

HOUSE COMMITTEE ON SMART GROWTH AND COMMERCE

March 7, 2001
3:15 PM

Hearing Room 50
Tapes 52 – 55

MEMBERS PRESENT: Rep. Bill Witt, Chair
Rep. Betsy Johnson, Vice-Chair
Rep. Tim Knopp, Vice-Chair
Rep. Alan Bates
Rep. Alan Brown
Rep. Janet Carlson
Rep. Richard Devlin
Rep. Bill Garrard
Rep. Jerry Krummel
Rep. Laurie Monnes-Anderson
Rep. Vicki Walker

STAFF PRESENT: Daniel Clem, Committee Administrator
Renee' Lunsford, Committee Assistant

MEASURE/ISSUES HEARD: HB 2816 Public Hearing
HB 2794 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.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
TAPE 52, A		
005	Chair Witt	Calls the committee to order at 3:15 p.m. and opens a public hearing on HB 2816.
<u>HB 2816 PUBLIC HEARING</u>		
008	Dan Clem	Committee Administrator. Reads staff preliminary summary on HB 2816.
072	Rep. Jeff Merkley	House District 16. Testifies in support of HB 2816.
117	Senator Gary George	Senate District 2. Testifies in support of HB 2816.
180	Rep. Walker	Asks if there are mercury recyclers in Oregon.
185	Sen. George	Responds affirmatively. Notes that the primary recycler has been closed down by DEQ for failure to comply. Gives some suggestions on what to do to address the problem.
202	Larry Campbell	Representing General Motors and Saturn. Submits written testimony (EXHIBIT A) and testifies in support of HB 2816.
231	Rep. Johnson	Asks how laborious it is to remove mercury switches out of car bodies.
235	Campbell	Responds that it is his understanding that it is relatively inexpensive.
243	Laura Weiss	Pesticides and Toxics Program Director, Oregon Environmental Council. Submits written testimony (EXHIBIT B) and testifies on HB 2816.
370	Rep. Johnson	Asks why fluorescent bulbs were not included in this bill.
380	Weiss	Responds that the bill focuses on phasing out sources that have easily obtainable alternatives. Notes that fluorescent light tubes

		don't fit into that category.
400	Weiss	States that there are a number of companies that offer to recycle fluorescent light tubes.
409	Rep. Devlin	States that adding another item to the list of recyclables is a major issue in a metropolitan area.
426	Rep. Walker	Asks why dental mercury is not being addressed in the bill.
430	Weiss	Responds that the focus of the bill is on products for which there are easily obtainable and viable alternatives. States the Oregon Environmental Council has convened a group called the Oregon Mercury Solution to address these issues.
470	Rep. Walker	Asks if the team will be discussing the coal-fired power plants, which produce great amounts of mercury.
514	Weiss	Responds affirmatively.
524	Chair Witt	States there is also an issue about how dentists dispose of dental fillings.
530	Weiss	Notes that the dental association and the City of Portland have worked together to encourage best-management practices for dentists.
TAPE 53, A		
053	Lynn Lundquist	Oregon Business Association (OBA). Testifies in favor of HB 2816.
097	John Bryan	Chair, Association of Oregon Recyclers. Submits written testimony (EXHIBIT C) and testifies in support of HB 2816.
149	Rep. Bates	Comments on the risk of mercury exposure to pregnant women. Asks what the cost of recycling bulbs is.
163	Bryan	Responds he doesn't know.
168	Rep. Bates	Questions whether the amount of mercury in fluorescent bulbs is significant.
187	Burton Weast	Representing Plumbing, Heating and Cooling Contractors and the Oregon Chapter of Air Conditioning Contractors of America. Testifies in support of HB 2816.
230	Rhett Lawrence	Oregon State Public Interest Research Group (OSPIRG). Submits written testimony (EXHIBIT D) and testifies in support of HB 2816.
266	Chair Witt	Asks if mercury use in manufactured products has been increasing or decreasing.
267	Lawrence	Responds he doesn't have any information on that.
270	Rep. Garrard	Questions whether there will be any testimony on how to get rid of the mercury and what the cost will be.
270	John Sheehy	Member of Physicians for Social Responsibility. Testifies in support of HB 2816.
286	Chair Witt	Asks if the use of mercury in manufactured products is increasing or decreasing.
290	Sheehy	Responds that there is no reason to use mercury in schools.
300	Steven Griffin	Assistant Attorney General, Financial Fraud and Consumer Protection, Department of Justice. Submits written testimony (EXHIBIT E) and testifies on HB 2816.
358	Chair Witt	Asks Mr. Griffin if his concern is that the Unlawful Trade Practices Act is not an apt vehicle or is it that these other agencies would be more effective in terms of enforcement.
363	Griffin	Responds it is both.
375	Chair Witt	Asks if the Unlawful Trade Practices Act only applies to sales to consumers and not to other businesses.
380	Griffin	Responds it applies to sales of items for personal, family, or

household use.

