

HOUSE COMMITTEE ON NATURAL RESOURCES

May 27, 1993 Hearing Room D 4:00 p.m. Tapes 39 - 40

MEMBERS PRESENT: Rep. Ray Baum, Chair Rep. Carl Hosticka, Vice-Chair
Rep. Marilyn Dell Rep. Sam Dominy Rep. Bill Fisher Rep. Tim Josi Rep.
Dennis Luke Rep. Bill Markham Rep. Chuck Norris Rep. Nancy Peterson Rep.
Bob Repine Rep. Liz VanLeeuwen

MEMBER EXCUSED: Rep. Tim Josi

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

MEASURES CONSIDERED: Work Session - HB 2932 - SB 544 - HB 3510
- HB 2538 - HB 2995 - HB 2243

Public Hearing - HB 2847 - HB 3077

WITNESSES: STEVE JACKY, Department of Forestry REP. CYNTHIA
WOOTEN DON ARKELL, Dirctor, Lane Regional Air Pollution

Authority (LRAPA)

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These minutes contain materials which paraphrase and/or summarize
statements made during this session. Only text enclosed in
quotation marks report a speaker's exact words. For complete contents
of the proceedings, please refer to the tapes. [--- Unable To Translate
Graphic ---]

JON STUBENVOLL, Consumer Advocate, Oregon State Public

Interest Research Group (OSPIRG) PAULETTE PYLE, Grass Roots Director,
Oregonians for Food and Shelter LORNA YOUNGS, Assistant Director,
Department of

Agriculture BRIDGET FLANAGAN, NW Public Affairs Manager, Safeway

TAPE 39, SIDE A

005 CHAIR BAUM: Calls meeting to order at 4:10 p.m.

OPENS WORK SESSION ON HB 2932

This bill modifies criteria and procedures for the establishment of
additional destination resorts in Oregon.

036 KATHRYN VAN NATTA, Committee Administrator: The
Subcommittee on Environment and Energy held public hearings on HB 2932
on March 8 and

May 3, and a work session on May 24. During March and April, a work group headed by the Department of Land Conservation and Development (DLCD) was developed to reach consensus. Today we have a total rewrite of the original HB 2932.

Changes include requirements that counties map eligible lands which will be available to site destination resorts. The terms "tract" and "open space" have been defined. Section 2 amends ORS 197.455 by changing the dollar amount which must be spent on improvements for recreation facilities from \$2,000,000 to \$7,000,000. The bill also requires a phase-in of rentable units, which is not currently in the statutes. The rest of the bill deals with mapping requirements.

The measure has no revenue impact, and a fiscal impact statement shows there is a minimal effect on expenditures. It is not anticipated in the Governor's budget, but the DLCD anticipates minimal expenditures associated with the amended measure. The original measure carried a fiscal impact.

083 MOTION: REP. MARKHAM: Moves HB 2932 to the floor with a DO PASS AS AMENDED RECOMMENDATION, as amended by the HB 2932-3 AMENDMENTS, LC

1309, dated 5-10-93, by the Subcommittee on Environment and Energy.

085 CHAIR BAUM: Restates motion and calls for discussion.

VOTE: REPS. DELL, DOMINY, FISHER, HOSTICKA, LUKE, MARKHAM, NORRIS, PETERSON, REPINE, VanLEEUEWEN and CHAIR BAUM vote AYE. REP. JOSI is EXCUSED.

095 CHAIR BAUM: The motion CARRIES. REP. REPINE will lead discussion on the floor.

Addition to the record: HB 2932 A-Engrossed Staff Measure Summary (EXHIBIT A) Proposed -3 Amendments to HB 2932 (LC 1309), 5-10-93 (EXHIBIT B) HB 2932 Revenue Impact Analysis and Fiscal Analysis (EXHIBIT C)

CLOSES WORK SESSION ON HB 2932

OPENS WORK SESSION ON SB 544 A-ENGROSSED

105 REP. LUKE: Senate Bill 544 was requested by the Public Utility Commission, and allows the PUC to sever the link between electric

utility profitability and electric sales levels. This bill provides PUC with the ability to prove rate structures which encourage a utility to

invest in energy conservation. There was no negative testimony on this, and it passed the Senate 29 - 0.

