

SENATE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

DATE: March 19, 1993 TAPES: 78 - 81 PLACE: Hearing Room C TIME:
8:00 AM

MEMBERS PRESENT: Senator Ron Cease, Chair Senator Jim Bunn, Vice-Chair
Senator Joyce Cohen Senator Bob Kintigh Senator Bob Shoemaker Senator
Gordon Smith Senator Dick Springer

STAFF PRESENT: Peter Green, Administrator Chris Warner, Research
Associate Kus Soumie, Clerk

MEASURES HEARD: SB 67 VVRK SB 405 WRK SB 88 PUB SB
912 PUB SB 1012 PAW

THESE MINUTES CONTAIN MATERIALS WHICH PARAPHRASE AND/OR SUMMARIZE
STATEMENTS MADE DURING THIS SESSION. ONLY TEXT ENCLOSED IN QUOTATION
MARKS REPORTS A SPEAKER'S EXACT WORDS. FOR COMPLETE CONTENTS OF THE
PROCEEDINGS. PLEASE REFER TO THE TAPES.

TAPE 78 SIDE A 005 CHAIR CEASE CALLS MEETING TO ORDER 8:00 AM WORK
SESSION ON SB 67

WITNESSES: Peter Green, Committee Administrator Bob Danko, DEQ Gordon
Fultz, AOC Kristen Mitchell, OSSI Mike Dewey, Oregon Waste Systems Kay
Juran, Oregon Food Industries Terry Witt, Betsy Bailey, AOI

016 PETER GREEN, Committee Administrator, offers testimony on SB 67,
and presents overview Senate Agriculture and Natural Resources March 19,
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ot EXHIBIT A. - history of SB 67 (household hazardous collection and
education program) - overview and history of -2 amendments 067 BOB
DANKO, DEQ, offers testimony on SB 67, and presents overview of EXHIBIT
A. - no mandatory exemptions in SB 67 at this time - retail committee
could come up with other elements allowing choice in what is to be done
- cost of pesticides handled at "HHHW (Household Hazardous Waste)
events" disproportionate to amount of pesticides handled - section by
section analysis of proposed amendments to SB 67 -2 157 SEN BUNN:
Could you break down the \$65,000.00 budget tor the pesticide program,
what would the high and low fees be and what is the average fee increase
be, and where does that fee go? 159 DANKO: Average pesticide
registration fee is \$81.00 per product, this bill would raise those tees
to \$90.00, paid by manufacturers of pesticides wishing to sell their
product in Oregon. 174 SEN COHEN: These manufacturers are not Oregon
companies, and in the scale of fees other state's fees are higher than
those proposed by DEQ. 180 DANKO: - continues testimony on SB 67, and
overview of EXHIBIT A. - Section 10 language allows existing "tipping"
fee (now \$.85 per ton) to remain the same - extra \$.04 in the tipping
fee will bring in \$120,000.00 per year, based on a disposal rate of 3
million tons per year - overview of page 5 education program repeal in
1999 221GORDON FULTZ, Association of Oregon Counties, offers
testimony in favor of SB 67, and presents overview of EXHIBIT A. -
tipping tee is the only possible and will be brought to our legislative
committee - trom our standpoint there should be a system where the
product carries the system - we will recommend to our legislative
committee to continue the program on the tipping fee until that occurs
269 CHAIR CEASE: There are problems with long term funding of this
project. - we are beginning to mesh the pieces and get all parties
involved 283 KRISTEN MITCHELL, Governmental Affairs Director, OSSI,

offers testimony on SB 67, and presents overview of EXHIBIT A. - OSSI members appear to approve of the amendments - a sunset provision would be good to have in place 318 MIKE DEWEY, Oregon Waste Systems, offers testimony on SB 67, and presents overview of EXHIBIT A.

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- SB 67 is seen as moving in the right direction - a deposit system (similar to the Oregon Bottle Bill) should be pursued

350 KAY JURAN, Association of Oregon Food Industries, offers testimony on SB 67, and presents overview of EXHIBIT A. - favorable response received from our legislative committee - addition language is needed, overall concept is good 380 TERRY WITT, Executive Director, Oregonians for Food and Shelter, offers testimony on SB 67, and presents overview of EXHIBIT A. - economic impact of increased in fees - potential impact of \$1000.00 - registration process for pesticides, pesticide products and cleaners - impact on retail market - Agriculture and Forestry pesticide products may be inversely affected by this bill - grave concerns with creating surcharges tor pesticides 481 SEN COHEN: Would you rather have SB 195?

TAPE 79 SIDE A

OOS WITT: - continues testimony on SB 67, and overview of EXHIBIT A. - SB 195 does nothing to fund further inspection as funds are given to DEQ for groundwater education - legal questions and possible violations of existing federal and state statutes noted - addition increases in revenue should go to FDE's or strengthening of pesticide program

067 SEN COHEN: How much would you be willing to raise your fees for extension programs educating urban gardeners in the reduction of HHHW (i.e. used/misused in backyards). Presently DOA uses their pesticide program primarily for Agriculture applications. I would like you to hear how your group is going to add fund to educate urban users of pesticides. 071 WITT: Pesticides do play a role in HHHW (11 percent of current HHHW volume). There are extension programs dealing with 089 SEN COHEN: The extension has general tuna dollars not paid tor by you, or your tees or your people 104 WITT: We agree that there are needs for education/instruction on pesticides use. 112 SEN COHEN: Have you seen the advertising done in Vermont, and have you filed any lawsuits against the state? Please get back to the committee on this. 121 BETSY BAILEY, AOI, Oregon Retail Council, offers testimony on SB 67, and presents

