semenza.
012	Semenza	Answers that he will address the issues in his testimony. Continues the summary (EXHIBIT D, Pages 1, 2) .
055	Rep. Rosenbaum	Asks about the slide "PDBE levels in US and NW" and asks why Texas has such low levels compared to the rest of the U.S.
057	Semenza	Answers that he is unsure how the testing was done.
060	Rep. Barnhart	Asks for a comparable explanation of Deca separate from all PDBE.
062	Semenza	Shows the slide "Dust Sample Comparison" (EXHIBIT D, Page 2) .
067	Rep. Barnhart	

		Asks where Dr. Semenza got the data about the amount of Deca present in samples.
070	Doll	Clarifies that the chart refers to dust rather than breast milk.
085	Rep. Lim	Asks from what area in Oregon the samples were taken.
090	Doll	Answers that the study was an aggregated sample of dust in homes in Oregon from a variety of locations around the state. States that dust is an exposure route.
097	Rep. Lim	Asks why highly populated areas such as New York do not have higher levels of PDBE exposure than Oregon.
100	Semenza	Answers that there is a great deal of variance in the study. Continues the presentation (EXHIBIT D, Page 2) .
118	Rep. Barnhart	Asks for an explanation of the chart “Deca-BDE levels in NW Women’s Breast Milk” (EXHIBIT D, Page 3) .
122	Semenza	Explains the chart and continues the presentation (EXHIBIT D, Page 3) .
170	Rep. Barnhart	Asks what constitutes high doses on the slide “PDBE Effect on Thyroid” (EXHIBIT D, Page 3) .
174	Semenza	Answers that he is unsure of the dose. Continues the presentation (EXHIBIT D, Page 4) .
200	Rep. Barnhart	Asks for an clarification of PBDE in the slide “New Information of Deca” (EXHIBIT D, Page 4) .
205	Semenza	Clarifies how PDBEs break down. Continues the presentation (EXHIBIT D, Page 4) .
245	Chair Anderson	Asks about computer cover material degrades and how it is measured.
250	Semenza	Explains the increased risk to those who dismantle computers.
255	Chair Anderson	Asks about the animal and human studies.

268	Semenza	Explains the studies including the Swedish study recently released.
272	Chair Anderson	Asks if the studies were done only on rats.
275	Semenza	Answers that there is little human data and the difficulty in human testing and drawing conclusions.
280	Chair Anderson	Asks how wildlife were tested for Deca exposure.
284	Semenza	Answers that animals were captured and the levels of Deca were measured then the reproductive ability of the animals was measured.
286	Chair Anderson	Asks what form of Deca was studied.
287	Semenza	Answers that it was a solid powder form.
289	Chair Anderson	Notes that in the May 17 hearing, the committee heard testimony that Deca was viscous.
291	Semenza	Responds that Deca is a solid.
294	Rep. Nolan	Recalls that testimony on May 17 indicated that Deca was crystalline.
300	Rep. Jenson	Asks if Deca is bioaccumulative and notes that it is at odds with much of the scientific community.
307	Semenza	Answers that Deca is bioaccumulative he can provide the evidence.
325	Rep. Jenson	Expresses concern about the conclusion that Deca is responsible for a decrease in intelligence quotient (IQ) as indicated in the slide, “5 Point Decrease in Mean IQ” (EXHIBIT D, Page 5).
345	Semenza	Responds that exposure to compounds such as polychlorinated biphenyls (PCBs) and Deca has effects similar to the chart (EXHIBIT D, Page 5), but acknowledges that there are too many factors to blame Deca for a decrease in IQ.
355	Rep. Jenson	Expresses concern about including PCBs and other substances in the discussion of Deca.

400	Rep. Barnhart	Asks if Deca and similar substances have similar effects on animals and humans.
412	Semenza	Answers yes and that human tests are difficult to monitor.
420	Rep. Barnhart	Asks if the impact of accumulated compounds acting together is what causes problems rather than one specifically.
430	Semenza	Answers that it is accumulative effect.
432	Rep. Barnhart	Asks for a clarification of time frame of the PDBE studies that have been done.
440	Semenza	Answers that they have been done mostly in the last five years.

TAPE 59, B

010	Rep. Rosenbaum	Asks why there is there is controversy over Deca and relatively little controversy over Penta and Octa that are no longer used.
020	Semenza	Explains the research done on Deca and why studies have been only done recently. Notes that studies have been done recently because technology has improved to make studying Deca easier, more is understood about the breakdown of the substances, and it is easy to contaminate Deca samples since it is everywhere.
032	Doll	Explains that the science has moved forward to a point that the industry has acknowledged the impact of Penta and Octa and that much work is being done now on Deca.
040	Chair Anderson	Asks about the studies being done and the effect of the compounds on children.
045	Semenza	Answers that studies are expensive to conduct.
050	Rep. Barnhart	States the importance of hearing both sides of the issue.
068	Angela Crowley-Koch	Executive Director, Oregon Physicians for Social Responsibility. Displays a slide indicating Trends of Toxin Levels in animals and

humans. Submits and summarizes prepared testimony in support of SB 962 A (**EXHIBIT E**).