110 MOTION: REP. LUKE: Moves SB 544 A-ENGROSSED to the floor with a DO PASS RECOMMENDATION, as recommended by the Subcommittee on Environment and Energy.

112 CHAIR BAUM: Restates motion and calls for discussion.

116 VOTE: REPS. DELL, DOMINY, FISHER, HOSTICKA, LUKE, MARKHAM, NORRIS, PETERSON, REPINE, VanLEEUEWEN and CHAIR BAUM vote AYE. REP. JOSI is

EXCUSED.

121 CHAIR BAUM: The motion CARRIES. REP. LUKE will lead discussion on the floor.

Addition to the record: SB 544 A-Engrossed Staff Measure Summary, Revenue Impact Analysis and Fiscal Impact Assessment (EXHIBIT D)

CLOSES WORK SESSION ON SB 544 A-ENGROSSED

OPENS WORK SESSION ON HB 3510

135 REP. FISHER: This bill narrows the definition of a piranha and other fish we do not want to have in our streams and ponds.

146 MOTION: REP. FISHER: Moves HB 3510 to the floor with a DO PASS AS AMENDED RECOMMENDATION, AS AMENDED BY THE -1 AMENDMENTS, LC 2911,

dated 5-21-93, as amended by the Subcommittee on Agriculture and Forestry.

149 CHAIR BAUM: Restates moton and calls for discussion.

155 VOTE: REPS. DELL, DOMINY, FISHER, HOSTICKA, LUKE, MARKHAM, PETERSON, REPINE, VanLEEUEWEN and CHAIR BAUM vote AYE. REPS. NORRIS and JOSI

are EXCUSED.

164 CHAIR BAUM: The motion CARRIES. REP. FISHER will lead discussion on the floor.

Additions to the record: HB 3510 Staff Measure Summary (EXHIBIT E) Proposed -1 Amendments to HB 3510 (LC 2911), 5-21-93 (EXHIBIT F) HB 3510 Fiscal Impact Assessment and Revenue Impact Analysis (EXHIBIT G)

CLOSES WORK SESSION ON HB 3510

OPENS WORK SESSION ON HB 2538

171 CATHERINE FITCH, Committee Administrator: House Bill 2538 as

amended was passed by the House Committee on Natural Resources last Thursday.

As you recall, this is what Rep. Norris calls a "textual replacement bill." The underlying bill had a subsequent referral to Ways and Means. In order for the current version to go forward without a subsequent referral to Ways and Means, it needs to be officially removed by this committee.

183 MOTION: REP. DOMINY: Moves for the RECONSIDERATION of HB 2538 by the House Committee on Natural Resources.

195 CHAIR BAUM: Restates motion and calls for discussion. Hearing no objection, the motion CARRIES.

196 MOTION: REP. DOMINY: Moves HB 2538 to the floor with a DO PASS AS AMENDED RECOMMENDATION, AS AMENDED BY THE -9 AMENDMENTS, LC 1226,

dated 5-11-93, by the Subcommittee on Agriculture and Forestry, and to RESCIND the SUBSEQUENT REFERRAL to the APPROPRIATIONS COMMITTEE.

200 CHAIR BAUM: Restates motion and calls for discussion.

220 REP. PETERSON: I will be voting no on this bill today. Current Oregon Department of Fish and Wildlife policy is to "regulate wildlife

populations and the public enjoyment of wildlife in a manner that is compatible with primary uses of the lands and waters of the state and provides optimum public recreational benefits." I find that very similar to the language in this bill.

236 VOTE: REPS. DELL, DOMINY, FISHER, LUKE, MARKHAM, NORRIS, REPINE, VanLEEUEWEN and CHAIR BAUM vote AYE. REPS. HOSTICKA and PETERSON vote

NO. REP. JOSI is EXCUSED.

