

SENATE COMMITTEE ON
AGRICULTURE, NATURAL RESOURCE AND THE ENVIRONMENT

-

February 6, 1995
1:00 P.M.

Hearing Room A
Tapes 23, 24, 25

MEMBERS PRESENT:

Sen. Bob Kintigh, Chair
Sen. Bill Bradbury
Sen. Tom Hartung
Sen. Rod Johnson, Vice-Chair
Sen. Marylin Shannon

MEMBER EXCUSED: Sen. Bill Dwyer

STAFF PRESENT:

Bruce McIntosh, Committee
Administrator
Catrina Victor, Committee Assistant

MEASURES HEARD: SB -132, Work
Session
SB -279, Public Hearing

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Tape 23A

03 Chair Kintigh: Meeting called to order 1:15 P.M.
05 Bruce McIntosh: Committee Administrator. Describes the two amendments for SB 132.
12 MOTION: Sen. Johnson: Moves to adopt SB 132 with the attached amendments and send to the floor with a DO PASS recommendation.
VOTE: Roll call vote called: all members voted "yes" except for Sen. Dwyer and Sen. Bradbury both were excused.

Closes PUBLIC HEARING on SB 158

Opens WORK SESSION on SB -158,

42 Sen. Johnson: The issue of non-emancipated child vs. emancipated needs further definition.

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58 Fred Robinson: Clarifies definitions as defined in statutes.
76 Sen. Johnson: Questions the word usage within the amendments.
91 Mr. McIntosh: Reviews the amendments of SB -158.
96 Sen. Johnson: Suggests SB -158 held over until the next meeting.

Closes WORK SESSION on SB -158

100 Chair Kintigh: SB -158 will be held over for a second meeting until Sen. Dwyer can attend.

Opens PUBLIC HEARING on SB -279

152 Bob Danko: DEQ. Reviews the different types of plastic bottles. See exhibit C to see the break down of the specific plastics.

208 Sen. Hartung: Questions if newspapers are included in the total

recycling picture.

210 Mr. Danko: Will provide additional information in this presentation regarding newspapers.

270 Mr. Danko: Gives brief review of the kinds of plastics not able to be recycled, the exempted items. Description of the bottle bill SB 66, The Oregon Recycling Act. Changes in recycling during the 1993 session; record keeping, plastic industry contributions, food containers, and commitment by the American Plastics Council to reach the 25% recycling rate by 1995 (see exhibit C).

390 Chair Kintigh: Is the data based on 1993 or 94?

393 Mr. Danko: Both.

Tape 24A.

05 Chair Kintigh: Hearing opened on SB -27 I.

20 Connie Kirby: Northwest Food Processing Council. In full support of SB 279. See Exhibit D. Concerned that the containers could hold toxic chemicals.

Sen. Bradbury enters meeting at 1:50 P.M.

92 Sen. Hartung: Out of the 95% that's recycled what is the remaining 5%?

100 Ms. Kirby: Other items, such as food processing waste.

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105 Peter Truitt: Truitt Brothers Food Processing. Expresses concern that containers made up of multiple layers should not be reused for contamination reasons. It's a food safety issue. Some items processed within the company cannot meet the necessary 25% required. If all of the products they produce could be recycled, Truitt Brothers would be willing to recycle all items possible.

215 Sen. Bradbury: What makes you think you will potentially fall below the State issue of 25%?

220 Mr. Truitt: We hope we won't. Potentially we could lose business to outside sources that do not have to meet our state standards.

233 Sen. Bradbury: You do not want to be subject to the 25% requirement in the future. Is that correct?

240 Mr. Truitt: Yes. We cannot provide safe processing if this bill passes.

249 Bill Kiewel: Oregon Food Processors. Concerned with the safety of packaging and recycling. We must use virgin resin in the storing of our foods items.

Urges approval of SB -279.

349 Sen. Hartung: Is there a new kind of plastic on the horizon?

352 Mr. Truitt: There are other plastics that can be used but they have not been successfully used because of the sealing factors.

