

HOUSE COMMITTEE ON NATURAL RESOURCES

April 8, 1993 Hearing Room D 4:00 p.m. Tapes 25 - 26

MEMBERS PRESENT: Rep. Ray Baum, Chair Rep. Carl Hosticka, Vice-Chair Rep. Marilyn Dell Rep. Sam Dominy Rep. Bill Fisher Rep. Tim Josi Rep.

MEMBER EXCUSED: Rep. Nancy Peterson

STAFF PRESENT: Kathryn Van Natta, Committee Administrator Catherine Fitch, Committee Administrator Karen McCormac, Committee Clerk

MEASURES CONSIDERED: Work Session - HB 2155 - HB 2215 - HJR 7

Public Hearing - HB 3279

WITNESSES: MIKE COMBS, Legislative Aide to Rep. Nancy Peterson QUINCY SUGARMAN, Oregon State Public Interest Research Group (OS Manufacturing Industry LARRY HILCHER, Olshen's Bottle Supply JOHN MATTHEWS, Garten Foundation

[--- Unable To Translate Graphic ---]

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation :

TAPE 65, SIDE A

005 CHAIR BAUM: Calls meeting to order at 4:06 p.m. Due to the power outage, electricity will be shut off in the Capitol at 5:30 p the committee will adjourn at 5:15 p.m. to allow the committee to safely vacate the building.

034 OPENS WORK SESSION ON HB 2155

036 MOTION: REP. NORRIS moves HB 2155 to be DEFERRED until the next meeting of the House Committee on Natural Resources on April 1

038 CHAIR BAUM: Restates motion and calls for discussion. Hearing no objections, the motion CARRIES.

040 CLOSES WORK SESSION ON HB 2155

041 OPENS WORK SESSION ON HB 2215

043 REP. NORRIS: As Chair of the House Water Policy Committee during the interim, I was promoting a concept I refer to as "equitable st (SWMG) was working on a proposal regarding the creation of local watershed councils. When it was heard the first time, there was substantial resistance because it contained some mandates. On March 25, they came back with a pared-down version which featured volunta activities and local watershed councils which would be appointed by local governments.

087 REP. VanLEEUWEN: Requests review of how balance is obtained on councils.

089 REP. NORRIS: Refers to composition of watershed councils on Page 2, Section 3 of HB 2215.

130 REP. VanLEEUWEN: So there are no special provisions to appoint people who use water to produce consumer goods?

131 REP. NORRIS: The opportunity to serve is available to private landowners and industry representatives,

132 REP. VanLEEUWEN: But that's only if they are appointed by local government?

133 REP. NORRIS: Yes.

137 CHAIR BAUM: This bill has a \$118,000 fiscal impact. The House Appropriations Committee "A" currently has the Water Re Department's budget under consideration, which is why I'm anxious to move it today so it will be acted upon by the committee within the next week.

145 MOTION: REP. HOSTICKA moves HB 2215 to the HOUSE APPROPRIATIONS COMMITTEE with a DO PASS RECOMMENDATION.

149 CHAIR BAUM: Restates motion and calls for discussion.

VOTE: REPS. DELL, DOMINY, FISHER, HOSTICKA, JOSI, LUKE, MARKHAM,

NORRIS, REPINE and CHAIR BAUM vote AYE. REP. VanLEEUWEN votes NO.

REP. PETERSON is EXCUSED.

168 CHAIR BAUM: The motion CARRIES. There is no carrier needed for this bill.

169 REP. NORRIS: Volunteers to carry the bill in the future.

170 CHAIR BAUM: CLOSES WORK SESSION ON HB 2215

OPENS WORK SESSION ON HJR 7

172 MOTION: REP. HOSTICKA: Moves HJR 7 to the HOUSE COMMITTEE ON REVENUE with NO RECOMMENDATION.

177 CHAIR BAUM: Restates motion and calls for discussion.

This resolution is simply a proposed amendment to the Oregon Constitution. We will not hold a full public hearing or make any

recommendation. We lent this bill to the Special Task Force on Vehicle Emissions, and we intended to hold full public hearings on the bill once it returned from the work group, but we're sending it to Reve instead.

187 VOTE: REPS. DELL, DOMINY, HOSTICKA, JOSI, LUKE, NORRIS, REPINE, VanLEEUWEN and CHAIR BAUM vote AYE. REPS. FISHER AND MARKHAM NO. REP. PETERSON is EXCUSED.

195 CHAIR BAUM: The motion CARRIES, and will be forwarded to the House Committee on Revenue.

198 CLOSES WORK SESSION ON HJR 7

199 Requests suspension of the rules for hearing public testimony only on HB 3279. Hearing no objection, so ordered.

204 OPENS PUBLIC HEARING ON HB 3279

206 KATHRYN VAN NATTA, Committee Administrator: House Bill 3279 prohibits the distribution, sale or offer for sale of polyvinyl chloride bottles or containers on or after January 1, 1994. Introduces meeting materials, including a fiscal impact statement (EXHIBIT A) showing there is indeterminate fiscal impact. This bill is not anticipated in Governor's budget. This bill has no revenue impact (EXHIBIT B), and there is no preliminary staff measure summary due to the power outage in the building today.

229 MIKE COMBS, Legislative Aide to Rep. Nancy Peterson: Updates committee on Rep. Peterson's recovery. Presents written testimony (EXHIBIT support of HB 3279. Distributes two jars of peanut butter composed of different plastics.