244 CHAIR BAUM: The motion CARRIES. REPS. BAUM and DOMINY will lead discussion on the floor.

Additions to the record: Proposed -9 Amendments to HB 2538 (LC 1226), 5-11-93 (EXHIBIT H) HB 2538 Staff Measure Summary, Fiscal Analysis and Revenue Impact

Analysis (EXHIBIT I)

CLOSES WORK SESSION ON HB 2538

OPENS WORK SESSION ON HB 3510

261 MOTION: CHAIR REPINE: Moves for SUSPENSION of the RULES to

allow Rep. Norris to vote on HB 3510. 264 CHAIR BAUM: Restates motion and calls for discussion. Hearing no objection, the motion CARRIES.

VOTE: REP. NORRIS votes AYE.

268 CHAIR BAUM: CLOSSES WORK SESSION ON HB 3510

OPENS WORK SESSION ON HB 2995

271 FITCH: House Bill 2995 changes the volume threshold exemptions which are used by the Department of Water Resources when it considers whether or not a use requires registration or a permit. Current law allows for

single or group domestic groundwater users to not go through an application process if they use 15,000 gallons or less of water per day. House Bill 2995 would reduce that to 5,000 gallons per day.

It also changes the group domestic, single industrial or commercial purpose exemption from 5,000 gallons per day to 15,000 gallons per day.

301 MOTION: REP. NORRIS: Moves HB 2995 to the floor with a DO PASS AS AMENDED RECOMMENDATION, AS AMENDED BY THE HB 2995-2 AMENDMENTS, LC

2903, dated 5-12-93, by the Subcommittee on Water.

309 CHAIR BAUM: Restates motion and calls for discussion.

312 VOTE: REPS. DELL, DOMINY, FISHER, HOSTICKA, LUKE, MARKHAM, NORRIS, PETERSON, REPINE, VanLEEUEWEN and CHAIR BAUM vote AYE. REP. JOSI is

EXCUSED.

324 CHAIR BAUM: The motion CARRIES. REP. BRIAN will lead discussion on the floor.

Additions to the record: HB 2995 Hand-Engrossed with HB 2995-2 Amendments (LC 2903), 5-12-93

(EXHIBIT J) HB 2995 Staff Measure Summary, Fiscal Impact Assessment and Revenue

Impact Analysis (EXHIBIT K)

CLOSSES WORK SESSION ON HB 2995

OPENS WORK SESSION ON HB 2243

331 REP. LUKE: This bill was brought to us by the Department of Forestry, and deals with fire protection costs in rural areas where there are

rural fire protection districts. The state will pick up 45% of the fire costs from the General Fund, with 55% of the costs shared by the

landowners. In the original budget, it was 35% from the General Fund and 65% from the patrol assessment, but the House Appropriations Committee changed it back to the 45%-55% split.

341 MOTION: REP. LUKE: Moves HB 2243 to the floor with a DO PASS AS AMENDED RECOMMENDATION, AS AMENDED BY THE HB 2243 CONCEPTUAL

AMENDMENTS, dated 5-26-93, by the Subcommittee on Agriculture and Forestry. 348 CHAIR BAUM: Restates motion and calls for discussion.

373 REP. PETERSON: What is the rationale for this bill when the General Fund is so pressed for funds?

375 FITCH: Current statute allows 60% of the cost to be assessed against the landowner.

383 STEVE JACKY, Department of Forestry: Current law was passed by the 1991 legislature to allow this 45%-55% split. The original statutes required 50% to be paid by the General Fund and 50% to be paid by the landowner. To try and obtain a 25% General Fund reduction, the department reduced

this to 35%, and the Governor initially increased it 5%. Yesterday morning, the Appropriations "A" Committee increased it another 5%. It is still less than current law, but is an attempt to save \$1.5 million in the General Fund.

423 REP. HOSTICKA: At a time when we're cutting schools, services to disabled people, and higher education, we have decided not to cut the

state's share of money to protect forestland?

433 JACKY: Yes. We are maintaining the 1991-93 level.

442 REP. FISHER: I don't think cuts in schools and other budgets should necessarily inflate costs to private individuals.

