

**HOUSE COMMITTEE ON ENVIRONMENT**

**May 24, 2005 Hearing Room D**

**1:30 P.M. Tapes 61 - 62**

**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 962 A – Work Session**

**SB 66 – Work Session**

**SB 79 – Work Session**

**SB 737 A –Work Session**

**Approval of Bill Drafting Request – Work Session**

**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.**

<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 61, A</b>		
003	Chair Anderson	Calls the meeting to order at 1:30 p.m. Opens a work session on SB 962 A.
<b><u>SB 962 A – WORK SESSION</u></b>		
007	Matt Blevins	Legislative Affairs Director, Oregon Environmental Council. Testifies in support of the –A10 amendments ( <b>EXHIBIT A</b> ).
022	Jim Markee	American Chemistry Council. Testifies in support of SB 962 A and the –A10 amendments.
051	Rep. Barnhart	Asks if the –A10 amendments limit the study to Deca.
061	Markee	Clarifies that the Department of Human Services (DHS) is not conducting a study, but monitoring other studies that are done as well as monitoring actions related to Deca because it is the substance in question.
075	Dr. Raymond Dawson	<b>(via-teleconference)</b> Vice President, Albemarle Corporation and Chairman, Bromine Science and Environmental Forum. Testifies that science does not support banning Deca in favor of alternatives. Expresses concern that action would be taken to ban Deca, a product about which a great deal is known and little risk has been identified, in favor of products about which much less is known.
092	Chair Anderson	Asks about the status of a ban on Deca by the European Union (EU).
098	Dr. Dawson	Explains the European risk assessment process and predicts that Deca will be exempted from restrictions by the EU.
110	Rep. Nolan	Asks if the proposal to exempt Deca is similar to a proposed bill and until action is taken on it, it has no force of law.
114	Dr. Dawson	Explains the Restriction of Hazardous Substances in Electrical and Electronic Equipment (ROHS) directive and the review process involving Deca.

- 130 Rep. Jeff Kruse Senate District 1. Explains that he voted for the bill to possibly be assigned to a conference committee on the bill. Explains his objections to the bill. Notes a ten-year study on humans that concluded that Deca did not pose a significant threat. Argues that if there is an issue with Deca, it will be addressed by the market.
- 202 Jim Craven American Electronics Association. Testifies in support of SB 962 A.
- 237 Rep. Vicki Berger House District 20. Testifies in support of SB 962 A.
- 258 Rep. Nolan **MOTION: Moves to ADOPT SB 962 A-A10 amendments dated 5/12/05.**
- VOTE: 7-0-0**
- AYE: In a roll call vote, all members present vote Aye.**
- Chair Anderson The motion CARRIES.**
- 268 Rep. Nolan **MOTION: Moves SB 962 A to the floor with a DO PASS AS AMENDED recommendation.**
- 272 Rep. Rosenbaum Commends Rep. Berger for her work. Speaks in support of the –A10 amendments.
- 285 Rep. Barnhart Concurs with the comments of Rep. Rosenbaum. Speaks in support of the –A10 amendments.
- VOTE: 7-0-0**
- AYE: In a roll call vote, all members present vote Aye.**
- Chair Anderson The motion CARRIES.**
- REP. BERGER will lead discussion on the floor.**
- 310 Dr. Dawson Commends the work of the committee for its work on SB 962 A.

**The following material is submitted without public testimony:**

- Angela Crowley-Koch Executive Director, Oregon Physicians for Social Responsibility. Submits prepared testimony in support of SB 962 A (**EXHIBIT B**).
- Jenny Holmes Program Director, Ecumenical Ministries of Oregon. Submits prepared testimony in support of SB 962 A (**EXHIBIT C**).
- Matt Blevins Oregon Environmental Council. Submits prepared scientific studies in support of SB 962 A including:
- · Flame Retardant Exposure: Polybrominated Diphenyl Ethers in Blood from Swedish Workers (**EXHIBIT D**)
  - · Retrospective Time-Trend Study of Polybrominated Diphenyl Ether and Polybrominated and Polychlorinated Biphenyl Levels in Human Serum from the United States (**EXHIBIT E**)
  - · Flame Retardants in the Bodies of Northwest Residents (**EXHIBIT F**)
  - · Higher Brominated Diphenyl Ethers and Excabromocyclododecane Found in Eggs of Peregrine Falcons Breeding in Sweden (**EXHIBIT G**)
  - · Polybrominated Diphenyl Ethers: Occurrence, Dietary Exposure, and Toxicology (**EXHIBIT H**)
  - · *Sick of Dust*: Executive Summary (**EXHIBIT I**).
- 314 Chair Anderson Closes the work session on SB 962 A. Opens a work session on SB 66.

**SB 66 – WORK SESSION**

- 320 Rep. Jenson **MOTION: Moves SB 66 to the floor with a DO PASS recommendation.**
- 328 Rep. Garrard Notes his continuing opposition to the bill.
- 331 Rep. Lim States that he is not comfortable with the bill, but will support it in committee.