Tape 23B,

20 Sen. Bradbury: Maybe we ought to take a better look at the definition of
"food."
31 Ms. Kirby: Some resins are processed down to their basic forms and can be
purified.
Others cannot, that's our concern.
45 Chair Kintigh: What kind of plastic is your food processed in?
50 Mr. Truitt: Designated as a seven. Generally with a plastic and aluminum
foil seal.
65 Steve McCoid: Association of Oregon Food Industries. Reviews hand-out,
see exhibit E.
Grocers have voiced concerns with the handling of fresh meat, deli, and
bakery products packaged on trays, and the inclusion of them in DEQs description. Requests
that SB -279 be passed with the exception of food products. Reasons OFI supports SB -279
with this exemption:
the required percentages can be increased in the future, the method used to
calculate the rate is, in our opinion, not the most accurate available, and the 32% rate
determined was primarily obtained through the collection of plastic soft drink containers (50% of
total) and plastic milk jugs (25% of the total).

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Mr. McCoid: This industry wants to eliminate the uncertainty of the
packaging in question, and allow us to be able to develop new safe
packaging methods in the future for our meat, deli and bakery departments.

158 Sen. Bradbury: "Regarding the food trays, are they recyclable?"

162 Mr. McCoid: "My basic understanding, yes they are." If the rate falls,
the percentage increases, or if the plastic bottles are removed from the
bill, we will fall below the rate thus being at a disadvantage.

214 Sen. Bradbury: How is the rate determined?
220 Mr. McCoid: A number of recycling businesses made up the survey to which
the numbers were derived. Samples of solid waste was obtained and through literally
digging through garbage, figures were determined. However, I believe these are not accurate
rates to base an industry.

245 Chair Kintigh: Senator Dick Springer is called forward to share his
testimony regarding experiences in the 1991 session.

250 Sen. Dick Springer: Reviews SB 66 and the compromises made by all
parties involved in the final crafting of the bill. Will support this bill as long as everyone
continues to prosper, it heads in a safe direction, and greater efficiency. This item is
overwhelmingly supported by the community and constituents. Hopes that progress in plastic recycling will
continue and will eventually reach a self sustaining rate. For additional questions or
information feel free to contact our office. Appreciates the opportunity to speak.

399 Sen. Johnson: This industry has a problem in that they cannot recycle
those items and they cannot reuse them (five times). What example(s) do you propose these people

use to comply?

Tape 25B.

16 Sen. Springer: Possible light weighting is an option. "What have they
done so far to comply
with recycling requirements?" There are a lot of opportunities for this
industry to join with
local retailers (notes Thriftway and The Garten Foundation for examples),
to sponsor
recycling projects.

30 Sen. Johnson: You're saying they should develop their own method of
recycling?

37 Sen. Springer: Yes, that's one option available to them.

43 Chair Kintigh: Requests Ken Yates to testify.

48 Ken Yates: Oregon Food Processors Council. The current recycling rate is
a very complex
methodology and it is subject to legal challenge. This market varies from
year to year
regarding the post consumer plastics. There has been instability in the
past, which in turn
effects the 32 % rate, thereby lowering the rate.

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Mr. Yates: There is a very real possibility of future rate decline which
would lead to insufficient time to develop alternative product packaging.
Answers the previous question raised by Sen. Bradbury regarding the
definition of food. Definition is as described in them ORS. Exempted
containers including food as proposed in SB -279, does not effect the rate.
DEQ currently counts all exempted containers in the recycling rate.

80 Chair Kintigh: Where do they count?

89 Mr. Yates: Rigid plastic containers make up eight tenths of one percent
of the total waste.

90 Sen. Bradbury: Are you saying this percent isn't a sign)ficant number?

11 Mr. Yates: Clarifies the eight tenths percentage in comparison to the
total recycling items is
relatively small, though not insignificant. The bottom line of SB -279 is to
collect it and
recycle it into non-food items, because that is safe. To recycle it into
food containers is not
safe. Shares prepared testimony.

