

**HOUSE COMMITTEE ON ENVIRONMENT AND ENERGY**

**April 23, 1997 Hearing Room E**

**1:00 P.M. Tapes 68 - 70**

**MEMBERS PRESENT:**

**Rep. Leslie Lewis, Chair**

**Rep. Frank Shields, Vice-Chair**

**Rep. Michael Fahey**

**Rep. Mike Lehman**

**Rep. Dennis Luke**

**Rep. Mark Simmons**

**Rep. Jim Welsh**

**STAFF PRESENT:**

**Judith Gruber, Policy Analyst**

**Marjorie Taylor, Administrative Support**

**MEASURE/ISSUES HEARD:**

**HB 3456 Public Hearing**

**HB 3457 Public Hearing**

**HB 3401 Public Hearing**

**HB 2114 Public Hearing**

**HB 2333 Public Hearing**

**HB 3266 Public Hearing**

**HB 3282 Public Hearing**

**HB 3385 Public Hearing**

**HB 3405 Public Hearing**

**HB 3419 Public Hearing**

## HB 3455 Public Hearing

## HB 3461 Public Hearing

## HB 3503 Public Hearing

## HCR 16 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 68, A		
003	Chair Lewis	Calls the meeting to order at 1:07 p.m. and opens a public hearing on HB 3456.
<b><u>HB 3456</u></b> <b><u>PUBLIC</u></b> <b><u>HEARING</u></b>		
012	Chair Lewis	State Representative, District 29. Explains that HB 3456 has been proposed to help Oregon to reach it's goal of 50% recovery of waste stream items by the year 2000. Of interest in the bill is the improvement of commercial recycling. Section 23 of the proposed amendments speaks of requirements for the legislature to do more recycling. Section 37 proposes an Interim Task Force to study commercial recycling programs ( <b>EXHIBIT A</b> ).
068	Rep. Luke	Asks if the weight of containers can be used to determine total number instead of having to count them.
073	Chair Lewis	Agrees that is a good idea. The major problem is that the total number of unredeemed containers is not known.
081	Rep. Luke	Asks if any part of the bill adds other containers to be recycled.
083	Chair Lewis	No.
086	Rep. Jim Hill	State Representative, District 5. He introduced HB 2729 whose concepts are now included in HB 3456. Expresses the need to develop post markets for waste. Indicates that the proposed legislation focuses on education on how to improve recycling.
135	Rep. Fahey	Indicates that most liquor stores recycle used bottles.
144	Rep. Hill	The problem is having to pay to get rid of mounds of glass.
151	Rep. Luke	Explains that crushed glass is being used in the road beds of Deschutes County.
154	Rep. Hill	Encourages the study of new ways to use materials.
158	Kristan Mitchell	Representative, Oregon Refuse and Recycling Association ( <b>EXHIBIT B</b> ).

163	Judy Crockett	Representative, Association of Oregon Recyclers.
169	Mitchell	Introduces proposed amendments from the HB 3456 work group. Explains that the amendments focus on commercial recycling, provide wastesheds incentives to encourage recycling, to streamline waste accounting, to encourage the use of recycled materials, and maintain a commitment to reduce the waste stream by 50% by the year 2000.
188	Crockett	The bill focuses on education and promotion efforts. Acknowledges the support from the work group.
209	Paul Slyman	Solid Waste Program and Policy Development Manager, Department of Environmental Quality (DEQ). The bill defines waste prevention in statute.
231	Rep. Shields	Asks how rural residents who don't have garbage service can have their recycling collected.
249	Slyman	Defers the question.
253	Mitchell	Agrees that there is a problem. Explains that the association is working on a solution.
271	Rep. Shields	Indicates that the frustration level is so high that some rural residents are ready to throw all of their recycling away.
279	Rep. Luke	Explains that some landfills will recycle for free if you take the materials there. Indicates that garbage services are subsidizing the recycling programs so it makes sense that they don't want to pick up recycling without also picking up garbage.
286	Mitchell	Some communities do have recycling only services.
296	Rep. Shields	Indicates that the current situation is not good for the big picture.
304	Slyman	Explains provisions that consolidate the reporting of waste. DEQ wants to consolidate the reporting process and Metro will also be required to present one annual report. Discusses interest on the waste tire recycling account which is now proposed to return to DEQ instead of go to the general fund. Describes expanded opportunities to recycle with expanded education and composting. Explains a new wasteshed advisory goal. Discusses public contracts for demolition or landscaping which now require salvaging and recycling of materials. Indicates that a section of the amendments will repeal state statutes regarding batteries to comply with federal regulations.
382	Rep. Luke	Asks if a provision regarding the creation of a recycling center in a multi-family housing unit was completed during the 1995 session.
385	Slyman	No. Indicates that there is a menu choice in statute that allows for curbside recycling to a multi-family location.
392	Rep. Luke	Wants to check on the history of the legislation.
396	Slyman	Explains that section 39 will allow for a survey of beverage distributors to study the success of the bottle bill.