TAPE 40, SIDE A

017 CHAIR BAUM: What's going on in the timber industry, such as exports, new technology, etc. is just as drastic as the cuts in the state budget.

026 REP. LUKE: This isn't necessarily about big timber companies. This affects people in La Pine who have a house on property which is in a

rural fire protection district. These people pay a rural fire protection district fee for their fire department, plus an additional

fee for fighting forest fires.

033 REP. FISHER: That describes my situation. I do not raise timber, but I pay the minimum fee on my small parcel. I want to declare a conflict of interest.

035 REP. HOSTICKA: Since I live in the city and pay taxes to support my local fire district, how much does the state subsidize my fire

protection costs?

038 REP. LUKE: La Pine pays an assessment for a rural fire protection district, which fights fires threatening homes. This bill deals with

fires which start in the forest.

047 REP. MARKHAM: At the Revenue Committee, OFIC is trying to raise the tax. If we do nothing, it will go lower.

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

065 CHAIR BAUM: The motion CARRIES. REP. LUKE will lead discussion on the floor.

Additions to the record: HB 2243 Hand Engrossed with Conceptual Amendments Prepared by Staff

5-26-93 (EXHIBIT L) HB 2243 Staff Measure Summary, Fiscal Analysis (EXHIBIT M)

CLOSES WORK SESSION ON HB 2243

074 MOTION: REP. HOSTICKA: Requests unanimous consent to suspend the rules to allow the full committee to hear HB 2847 and HB 3077.

076 CHAIR BAUM: Restates motion and calls for discussion. Hearing no objection, the motion CARRIES.

OPENS PUBLIC HEARING ON HB 2847

083 REP. CYNTHIA WOOTEN: Testifies in support of HB 2847. This is a small housekeeping bill which pertains to rule-making authority to enter

premises and civil penalties which are currently afforded to the Lane Regional Air Pollution Authority, but need to be codified for clarification.

112 REP. HOSTICKA: If LRAPA does not exercise their authority, would the Department of Environmental Quality (DEQ) then step in?

117 REP. CYNTHIA WOOTEN: If they were not allowed to exercise their authority, and there was a legal challenge, DEQ would take over that

responsibility, since they have the statutory authority to do so.

128 DON ARKELL, Director, Lane Regional Air Pollution Authority:
Presents written testimony (EXHIBIT N) in support of HB 2847.

245 REP. CYNTHIA WOOTEN: There is no opposition to the bill within
Lane County or within the parameters of the Lane Regional Air
Pollution

Authority.

252 REP. NORRIS: Are there any other regional air quality
control authorities other than LRAPA?

254 ARKELL: No.

258 VAN NATTA: Reads into the record a letter from Steve
Greenwood, Division Administrator from the Air Quality Division of DEQ
(EXHIBIT O) in support of HB 2847 dated May 27, 1993, and a letter from
Linda Lynch, Council and Intergovernmental Services Director for the
City of Eugene

(EXHIBIT P) in support of HB 2847 dated May 27, 1993.

Addition to the record: HB 2847 Revenue Impact Analysis (EXHIBIT Q)

296 CHAIR BAUM: CLOSING PUBLIC HEARING ON HB 2847 OPENS PUBLIC
HEARING ON HB 3077

300 VAN NATTA: House Bill 3077 requires retail sellers of fresh
fruits and vegetables to post notice of post-harvest treatment
with certain

substances, and requires a retailer to provide specific information upon
request.

348 REP. CYNTHIA WOOTEN: Presents written testimony (EXHIBIT R) in
support of HB 3077. Also distributes testimony from the Northwest
Coalition for Alternatives to Pesticides (NCAP) in support of HB 3077
(EXHIBIT S).

TAPE 39, SIDE B

025 REP. NORRIS: Refers to testimony which includes a fact sheet
from the Maine Organic Farmers and Gardeners Association. They refer to
a chart

which "summarizes potential health risks of post-harvest pesticides."