159 Sen. Bradbury: Shares definition of food as stated in the statute. Why
should we exempt
pop bottles?

178 Mr. Yates: Because they will continue to be counted in the rate.
Regarding food safety this is
an appropriate definition. We are not seeking to exempt PET. Exempted
containers will
continue to be counted towards the rate. A single resin type cannot be
separated from one food
application, when talking about tens of thousands of food applications
across six other
resin types.

191 Sen. Bradbury: In the counting of these containers, all it shows us is
that we haven't met the
requirements. Requests further clarification.

210 Mr. Yates: "Our exemption language is very narrow. Allows exempted food
containers to be
collected, sorted, washed, sold, and recycled." We want to recycle, though

not back into food

containers. These cannot be purified for safe consumer consumption. You are hitting on the one exception regarding pop bottles/PET.

232 Sen. Shannon: Can you tell me my soda is 100% guaranteed to be pure of anti-freeze

contaminants? Am completely safe from harm?

235 Mr. Yates: I cannot promise that your soda is safe. We under a process of "no objection"

with FDA. PET took 9 years of research and development. Followed by several years of

FDA review those findings. FDA concluded they had "no objections" based on current

information and research. However, if something is found to the contrary at a later date you'll

be held responsible. Shares breast implant case for example and how believed safe at one time

have now proven otherwise. Our issues center around consumer safety and potential future

liabilities.

260 Sen. Shannon: What if I were to draft something to address this soda bottle issue?

Would the formula balance be upset if this was introduced?

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270 Mr. Yates: I would need to see the language. We are always willing to meet with our legislators and to look at new possibilities.

289 Bridget Flanigan: Safeway, Inc. In strong support of SB -279. Encourages this piece

of legislation to pass. This bill could severely change the way grocers do business.

Questions raised: Will the containers continue to hold up after processing, as well as after it is

purchased by the consumer, and then stored? Can we insure consumer safety and quality to

the public?

365 Ms. Flanigan: The advantage of plastic containers cannot be ignored and neither can the

safety factors of recycling them. We ask for your support of this bill.

Tape 25A.

20 Chris Taylor: OSPiRG. See exhibit G. We are a consumer advocacy group and we do not

want to contaminate the public, but we disagree with this bill. It has been proven that with the

help of the community and industry we can make great strides in recycling. Currently we are

at 32% which are very positive figures. We hope the rate continues to climb and one day

reach 50%.

115 Mr. Taylor: The current bill has been working effectively. Let's give it more time to work.

125 Sen. Shannon: Refers to page two and questions the terminology of "sustainable industry."

Does the attached list of individuals mean they support the current bill relating to plastics

or do they wish to repeal it?

135 Mr. Taylor: Clarifies. The individuals listed wish the law to stay as it is currently and not to

be further weakened.
141 Sen. Johnson: Assuming the 25% requirement is raised what do you suggest
these organizations to do?
160 Mr. Taylor: They could choose another recycled product. Perhaps one that
is recycled above the 25% rate to meet the statute.
185 Sen. Johnson: What if you're a grocer? As a grocer you purchase national
brands and you are unable to choose the type of packaging your product(s) come in.
187 Mr. Taylor: The grocers main concern is the rigid containers they fill
themselves within their own stores. Planning for the future is important. The industry may now
begin start programs in the advancement of creating more types of items to meet the
requirements.
195 Chair Kintigh: Meeting adjourned 3: 20 P.M.

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Sub by, Reviewed by,
Catrina Victor ce McIntosh
Committee Assistant Committee Administrator
EXHIBIT SUMMARY:

A-Staff Measure Summarv SB -132-4 pg.
B-Senate Bill Copv SB -279
C-Bob Danko, DEO Informational Packet-9 Pg.
D-Testimony from Connie Kirbv-2 pg.
E-Testimonv from Bill Kiewel-3 pg.
F-Testimonv from Steve McCoid-3 pg.
G~Testimony from Ken Yates-1 p:.

H- Testimonv and list of endorsers from Chris Tavlор-4 pg.
I- Testimonv to be included in the record by Julie Brandis-2 pg.

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