407	Rep. Luke	Agrees that the survey is a good idea for survey purposes and not the collection of the nickel deposit.
<b>TAPE 69, A</b>		
004	Slyman	The intent of section 39 is not to collect the nickel.
007	Rep. Luke	Indicates that it is hard to tell someone not to bring a container into the state, so the next option is to develop new packaging or figure out what to do with an empty container before it is used.
020	Slyman	The DEQ does not have the authority to administer that type of program.
026	Rep. Welsh	Relates bottle count information from CRinc. in Portland and asks if DEQ has audited their counting system.
035	Slyman	Indicates that section 39 of the amendments will allow DEQ to audit CRinc.
048	Chris Taylor	Representative, Oregon State Public Interest Research Group. Section 8 of the amendments proposes to enhance the menu options of recycling to commercial establishments. DEQ will provide written materials to commercial establishments that will highlight the benefits of recycling. The amendment also suggests that commercial establishments strive for a 50% recovery rate of materials. It also encourages the evaluation of effectiveness of recycling programs already in place.
116	Rep. Luke	Asks what percentage of recovery, businesses currently have statewide.
121	Taylor	Explains that some have exceeded the 50% recovery rate and others haven't started. More data needs to be gathered.
126	Chair Lewis	Explains that the interim task force would study the recycling effects.
129	Rep. Luke	Agrees that it is a good idea, but there is little time to find out how well businesses are doing before they are mandated to recycle.
135	Chair Lewis	States that recycling is not intended to be mandated.
138	Taylor	Explains that some communities have already set recycling goals with the support of the business community.
143	Rep. Fahey	Asks how to not increase the prices of recycling.
150	Taylor	Market development is an important part of the solution.
162	Rep. Fahey	The concern is with false inflation of prices for recycling.
167	Taylor	Doesn't have an answer.
169	Mitchell	It is a market issue that is out of anyone's control. Explains that recycling is a commodities market.
182	Mitchell	Indicates that section 9 includes additions to the menu approach for local governments to establish recycling programs.
		Another part of section 9 is the "2% credit section." The section gives

242	Crockett	communities credit for implementing particular programs for waste prevention, reuse, and residential composting.
270	Rep. Welsh	Asks if there was discussion in the work group related to present law and mandates to local governments. Asks if costs to local governments were also taken into consideration.
278	Chair Lewis	The work group was told from the beginning that they could not have mandates on local governments. Explains that costs would be reduced by DEQ having to provide information materials for commercial owners.
320	Rep. Welsh	Appreciates the lack of mandates.
326	Chair Lewis	Explains that cities and counties still have concern with the language in section 18.
334	Joni Low	Representative, League of Oregon Cities. Explains concerns with contract language. Agrees with Rep. Welsh that a big concern was that no mandates be placed on the cities and counties.
371	Rep. Welsh	Indicates that the language wasn't specific enough to understand that no mandates would be placed on cities and counties.
375	Low	There would be problems if additional costs are imposed on the cities and counties.
381	Rep. Fahey	Hopes that the counties are more prudent with mandating fees on citizens.
393	Taylor	The market development section of the bill focuses on closing the loop in recycling. Explains that state agencies and local governments have already been mandated to purchase recycled products. Indicates that the Department of Administrative Services (DAS) has done a great job to increase use of recycled materials.
<b>TAPE 68, B</b>		
003	Taylor	The section of the bill encourages the sharing of DAS expertise on recycling and to encourage compliance with the existing law.
028	Rep. Fahey	Asks what percentage of recycled content qualifies.
030	Taylor	The definition in state law is probably 50% secondary waste materials or 25% post consumer waste.
033	Rep. Fahey	Asks why recycled products are more expensive.
038	Taylor	Indicates that market prices are driven by an international commodity market.
051	Rep. Fahey	Asks how recycled products are cost effective.
053	Taylor	Defers the question.
057	Rep. Luke	Asks about the quality of recycled products.