385 Chair Witt Asks if the –2 amendments incorporate Mr. Griffin’s recommendations.

400 Griffin Responds that the –2 amendments make additional policy changes that he is not prepared to comment on.

418 Rep. Garrard Asks what law he would be breaking if he filled a cup with mercury and dumped it outside on the Capitol lawn.

424 Griffin Responds that he believes it would be a violation of environmental regulations relating to solid waste. Notes that if he knew it was mercury, it might also be a criminal offense.

438 Maye Thompson Submits written testimony (**EXHIBIT F**) and testifies in support of HB 2816.

TAPE 52, B

030 Rep. Krummel Asks what changes mercury into methyl mercury.

037 Thompson Responds that algae eat the bacteria living in the bottom of streambeds, fish eat the algae, and people eat the fish.

048 Rep. Devlin Suggests that toxicology studies for fish might be useful.

052 Thompson Agrees.

059 Rep. Krummel Asks if acute mercury poisoning is treatable, and if so, how it is treated.

065 Thompson Responds that it depends on the extent of the poisoning, whether there are any co-existing conditions, and how well the patient’s liver and kidneys are functioning.

072 Rep. Bates Notes that chelation is the way of treating acute poisoning in adults. States that when children get food poisoning it can have irreversible damage that cannot be fixed. Gives more sources of mercury use in the medical field and says he would like to see the bill amended to include these.

094 Don Fell Citizen, Astoria. Testifies in support of HB 2816.

221 Chair Witt Suggests Mr. Fell work with proponents of the bill to adopt amendments.

232 Darrell Fuller Representing the Oregon Auto Dealers Association. Testifies in opposition to HB 2816.

315 Rep. Carlson Asks Mr. Fuller if he has any concerns about the part of the bill that asks the Department of Administrative Services not to purchase cars that have mercury switches.

319 Fuller Responds that he does not.

321 Rep. Carlson Asks if he has any concerns about requiring wreckers to remove mercury switches.

325 Fuller Responds that to his knowledge none of the dealers crush vehicles.

328 Brian Doherty Representing Insurance Auto Auction. Submits written material (**EXHIBIT G**) and testifies on HB 2816.

370 Jim Craven American Electronics Association. Testifies in opposition to HB 2816.

TAPE 53, B

021 Rep. Bates States that they need to do everything they can to get mercury out of the environment.

029 Tom Gallagher Representing Stencer Steel Industries. Testifies in opposition to HB 2816.

090 Chair Witt Asks Mr. Gallagher if he supports the –2 amendments.

095 Gallagher Responds that he supports the concept of the bill, but he doesn’t like section 1, subsection 2.

097 Rep. Walker Questions Mr. Gallagher’s statement on the lack of focus on

mercury switches on cars.

108 Gallagher States that there is a developing prohibition of putting mercury switches in cars.

111 Rep. Walker Asks if the Department of Environmental Quality (DEQ) monitors the air emissions for mercury when cars are recycled and mercury is released.

115 Gallagher Explains at what stages in the crushing operation mercury could potentially be released. Responds that the smoke stack emission is regulated by DEQ.

126 Rep. Walker Asks if DEQ specifically tests for mercury in those emissions.

142 Gallagher Responds it is his understanding that they do.

150 Rep. Walker Notes that a recent study out of Tennessee indicates that the two steel mills in Oregon release over 800 pounds of mercury each year.

153 Rep. Carlson Asks about the switch removal and water treatment process.

157 Gallagher Responds that switch removal is labor intensive and adds to the cost of the recycle process. Notes that a recycling plant in northern California treats the water and does not release it.