078	Chair Anderson	Asks about the safe level of exposure.
085	Koch	Explains the levels of exposure.
090	Rep. Lim	Asks if the toxins are human-caused or natural.
093	Semenza	Answers that there is no natural source of the compounds.
095	Rep. Lim	Asks how it is known that there are no natural sources.
098	Semenza	Explains that longitudinal studies indicate that none have existed in the past and the compounds have shown up recently correlating with the production of these substances.
100	Chair Anderson	Asks if testing was being done in the past.
104	Semenza	Answers that there are samples that have been stored for a long period of time that can be studied.
100	Crowley-Koch	Displays a PowerPoint presentation describing Deca use and fire safety standards. Argues that alternatives have minimal extra costs. Describes the toxicity of alternative flame retardants.
170	Crowley-Koch	Cites the companies currently using alternatives to Deca and notes that Panasonic, the largest Deca user is phasing out its use.
225	Kathleen Drum	Oregon Nurses Association. Submits and summarizes prepared testimony in support of SB 962 A (EXHIBIT F). Displays a picture of a woman with a baby and notes the importance of protecting them by ending the use of compounds such as Deca.
302	Rep. Barnhart	Cites the testimony submitted by Maye Thompson, Oregon Nurses Association (EXHIBIT G) and asks if there is a link between adverse development and Deca production other than a correlation of time.
335	Drum	Answers that a link has been established in animal testing and the relationship to human testing.

352	Chair Anderson	Notes that he has done testing on animals and expresses caution about making conclusions about humans based on animal testing due to differences in methodology.
355	Drum	Explains the relationship between animal testing and human testing.
365	John Houser	Committee Administrator. Asks if there is a nationally available alternative to Deca.
380	Crowley-Koch	Answers yes. Cites studies that indicate that available alternatives exist.
392	Houser	Asks if the alternatives could be produced in sufficient quantities if Deca was no longer being used.
395	Crowley-Koch	Answers that she will get the information for the committee.
415	Rhett Lawrence	Environmental Advocate, Oregon State Public Interest Research Group (OSPIRG). Clarifies testimony from the May 17 hearing regarding Deca's existence as a solid or viscous substance. Submits and summarizes prepared testimony in support of SB 962 A (EXHIBIT H) .

TAPE 60, B

024	Rep. Lim	Asks what chemical product is dropped from planes on forest fires and if it is harmful.
030	Lawrence	Answers that he is unsure.
032	Chair Anderson	Explains the chemical used and notes that it is a different compound from PDBEs.
040	Martin Taylor	Oregon Nurses Association. Testifies in support of SB 962 A.
052	Myrna Soule	President, Learning Disabilities Association of Oregon (LDA). Submits and summarizes prepared testimony in support of SB 962 A (EXHIBIT I) . Notes the written testimony in support of SB 962 A from: Kathryn Weit, Developmental Disabilities Coalition (EXHIBIT J) , Andi Jordan, Oregon Parent Teacher Association (PTA) (EXHIBIT K) , Joanne Rogovoy, Director of Program Services,

March of Dimes (**EXHIBIT L**) and Sharon Lewis, Chair, Family Action Coalition Team (FACT) (**EXHIBIT M**).

085 Rebecca Hicks Oregon Physicians for Social Responsibility. Submits and summarizes prepared testimony in support of SB 962 A (**EXHIBIT N**). Notes the written testimony in support of SB 962 A from Laura Caples Mittelstadt (**EXHIBIT O**) and Allison Wykhuis (**EXHIBIT P**).

The following material is submitted for the record without public testimony:

Neha Patel Program Director, Oregon Center for Environmental Health. Submits prepared testimony in support of SB 962 A (**EXHIBIT Q**).

Janie Huff- Slankard Oregon Pediatric Nurse Practitioner Association. Submits prepared testimony in support of SB 962 A (**EXHIBIT R**).

Elizabeth Steiner Chair, Commission on External Affairs, Oregon Academy of Family Physicians. Submits prepared testimony in support of SB 962 A (**EXHIBIT S**).

106 Chair Anderson Closes the public hearing on SB 962 A. Adjourns the meeting at 3:00 p.m.

EXHIBIT SUMMARY

- A. SB 68, -1 amendments, staff, 1 p
- B. SB 962 A, prepared testimony and information, Sarah Doll, 16 pp
- C. SB 962 A, -A12 amendments, staff, 1 p
- D. SB 962 A, prepared information and PowerPoint presentation, Jan Semenza, 14 pp
- E. SB 962 A, prepared testimony and information, Angela Crowley-Koch, 11 pp
- F. SB 962 A, prepared testimony, Kathleen Drum, 3 pp
- G. SB 962 A, prepared testimony, Maye Thompson, 1 p
- H. SB 962 A, prepared testimony, Rhett Lawrence, 3 pp
- I. SB 962 A, prepared testimony, Myrna Soule, 2 pp
- J. SB 962 A, prepared testimony, Kathryn Weit, 1 p
- K. SB 962 A, prepared testimony, Andi Jordan, 1 p
- L. SB 962 A, prepared testimony, Joanne Rogovoy, 1 p
- M. SB 962 A, prepared testimony, Sharon Lewis, 1 p

- N. **SB 962 A, prepared testimony, Rebecca Hicks, 1 p**
- O. **SB 962 A, prepared testimony, Laura Caples Mittelstadt, 1 p**
- P. **SB 962 A, prepared testimony, Allison Wykhuis, 1 p**
- Q. **SB 962 A, prepared testimony, Neha Patel, 1 p**
- R. **SB 962 A, prepared testimony, Janie Huff-Slankard, 1 p**
- S. **SB 962 A, prepared testimony, Elizabeth Steiner, 2 pp**