290 REP. JOSI: Why would a peanut butter manufacturer use two different types of plastics?

296 COMBS: Probably at the time of production, one type was less expensive than another.

301 REP. JOSI: Why isn't the PVC container as easily recycled?

304 COMBS: Defers to other recyclers who will be testifying.

310 REP. LUKE: Does this bill affect PVC that is used in water pipes?

317 COMBS: No. It only bans PVCs in the sale of rigid plastic containers.

331 REP. JOSI: You have two basic concerns; one is the recycling factor, and the other is the health hazard. You mentioned that the PVC

339 COMBS: No. This problem is only applicable to PVC containers, because of the chemical makeup of the plastic and the resins it leache

342 REP. JOSI: If this is a health hazard, why does it take a group like OSPIRG to point this out? Don't we have agencies like the EPA us about this?

344 COMBS: In the 1970s, EPA had banned the sale of PVCs for food containers, or was in the process of doing so. In the circumstances changed.

350 REP. JOSI: A different administration?

351 COMBS: Yes.

359 REP. NORRIS: Some products previously deemed dangerous were found to not be so bad after all, such as dioxin. We have data which that organic chlorides can cause cancer, but a lot of things can cause cancer. Is it possible PVCs are only perceived to be a problem?

372 COMBS: Defers to next witness. Introduces written statement (EXHIBIT D) from Rep. Lisa Naito, who also supports HB 3279.

398 QUINCY SUGARMAN, Oregon State Public Interest Research Group (OSPIRG): Presents written testimony (EXHIBIT E) in support of HB 3279.

TAPE 26, SIDE A

018 SUGARMAN: Concludes testimony

120 REP. NORRIS: Repeats concern regarding "dangers" of PVC, and questions whether bill is too alarmist.

125 REP. LUKE: When PVC pipe is left outside, it becomes rigid and eventually breaks. Is that a chemical breakdown?

129 SUGARMAN: Most likely, the sun is breaking down the additives in the plastic which prevent it from becoming overly brittle.

134 REP. HOSTICKA: Why is PVC recycled so infrequently?

135 SUGARMAN: I would defer that question to the recyclers.

139 REP. FISHER: How long has PVC been on the market?

141 SUGARMAN: I assume it was developed in the 1940s, when many other synthetic plastics were developed.

155 TED HUGHES, American Plastic Council and the Oregon Plastic Manufacturing Industry: Presents written testimony (EXHIBIT F)

238 REP. NORRIS: Will there be ramifications for interstate commerce if we pass this bill?

241 HUGHES: I do not know.

253 REP. MARKHAM: I have noticed several brands of liquor in plastic bottles. Do those contain PVC?

260 HUGHES: That's a different type of plastic. There are seven different types of plastic resins. 269 REP. MARKHAM: Is this chlorin

272 LARRY HILCHER, Olshen's Bottle Supply: It's basically an FDA-approved material.

280 CHAIR BAUM: Will the new administration be pursuing policies which ban PVCs?

283 HILCHER: I don't believe so. PVC is slowly being replaced with PET (polyethylene terephthalate). There is a limited supply of PE United States.

296 CHAIR BAUM: What is PET?

299 HILCHER: It is a form of polyethylene. Manufacturing PET is probably twice as expensive as PVC.

311 REP. REPINE: The containers we've seen made from PVC have a split line or split die configuration.

315 HILCHER: Explains manufacturing procedures for PVC and PET.

323 REP. REPINE: So PVC is a more desirable product than PET because it's less expensive to produce?

325 HILCHER: Yes.

346 REP. NORRIS: There are currently hundreds of thousands of PVC water pipe in Oregon. Is that a different type of PVC?

347 HILCHER: No. There may be different characteristics within the basic resin which can endure a greater range of temperatures.

352 REP. FISHER: Requests explanation of the manufacture and recycling of PVC and PET plastic.

366 HILCHER: Explains procedures. We use a resin that is FDA-approved and guaranteed by the manufacturer. As long as the product can be broken down and melted to be recycled, I do not perceive it as hazardous to the environment. PET has been a popular item for soft drinks, but due to the bottle bill, recycling in Oregon is done by the bottlers, not the recyclers. Because of this, there is not enough material to make it profitable for recyclers. Other states with bottle bills have the same problem.

410 REP. FISHER: I thought PVC did not recycle well.

412 HILCHER: It's a matter of collecting it, melting it down, and reblacking it. There may be some things I don't know about the process.

421 HUGHES: I spoke with a representative from B.F. Goodrich, who said that if he could, he would buy every PVC container because it's one of the most recyclable materials there is.

430 CHAIR BAUM: Asks whether Mr. Hilcher has anything else he'd like to add to his testimony.

434 HILCHER: There are other items you need to consider when restricting a material such as PVC. The only replacement we could have available in January of next year would be glass containers. According to one of our clients who is a jerky (food) manufacturer, the weight of glass containers would require him to use two trucks instead of one, causing more pollution, etc. Also, trying to monitor products entering Oregon which are made with this material would be nearly impossible.

TAPE 25, SIDE B

014 CHAIR BAUM: Excuses Reps. Hosticka and VanLeeuwen from committee meeting.

042 JOHN MATTHEWS, Garten Foundation: Presents written testimony (EXHIBIT G) in support of HB 3279. The Garten Foundation is also a member of the extreme, but warranted. There is not enough PVC on hand to make recycling economically viable, and it is very difficult for a recycler to identify PVC containers.

074 CHAIR BAUM: We have just been informed that we need to vacate the building immediately, instead of at 5:30 p.m. due to the elevator being turned off sooner than anticipated.

Adjourns meeting at 5:07 p.m.

Submitted by:

Reviewed by:

Karen McCormac

Kathryn Van Natta Assistant

Administrator

EXHIBIT LOG:

A - HB 3279 Fiscal Analysis - Staff - 1 page B - HB 3279 Revenue Impact Analysis - Staff - 1 page C - HB 3279 Testimony - Mik