Is there any proof of the actual risks or effects of these products?

033 REP. CYNTHIA WOOTEN: Yes. Studies which are the basis for similar
laws adopted by other states are the results of analyses by the Federal
Drug Administration (FDA). The FDA mandates that the chemicals used on
these products be printed on the exterior of the crates used to ship
these

items. All we're asking is that the consumer be made aware of this.

043 REP. DOMINY: I understand the federal government is considering the development of rules which would address this issue. Why do we need

this bill if that will occur?

046 REP. CYNTHIA WOOTEN: It is anyone's guess how long it will take the FDA to promulgate rules. There is no indication yet of any definitive

standards being developed.

055 REP. FISHER: Why don't we also post signs in stores warning consumers that fresh produce may have been handled by people whose hands haven't

been washed?

060 REP. CYNTHIA WOOTEN: That's a germane point. However, the chemical treatments and the wax which contains those treatments pose a more

serious risk.

080 REP. DELL: Requests clarification of procedures to be undertaken by grocers with HB 3077.

084 REP. CYNTHIA WOOTEN: There would be one sign which would state that certain produce may have had post-harvest treatment, and would list the items the produce may have been treated with. If consumers request

additional information, the store would also have available a simple half-sheet of information.

099 REP. DELL: Will this information be the same as that which is on the shipping crate?

101 REP. CYNTHIA WOOTEN: Yes. It would be nothing more than something similar to a surgeon general's warning.

120 JON STUBENVOLL, Consumer Advocate, Oregon State Public Interest Research Group (OSPIRG): Presents written testimony (EXHIBIT T) in support of HB 3077. 172 REP. NORRIS: Is there empirical evidence which proves that there have truly been adverse health effects due to these chemicals?

175 STUBENVOLL: It's difficult to determine that a specific chemical results in cancer. I don't think anyone today can tell you definitively that X leads to Y, but scientists may caution that there may be a causal relationship.

188 REP. NORRIS: Would this bill substantially benefit the organic farming industry?

193 STUBENVOLL: Both conventional and organic farmers stand to benefit. A local provider is the best person to provide products which are

in-season and from storage, as opposed to a provider from out-of-state.

198 REP. NORRIS: Have you ever eaten an orange grown in Oregon?

201 STUBENVOLL: Obviously not.

204 REP. PETERSON: Having undergone a cancer experience, I'm probably more conscientious about food now. Last weekend I bought myself a \$2 organic tomato, and it actually tasted like a tomato. What I appreciated about

it was the assurance of knowing that it was organic.

214 STUBENVOLL: Through our citizen outreach efforts, we have talked to hundreds of Oregonians who have also made those types of comments, and

who would appreciate having this type of information when they do their shopping.

227 PAULETTE PYLE, Grass Roost Director, Oregonians for Food and Shelter: Presents written testimony (EXHIBIT U) in opposition to HB 3077.

292 REP. HOSTICKA: Do you know what the LD50 dose on sulfites is?

293 PYLE: I do not. I can get that information for you.

295 REP. HOSTICKA: As I recall, a number of years ago people testified in favor of sulfites when they were used to keep leaves green in salad

bars. It took the death of a young woman in Salem to change how we label products regarding sulfites. The effects of these chemicals are different for different people. I don't think the fact that someone has established an LD50 dose is argument that consumers should not know what is on a product so they can make their own informed choice.

304 PYLE: Defers question to Lorna Youngs of the Department of Agriculture.

294 LORNA YOUNGS, Assistant Director, Department of Agriculture: I don't have information about the LD50 sulfites. With LD50, you're talking

about acute toxicity and not an allergic reaction. I don't know whether there are individuals who are hyper-sensitive to the three chemicals specified in the bill.

321 REP. HOSTICKA: The kind of chemical is not the issue. It's whether people are allowed to know what they're ingesting. 323 YOUNGS: In the case of sulfites, the use was banned. It wasn't an issue of public notice, but one of actual prohibition in food

preparation. The only use of sulfites which is now permitted is in food processing.