178 Paul Cosgrove Representing Associated Oregon Industries. Testifies in opposition to HB 2816.

207 Chair Witt Asks Mr. Cosgrove where the enforcement should come from.

221 Cosgrove Responds that Mr. Griffith's testimony had good suggestions.

215 Mark Nelson Oregon Metals Industries. Testifies in opposition to HB 2816.

245 Rep. Carlson Asks Mr. Nelson if he has a position on the -2 amendments.

248 Nelson Responds that they've worked on those amendments with Associated Oregon Industries and the Oregon School Board's Association.

252 John Ledger Associated Oregon Industries. Submits written material **(EXHIBIT H)** and testifies in opposition to HB 2816.

TAPE 54, A

064 Rep. Monnes-Anderson States that based on Mr. Ledger's testimony, it sounds like the bill doesn't go far enough.

070 Ledger Gives environment cleaning incentive suggestions.

080 Chair Witt Notes that Rep. Devlin is interested in being involved in a work group to pull together proponents of the bill to evaluate some of this input.

Written testimony of Catherine Thomasson and Carroll Johnston, Oregon Chapter of Physicians for Social Responsibility, submitted by staff for the record **(EXHIBITS I and J)**.

087 Chair Witt Closes the public hearing on HB 2816 and opens a public hearing on HB 2794.

HB 2794 PUBLIC HEARING

098 Chair Witt Explains why he introduced the bill.

123 Tom Gallagher Representing the Oregon Newspaper Publishers. Testifies in favor of HB 2794. Asks if they could do a credit check or demand significant payment upfront for short, quick turnaround advertising.

130 Chair Witt Responds that they could be treated as any other customer who was in that position.

175 Rep. Carlson Asks if, in terms of sale, this would preclude the agency from giving a cut rate to a political candidate.

180 Chair Witt Responds that may be the case with federal candidates because there are certain federal laws and regulations relative to these candidates.

185 Rep. Garrard Adds that most broadcasters take the federal guidelines and apply

196	Dave Fiscum	them to all political candidates. Representing the Oregon Association of Broadcasters. Submits written testimony of Dominic Monahan (EXHIBIT K) and testifies in opposition to HB 2794.
249	Chair Witt	Asks if the way this bill is written would make it unlawful for candidates for public office in Oregon to get better than commercial rates.
268	Dominic Monahan	Oregon Association of Broadcasters. Responds that as he reads the bill, it is intended to allow a candidate for office to obtain a rate that is no different than a rate afforded a regular commercial advertiser in the normal course of business.
380	Chair Witt	States that with the federal law, a federal candidate can require an advertiser to preempt commercial advertisers, whereas with the state law, a state and local candidate cannot.
410	Monahan	Notes that under reasonable access a station must provide time for that candidate. Explains how this works.
415	Rep. Garrard	States that the lowest unit rate can work against a candidate.
423	Monahan	Reiterates that under the law they are not obligated to sell to state or local candidates.
438	Rep. Garrard	States that they can refuse to sell to any candidate as long as they treat all candidates in the same way.
442	Monahan	Notes that they do have the discretion to specify which race.
453	Chair Witt	States that he would like to set up a time to meet with Mr. Monahan and talk about issues such as the credit issue.
460	Monahan	Notes that the federal law requires comparable treatment.
TAPE 55, A 040	Chair Witt	Closes the public hearing on HB 2794 and adjourns the committee at 5:50 p.m.

Submitted By,

Reviewed By,

Renee' Lunsford,
Committee Assistant

Daniel Clem,
Committee Administrator

EXHIBIT SUMMARY

- A – HB 2816, written testimony, Larry Campbell, 1 p**
- B – HB 2816, written testimony, Laura Weiss, 23 pp.**
- C – HB 2816, written testimony, John Bryan, 2 pp.**
- D – HB 2816, written testimony, Rhett Lawrence, 1 p**
- E – HB 2816, written testimony, Steven Griffin, 1 p**
- F – HB 2816, written testimony, Maye Thompson, 2 pp.**
- G – HB 2816, written material, Brian Doherty, 1 p**
- H – HB 2816, written material, John Ledger, 7 pp.**
- I – HB 2816, written testimony of Catherine Thomasson, Staff, 2 pp.**
- J – HB 2816, written testimony of Carroll Johnston, Staff, 1 p**
- K – HB 2794, written testimony of Dominic Monahan, Dave Fiscum, 3 pp.**