

SENATE COMMITTEE ON
AGRICULTURE AND NATURAL RESOURCES

March 12, 2003
8:30 a.m.

Hearing Room B
Tapes 35 - 36

MEMBERS PRESENT: **Sen. Frank Shields, Chair**
 Sen. Roger Beyer, Vice-Chair
 Sen. Tony Corcoran
 Sen. Bill Fisher

STAFF PRESENT: **Judith Callens, Committee Administrator**
 Patricia Nielsen, Committee Assistant

MEASURE/ISSUES HEARD: **SB 817 – Public Hearing**
 SB 671 – 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
TAPE 35, A		
005	Chair Shields	Calls meeting to order at 8:33 a.m. Opens a public hearing on SB 817.
<u>SB 817 – PUBLIC HEARING</u>		
010	Judith Callens	Committee Administrator. Presents overview of SB 817, which requires the Environmental Quality Commission to direct issuance of \$10 million in general obligation bonds for pollution control.
015	Chair Shields	Refers to Department of Environmental Quality (DEQ) fact sheet regarding effluent from abandoned mines (EXHIBIT A).
030	Bob Danko	DEQ. Testifies as neutral on SB 817. Submits written material (EXHIBITS A, B). Provides background on abandoned gold and mercury mines. Agrees that cleanup of abandoned mines is a high priority. Offers to work with proponents to resolve issues.
070	Sen. Corcoran	Raises concern over downgrading of Oregon's bond rating and asks about impact on these bonds.
075	Danko	Defers to financial experts.
080	Keith Johnson	Manager, Cross-program Activities, DEQ. Presents slide show demonstrating background and cleanup of abandoned mines in Oregon (EXHIBIT B). Describes gold mining process and use of mercury in refining.
240	Johnson	Continues and discusses specific cleanup activities in hard rock mines.
250	Chair Shields	Asks about effluent from gold mines.
255	Johnson	Explains it is acid mine drainage, which contains high concentrations of heavy metals.
270	Sen. Corcoran	Asks about chemical analysis of effluent.
275	Johnson	Confirms how analysis is done. Continues discussing pollution of streams by mine effluent and mine tailing piles.
400	Johnson	Continues discussing copper and zinc mining process and acid mine drainage.

405	Sen. Fisher	Asks how aluminum is produced.
407	Johnson	Explains it is a naturally occurring element present in mine ore.
410	Sen. Corcoran	Comments further on aluminum production.
TAPE 36, A		
005	Johnson	Continues discussing copper and zinc mine cleanup. Describes funding of cleanup efforts. Discusses agency coordination and cooperative work including community involvement.
070	Johnson	Summarizes and discusses cleanup costs if SB 817 passes. Asks for opportunity to work with stakeholders to refine language.
095	Sen. Fisher	Asks how mercury becomes methylmercury.
100	Johnson	Explains biological process where mercury combines with algae to become the most toxic form of mercury.
105	Chair Shields	Asks about proposed amendment.
110	Danko	Explains proposed amendment to use money to clean up mines with heavy metal, as well as mercury and gold mines with mercury pollution. Proposes changing reporting requirements and clarifying funding.
130	Sen. Fisher	Asks about effect of forest fires heating ground and vaporizing mercury.
160	Johnson	Agrees there could be an effect but defers to others for details.
175	Sen. Richard Devlin	District 19. Appears and testifies in favor of SB 817. Describes dedicated fund created to allow DEQ to clean up the hazardous materials left behind at abandoned mining sites. Raises concerns: <ul style="list-style-type: none"> • Discusses fiscal impact of bill and suggests modifications to use other funds or federal funds if they become available • Minimize resources needed for the actual cleanup
255	Gary Lynch	Assistant Director, Mineland Reclamation Program, Department of Geology and Mineral Industries (DOGAMI). Testifies as neutral on SB 817. Offers agency assistance in the cleanup efforts. Discusses chemistry of mercury pollution. Points out the contributions of natural as well as man-made mercury sources.
290	Chair Shields	Asks about presence of mercury in soil.
295	Lynch	Describes “mercury halo” which surrounds a mine and which also contains high concentrations of mercury. Recommends investing in the cleanup efforts.
320	Chair Shields	Clarifies the difficulty of determining sources of mercury pollution.
336	Lynch	Discusses what measures can be taken.
340	Matt Blevins	Oregon Environmental Council (OEC). Testifies in support of SB 817. Submits written material (EXHIBIT C). Confirms there are no responsible parties to pay for the cleanup, so public funds will be needed. Expresses willingness to participate in working out details.
TAPE 35, B		
005	Chair Shields	Comments on issues raised by the presentation. Closes public hearing on SB 817. Opens public hearing on SB 671.
<u>SB 671 – PUBLIC HEARING</u>		
010	Callens	Presents overview of SB 671, which requires State Department of Agriculture to develop separate type of pesticide applicator license and separate examinations, programs of instruction and educational courses for persons who trim trees and apply pesticides to tree stumps on behalf of utility. Discusses -1 amendments dated 3-4-03 (EXHIBIT D).