060	Taylor	Indicates that quality has improved over the past few years.
076	Rep. Fahey	Asks why the price of recycled products is not affected by the lower market prices.
088	Rep. Simmons	In reference to PET plastic products, there is mention of maximum extent economically feasible. Asks if there is similar language related to paper products and what is the definition of economically feasible.
094	Taylor	Explains that the language does exist in statute.
107	Rep. Simmons	Verifies that the language of economically feasible means no more than 12% above a comparable product.
109	Taylor	Answers affirmatively.
112	Richard Kosesan	Representative, National Association for Plastic Container Recovery. Discusses state recycling programs.
117	Rep. Simmons	Asks if a fiscal impact statement will be provided.
118	Chair Lewis	It will be provided later.
121	Kosesan	Points out the definition of recycled PET plastic products. Explains that there is a preference in statute for recycled paper products, but that was not created for recycled plastic products.
151	Rep. Simmons	Asks if section 23 was Chair Lewis' idea.
153	Chair Lewis	Answers affirmatively.
197	Rep. Simmons	States that when he goes into wilderness areas he always packs out other peoples' garbage.
208	Paul Cosgrove	Representative, American Forest and Paper Association. Sections 31,32, and 33 deal with the development of Recycling Markets Development Council. Explains that the council is industry supported and uses no state funds. The council focuses on market issues and amendments to the bill focus on broadening the scope of the council.
248	Rep. Fahey	Asks why window glass can't be recycled.
249	Cosgrove	Doesn't know for sure, but it has to do with the actual material content.
260	Crockett	Indicates that there is some market for window and auto glass, but it can't be made into bottles.
269	Rep. Luke	Asks why recycled paper costs more and asks about quality issues.
271	Cosgrove	Indicates that the cost difference of the paper used to be significant, but that is changing. Quality has improved greatly also.
303	Rep. Fahey	States that a printer who quoted brochure costs has significant price difference between virgin paper and recycled.
307	Cosgrove	Explains that brochure paper is a special quality paper.

313	Chair Lewis	Acknowledges the support of the work group.
340	Art Schlack	Representative, Association of Oregon Counties. Expresses support for HB 3456 and the work done by the work group.
352	Rep. Luke	Verifies that this bill will not be an unfunded mandate to the counties.
355	Schlack	Answers affirmatively.
362	Paul Romain	Representative, Oregon Beer and Wine Distributors Association. Indicates that section 38 and 39 look like afterthoughts and expresses opposition to them. Explains the problems of inconsistent reporting practices across the state.
<b>TAPE 69, B</b>		
015	Chair Lewis	Closes the public hearing on HB 3456 and opens a public hearing on HB 3457. Faxed testimony was presented to committee <b>(EXHIBIT C)</b> .
<b><u>HB 3457</u></b> <b><u>PUBLIC</u></b> <b><u>HEARING</u></b>		
024	Judith Gruber	Policy Analyst, summarizes provisions of the bill.
056	John Ledger	Representative, Associated Oregon Industries. Explains that the bill focuses on the development of an environmental excellence program. It will add flexibility into the regulatory system. Indicates that at times streams of pollution or waste are observed independently of one another when they should be viewed as a whole process. Extensive amendments will be added to the bill at a later time <b>(EXHIBIT D)</b> .
095	Ledger	Explains that the bill will allow the DEQ to enter into an agreement with a company or municipality where pollutant requirements will be different than those required in statute. The differences in pollutant requirements would have to produce a net benefit for the environment. With all of the new environmental requirements, environmental excellence agreements allow for flexibility. Explains the process of creating an environmental excellence agreement.
193	Ledger	Indicates that there is a sunset provision on the bill and there will be a cap on the number of agreements that will be entered into.
207	Kathryn VanNatta	Representative, Northwest Pulp and Paper Association. Indicates that HB 3457 will result in increased benefits for the environment <b>(EXHIBIT E)</b> .
226	Greg Miller	Government Affairs Manager, Weyerhaeuser. Explains the benefits to the environment and businesses with an environmental excellence agreement. Indicates that it is a national trend and the state legislation is progressive <b>(EXHIBIT F)</b> .
277	Rep. Welsh	States that the concept is good. Asks if distinctions will be made between different types of businesses.
290	Miller	The legislation speaks to many businesses.

322	Chair Lewis	Recesses the public hearing on HB 3457 and opens a public hearing on HB 3401.
<b><u>HB 3401 PUBLIC HEARING</u></b>		
328	Rep. Oakley	State Representative, District 36. Explains the origin of the bill and how people have been working toward a solution to the issue of burning mint stubble.
370	Rep. Luke	Indicates that the Department of Forestry, under another bill, might have jurisdiction over the flaming of mint fields if the Department of Agriculture is removed.
390	Phil Ward	Representative, Department of Agriculture. Explains the exemption of flaming of mint stubble from particular constraints due to the growers' timelines. The bill allows greater flexibility to the growers <b>(EXHIBIT G)</b> .
<b><u>TAPE 70, A</u></b>		
003	Rep. Luke	Asks if there is a difference in the mint grown in Madras and those grown in the Willamette Valley.
005	Ward	Indicates that growers in Madras are not subject to the same constraints as those in the Willamette Valley.
010	Rep. Luke	Asks how the Department of Forestry would fit into the picture.
012	Ward	The Department of Forestry has delegated responsibility related to slash burning.
014	Rep. Luke	Explains that it was clear that the DEQ could allow the Department of Forestry responsibility in any jurisdiction.
019	Ward	Defers the question.
021	Rep. Lehman	Asks why the mint stubble is burned.
023	Ward	It is burned for disease control.
026	Rep. Lehman	Verifies that the mint burning will be exempted from any regulation.
028	Ward	Explains that regulations in statute relate to open field burning.
040	Rep. Lehman	Asks if any other burning is in the same classification as the mint stubble flaming.
048	Ward	Doesn't know for sure.
055	Jeff Kropf	Resident, Linn County. Provides a brief history of peppermint. The plants have a tendency to develop wilt and once that is in the soil, it stays there forever. Oregon State University suggested flaming the stubble to prevent the disease. States that the flaming of stubble is a time critical issue.
167	Rep. Lehman	Asks if mint and peppermint are the same plant.
169	Kropf	The variety grown in Oregon is classic peppermint used for flavoring and