**VOTE: 5-1-1**

**AYE: 5 - Barnhart, Jenson, Lim, Rosenbaum, Anderson**

**NAY: 1 - Garrard**

**EXCUSED: 1 - Nolan**

**Chair Anderson**      **The motion CARRIES.**

**REP. JENSON** will lead discussion on the floor.

**365**      **Rep. Anderson**      **MOTION: Requests unanimous consent that the rules be SUSPENDED to allow REP. NOLAN to BE RECORDED as voting AYE on the motion to move SB 66 to the floor with a DO PASS recommendation.**

**VOTE: 7-0-0**

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

**380**      **Chair Anderson**      **Closes the work session on SB 66. Opens a work session on SB 79.**

**SB 79 – WORK SESSION**

**384**      **Rep. Jenson**      **MOTION: Moves SB 79 to the floor with a DO PASS recommendation.**

**VOTE: 7-0-0**

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

**Chair Anderson**      **The motion CARRIES.**

**395**      **Rep. Nolan**      **MOTION: Moves SB 79 be placed on the CONSENT CALENDAR.**

**VOTE: 7-0-0**

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

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

Vicki McConnell      Oregon State Geologist. Submits prepared testimony in support of SB 79 (**EXHIBIT J**).

James Bela      Oregon Earthquake Awareness. Submits prepared material in opposition to SB 79 (**EXHIBIT J**).

405 Chair Anderson Closes the work session on SB 79. Opens a work session on SB 737 A.

**SB 737 A – WORK SESSION**

408 John Houser Committee Administrator. Introduces SB 737 A and the –A2 amendments (**EXHIBIT K**).

423 Chair Anderson Asks if the –A2 amendments address the concerns of Rep. Garrard regarding SB 737 A.

425 Rep. Garrard Answers yes.

005 Mike Grainey Director, Oregon Department of Energy. Testifies in support of SB 737 A and the –A2 amendments.

**014 Rep. Garrard MOTION: Moves to ADOPT SB 737 A-A2 amendments dated 5/19/05.**

**VOTE: 7-0-0**

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

**Chair Anderson The motion CARRIES.**

**020 Rep. Garrard MOTION: Moves SB 737 A to the floor with a DO PASS AS AMENDED recommendation.**

025 Rep. Rosenbaum Asks if the bill has a subsequent referral to the Ways and Means committee.

038 Chair Anderson Recesses the meeting. Reconvenes the meeting.

040 Grainey Explains the appropriations and budget authority outlined in the bill.

046 Houser Explains that the bill is directed to the Ways and Means Committee by the House Speaker's office due to the potential of facilities to generate additional revenue that would be placed in the budget of the affected agency.

- 055 Rep. Nolan States that the –A2 amendments give the Ways and Means Committee the mechanism to control the budgetary considerations.
- 068 Rep. Garrard Withdraws his motion.
- 070 Rep. Garrard **MOTION: Moves SB 737 A to the floor with a DO PASS AS AMENDED recommendation and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED and BE REFERRED to the committee on Budget.**
- VOTE: 7-0-0**
- AYE: In a roll call vote, all members present vote Aye.**
- Chair Anderson The motion CARRIES.**
- 085 Chair Anderson Closes the work session on SB 737 A. Opens a work session for bill drafting request.

**APPROVAL OF BILL DRAFTING REQUEST – WORK SESSION**

- 090 Rep. Jenson Explains the bill drafting request related to Deschutes Basin mitigation to clarify legislation that was passed during the 2003 legislative session.
- 105 Rep. Barnhart Asks if the court of appeals misunderstood the intent of the legislature.
- 108 Rep. Jenson Answers yes.
- 118 Rep. Jenson **MOTION: Moves with the Speakers approval that Legislative Counsel BE DIRECTED to draft a bill regarding Deschutes Basin mitigation.**
- VOTE: 6-0-1**
- AYE: In a roll call vote, all members present vote Aye.**
- EXCUSED: 1 - Rosenbaum**
- Chair Anderson The motion CARRIES.**

**EXHIBIT SUMMARY**

- A. SB 962 A, -A10 amendments, staff, 1 p
- B. SB 962 A, prepared testimony, Angela Crowley-Koch, 1 p
- C. SB 962 A, prepared testimony, Jenny Holmes, 1 p
- D. SB 962 A, “Flame Retardant Exposure...” study, Matt Blevins, 8 pp
- E. SB 962 A, “Retrospective Time...” study, Matt Blevins, 7 pp
- F. SB 962 A, “Flame Retardants in Bodies of NW Residents...”, Matt Blevins, 27 pp
- G. SB 962 A, “Higher Brominated Diphenyl Ethers...”, Matt Blevins, 5 pp
- H. SB 962 A, “Polybrominated Diphenyl Ethers...”, Matt Blevins, 30 pp
- I. SB 962 A, “*Sick of Dust*: Executive Summary”, Matt Blevins, 2 pp
- J. SB 79, prepared testimony, Vicki McConnell, 1 p
- K. SB 79, prepared testimony, James Bela, 12 pp
- L. SB 737 A, -A2 amendments, staff, 1 p