025	Marc Anderson	IBEW Local 125, Portland; IBEW Local 659, Medford. Testifies in support of SB 671 and -1 amendments. Discusses large number of utility tree trimmers in Oregon. Explains need for limited license for trimmers who need to treat stumps with herbicides.
070	Bill Stone	Northwest Line, Joint Apprenticeship and Training Committee (JATC). Discusses qualifications of utility tree trimmers and need to provide specific certification for treating stumps after utility tree trimming.
100	Sen. Fisher	Expresses support and discusses need for narrow category of licensing.
135	Sen. Beyer	Asks about current licensing requirements.
140	Stone	Explains a right-of-way license is now required. Describes requirements for activities the tree trimmers do not perform. Agrees a few need the specific licensing.
165	Sen. Beyer	Asks if right-of-way is commercial or private applicator's license.
167	Stone	Explains.
170	Sen. Beyer	Asks if some could have the commercial applicator's license and the others not.
172	Stone	Discuss crew requirements and union decision to train and license everyone to avoid too much moving of personnel.
190	Marc Anderson	Discusses cost of doing business of utility tree trimming. Points out the rest of the training is much more important, such as handling high-voltage lines and not studying pesticide use.
210	Lisa Hanson	Assistant Director, Oregon Department of Agriculture (ODA). Testifies as neutral and submits written testimony (EXHIBIT E). Discusses process of meeting with IBEW to discuss interest in creating category for stump-cut treatments. Describes licensing test covering laws and safety, as well as specific application area.
260	Sen. Fisher	Asks if Tordon is a restricted-use pesticide.
265	Hanson	Describes one product. Continues discussing activities allowed under various licenses.
300	Sen. Corcoran	Points out the proponents only want to treat cut stumps.
305	Hanson	Answers there could be other species in treatment areas.
310	Stone	Explains the trimmers only deal with vegetation which grows up into power lines. Advises trimmers do treat other types of vegetation near power stations or on major rights of way, covered under right-of-way license. Asks for more restrictive license.
330	Sen. Beyer	Asks about examination for right-of-way licensing.
335	Chris Kirby	Administrator, Pesticides Division, ODA. Describes training available at community colleges and through the union.
350	Sen. Beyer	Asks about the different levels of testing.
355	Kirby	Clarifies requirements for private versus commercial applications.
370	Sen. Beyer	Asks about term of commercial applicator's license.
375	Kirby	Advises the certification is five years for both private and commercial: <ul style="list-style-type: none"> • Private applicator license issued for five years • Commercial license issued annually • Both require recertification after five years, either through

		training sessions or re-examination
390	Sen. Beyer	Asks about public applicator license.
395	Kirby	Describes requirements.
TAPE 36, B		
005	Sen. Beyer	Asks about main chemicals used.
010	Kirby	Explains there are many.
015	Stone	Responds they use Garlon 3, which is not a restricted-use pesticide. Asserts continuing education requirements for re-licensing are not appropriate. Asks for a more limited test so licensees can simply re- test.
030	Kirby	Discusses definition of pesticides and herbicides.
035	Sen. Beyer	Asks if they would want to use a restricted-use pesticide under a limited license.
040	Stone	Answers they would use whatever the licensing allows but would not want to use any restricted pesticides.
060	Sen. Fisher	Asks whether ODA could issue step-type licenses.
065	Kirby	Describes Oregon law requiring licensing, and three types of licenses available.
100	Sen. Fisher	Suggests considering the entire question of licensing instead of one small portion.
110	Terry Witt	Oregonians for Food and Shelter. Testifies as neutral and suggests some ideas about compromise. Raises concerns: <ul style="list-style-type: none"> • Dilute efforts of ODA in developing limited license • Certification allows purchase of restricted-use pesticides and this license could create confusion within dealer community • Enforcement concern with more types of licenses • Reciprocity with state of Washington is based on equivalency, and this would lower the standards in Oregon in one area • Allowing limited licenses is a policy issue, for the legislature to decide whether it wants to require ODA to accommodate • There is disparity between what homeowners can do and what licensed applicators can do. Recommends not changing the commercial applicator's license because of that.
225	Chair Shields	Asks about idea of step-type licensing.
245	Witt	Discusses potential changes to licensing structure. Comments a work group might be useful.
295	Chair Shields	Asks whether he would participate in a work group.
300	Witt	Agrees. Explains experience in Washington state.
330	Chair Shields	Suggests membership of work group.
340	Sen. Fisher	Asks about buying power of operators with different licensing now.
360	Witt	Advises the public applicators were restricted last session.
370	Kirby	Describes differences between public and commercial applicator licensing requirements.
410	Chair Shields	Summarizes. Closes public hearing on SB 671. Adjourns the meeting at 10:23 a.m.

EXHIBIT SUMMARY

B – SB 817, slide presentation, Keith Johnson, 8 pp
C – SB 817, written testimony, Matt Blevins, 2 pp
D – SB 671, -1 amendments (3-4-03), staff, 1 p
E – SB 671, written testimony, Lisa Hanson, 3 pp