		aroma.
177	Rep. Lehman	Asks about peppermint acreage in comparison to acreage of grasses and other crops.
183	Kropf	The Willamette Valley has about 20,000 acres of peppermint, whereas there are hundreds of thousands of acres of grass seed.
195	Rep. Welsh	Asks for a comparison of emission of smoke from grass burning and mint flaming.
208	Kropf	Indicates that emissions for mint flaming are very small in comparison.
215	Tom Malthis	Resident, Linn County. States that someone not familiar with the process can't tell if a flamer is in a field. Generally, 30-80 acres can be flamed in an 8 hour day.
237	Dave Chambers	Resident, Linn County. Indicates that all organic material is removed before a field is flamed. The fields aren't really burned, but heated to kill the wilt bacteria.
264	Rep. Fahey	Suggests that the language be changed to sanitized.
271	Chair Lewis	States that Lana Butterfield, representative from Northwest Propane Gas Association supports the proposed legislation.
278	Chair Lewis	Closes the public hearing on HB 3401 and reopens the public hearing on HB 3457.
<b><u>HB 3457</u></b> <b><u>PUBLIC</u></b> <b><u>HEARING</u></b>		
281	Lydia Taylor	Deputy Director, Department of Environmental Quality. Expresses willingness to answer questions related to the bill.
291	Paul Burnet	Manager, Special Projects, Department of Environmental Quality. The department supports the goals and objectives of the bill, but not the bill as written ( <b>EXHIBIT H</b> ).
311	Lydia Taylor	Agrees that the department is generally supportive of the concept and wants to work with the industry on solutions.
324	Chair Lewis	Encourages work on the bill.
325	Chair Lewis	Closes the public hearing on HB 3457.
<b><u>"TAP"</u></b> <b><u>PUBLIC</u></b> <b><u>HEARINGS</u></b>		
327	Chair Lewis	Opens a public hearing on HB 2114.
329		Closes the public hearing on HB 2114.
330		Opens a public hearing on HB 2333.
331		Closes the public hearing on HB 2333.

332		Opens a public hearing on HB 3266.
333		Closes the public hearing on HB 3266.
334		Opens a public hearing on HB 3282.
335		Closes the public hearing on HB 3282.
336		Opens a public hearing on HB 3385.
337		Closes the public hearing on HB 3385.
338		Opens a public hearing on HB 3405.
339		Closes the public hearing on HB 3405.
340		Opens a public hearing on HB 3419.
341		Closes the public hearing on HB 3419.
342		Opens a public hearing on HB 3455.
343		Closes the public hearing on HB 3455.
344		Opens a public hearing on HB 3461.
345		Closes the public hearing on HB 3461.
346		Opens a public hearing on HB 3503.
348		Closes the public hearing on HB 3503.
350		Opens a public hearing on HCR 16.
353		Closes the public hearing on HCR 16.
360	Chair Lewis	Adjourns the meeting at 3:28 p.m.

Submitted By, Reviewed By,

Marjorie Taylor, Judith Gruber,

Administrative Support Policy Analyst

### **EXHIBIT SUMMARY**

**A - HB 3456, Proposed amendments, HB 3456 Work Group, 37 pp.**

**B - HB 3456, Written testimony, Kristan Mitchell, 3 pp.**

**C - HB 3456, Faxed testimony, Committee Staff, 2 pp.**

**D - HB 3457, Written materials, John Ledger, 1 p.**

**E - HB 3457, Written testimony, Kathryn VanNatta, 2 pp.**

**F - HB 3457, Written materials, Greg Miller, 9 pp.**

**G - HB 3401, Written testimony, Phil Ward, 1 p.**

**H - HB 3457, Written testimony, Paul Burnet, 5 pp.**