332 REP. HOSTICKA: And every time I see a bottle of wine which is labeled, "This product contains sulfites" I can decide whether or not I want to

purchase it.

334 YOUNGS: That is correct.

336 REP. DELL: Do some of these waxes contain animal products?

338 YOUNGS: There are between 20 and 30 types of waxes which can be used, but their availability depends upon the market.

357 REP. DELL: Does that mean that someone with a dietary restriction must avoid all waxed produce?

362 YOUNGS: I'm not sure how those people deal with that issue.

383 REP. VanLEEUWEN: Maybe grocers should identify all the chemicals which are found naturally in all items, such as in asparagus or shrimp.

395 BRIDGET FLANAGAN, Northwest Public Affairs Manager, Safeway: Testifies in opposition to HB 3077. As recently as January 18, 1993, the FDA

issued their final ruling on retail labeling of waxed fruit and vegetables. This ruling will require retailers to provide generic information on wax or resin labeling in produce departments by May 8, 1994.

The FDA has also determined that waxes are "food grade" and considered to be safe ingredients. Grocers recently received word from the FDA regarding a change to the existing law on waxing, which was recently modified to allow a retail produce department to label waxed or treated items in a central location within the produce department. This ruling goes into effect May 8, 1994. This information will come directly from the shipping containers, and will state whether the product is coated with vegetable, petroleum, beeswax or shellac-based wax or resin.

The national approach is a more efficient way to share this information with the consumer than HB 3077. If there were five different growing areas for the same product, grocers could conceivably need to have five different displays with five different signs. Also, different seasons require different treatments for the same crop.

Addition to the record: HB 3077 Fiscal Analysis and Revenue Impact Analysis (EXHIBIT V)

057 CHAIR BAUM: CLOSES PUBLIC HEARING ON HB 3077

Adjourns meeting at 5:40 p.m.

Submitted by:

Reviewed by:

Karen McCormac
Administrator

Kathryn Van Natta Assistant

EXHIBIT LOG:

A - HB 2932 A-Engrossed Staff Measure Summary - Staff - 1 page B - Proposed -3 Amendments to HB 2932 (LC 1309), 5-10-93 - Staff - 7 pages C - HB 2932 Revenue Impact Analysis and Fiscal Analysis - Staff - 2 pages D - SB 544 A-Engrossed Staff Measure Summary, Revenue Impact Analysis and Fiscal Impact Assessment - Staff - 2 pages E - HB 3510 Staff Measure Summary - Staff - 1 page F - Proposed -1 Amendments to HB 3510 (LC 2911), 5-21-93 - Staff - 1 page G - HB 3510 Fiscal Impact Assessment and Revenue Impact Analysis - Staff - 2 pages H - Proposed -9 Amendments to HB 2538 (LC 1226), 5-11-93 - Staff - 9 pages I - HB 2538 Staff Measure Summary, Fiscal Analysis and Revenue Impact Analysis - Staff - 4 pages J - HB 2995 Hand-Engrossed with -2 Amendments (LC 2903), 5-12-93 - Staff - 3 pages K - HB 2995 Staff Measure Summary, Fiscal Impact Assessment and Revenue Impact Analysis - Staff - 3 pages L - HB 2243 Hand-Engrossed with Conceptual Amendments Prepared by Staff 5-26-93 - Staff - 2 pages M - HB 2243 Staff Measure Summary, Fiscal Analysis - Staff - 3 pages N - HB 2847 Testimony - Don Arkell - 10 pages O - HB 2847 Testimony - Steve Greenwood - 1 page P - HB 2847 Testimony - Linda Lynch - 1 page Q - HB 2847 Revenue Impact Analysis - Staff - 1 page R - HB 3077 Testimony - Rep. Cynthia Wooten - 4 pages S - HB 3077 Testimony - NCAP - 3 pages T - HB 3077 Testimony - Jon Stubenvoll - 4 pages U - HB 3077 Testimony - Paulette Pyle - 4 pages V - HB 3077 Fiscal Analysis and Revenue Impact Analysis - Staff - 2 pages