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overview of EXHIBIT A. - industry has problems with labeling requirements, and would like to see more elements in the menu - amendments will be supported if voluntary for retailers

134 CHAIR CEASE: The proposal is that the menu is selected by

retailers. - participants in the council should meet and work this out - bill will be rescheduled

WORK SESSION ON SB 405

WITNESSES: Ted Hughs, American Association of Nurserymen

164 CHAIR CEASE: When a bill has subsequent referral to Ways and Means we will work out

- all bills referred to Ways & Means by this committee are expected to leave there intact with agreements made in committee

179 TED HUGHS, American Association of Nurserymen, offers testimony on SB 405 , and presents overview of EXHIBIT B. - overview of proposed hand engrossed amendments - further amendments proposed

213 CHRIS WARNER, Committee Staff, offers testimony on SB 405, and presents overview of proposed amendments.

MOTION: Sen Cohen moves the - 1 amendments VOTE:Hearing no objection ACTION: MOTION CARRIES MOTION: Sen Kintigh moves SB 405 to the Floor DO PASS VOTE: In a roll call vote 7 - 0 all members present ACTION: MOTION PASSES TO THE FLOOR DO PASS

WORK SESSION ON SB 1012

MOTION: Sen Kintigh moves SB 1012 to THE FLOOR DO PASS

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WITNESSES: Fred Hansen, DEQ km Whitty, AOI Tom Lindly, AOI John Bradley, Oregon District Attorney Association Susan Tripp, ODAA Susan Schneider, City of Portland Jan Buetz, City of Portland Brad Witt, Oregon AFL-CIO Kristen Mitchell, OSSI

FRED HANSEN, Director DEQ, offers testimony on SB 88 & 912, and presents overview of EXHIBIT C.

TAPE 78 SIDE B

005 HANSEN: - continues testimony on SB 88 & 912, and overview of EXHIBIT C.

080 - Questions from committee members

200 HANSEN: - continues testimony on SB 88 & 912, and overview of EXHIBIT C. 300 HANSEN: - continues testimony on SB 88 & 912, and overview of EXHIBIT C. - continues with examples of criminal and punitive action required in the bill - enforcement policy is not a plea bargain process - meaning of "settled penalty" - objectivity of assessments in settlements and litigation 362 CHAIR CEASE: What is the process in the EPA?

366 HANSEN: The original assessment and the amount paid, in the EPA process, are dramatically different and DEQ's assessments and penalties paid are very close in the settled category. - DEQ uses great descretion in all actions brought forward

TAPE 79 SIDE B 005 HANSEN: - continues testimony on SB 88 & 912, and overview of EXHIBIT C - increased investigations find more criminal actions than through the civil process

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- thus that "handful" of criminal suits filed could go up - DEQ's counterparts are strong advocates of their activities in their area strong deterrent to criminal pollution

026 SEN SHOEMAKER: You indicated that existing criminal statutes are adequate. What does this add to your present recourse that you don't already have? 033 HANSEN: There is a requirement within the Federal Clean Air Act, that Oregon develop, for air programs at the minimum, criminal sanction authority. There is a mandate to be able to continue the state program. - we are competing with Washington state for FBI investigation of violations - Oregon needs to allocate resources to key areas 060 JIM WHITTY, AOI (Associated Oregon Industries), offers testimony in opposition to SB 88 & SB 912, and presents overview of EXHIBIT D. - overviews opposition to SB 88 - air and water pollution provisions are too broad 140 TOM LINDLEY, Chair, Environmental and Natural Resources Practice Group for Miller, Nash, Weiner, Hager and Carlson, offers testimony on SB 88 & SB 912, and presents overview of EXHIBIT E. - we concur in needs for strong enforcement of environmental laws - SB 88 is too broad in its scope - laws are complex and subject to varying interpretations at different times - example of RCRA and related case law - Federal Clean Air Act and correlations with SB 88 - Federal Act says that the Max Fine is 10,000.00 with no jail time - SB 88 makes every violation punishable up to 10 years in jail 344 SEN SHOEMAKER: This is not in track with your example 353 LINDLEY: - discussion with members on language and intent in SB 88 relating to criminal activity 393 SEN COHEN: The home gardener would not come into the scope of prosecution in SB 88

TAPE 80 SIDE A

012 LINDLEY: This bill could make anyone a violator.

021 WHITTY: This bill is just too broad in its scope and we do not agree with that.

032 LINDLEY: - continues testimony on SB 88 & SB 912, and overview of EXHIBIT E. overview of suggested language for the bill

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- audit findings can be used in prosecution - business should be encouraged to carry out recommendations - AOI urges changes in SB 88 - addresses SB 912 and proposed amendments - overview of section 4 which incorporates a 15 year penalty and 1 million fine

135 SEN SHOEMAKER: In SB 912, you would have to prove that they were doing something dangerous and prove they were willfully and knowingly doing so. - discussion with Sen Shoemaker and Lindley on language in SB 88 & SB 912 225 JOHN BRADLEY, Oregon District Attorney Association, offers testimony on SB 88 & SB 912. - overview of amendments that will be proposed by the ODAA - environmental law is extremely complicated

TAPE 81 SIDE A

005 SUSAN TRIPP, For Dale Penn ODAA, offers testimony on SB 88 & SB 912, and presents overview of previous testimony from Mr Penn.

021 SUSAN SCHNEIDER, Government Relations, City of Portland, offers testimony on SB 88 & SB 912, and presents overview of EXHIBIT F.

035 JAN BUETZ, City of Portland, offers testimony on SB 88 & SB 912, and presents overview of concerns with certain negative potentials in the bill (EXHIBIT F). - DEQ and AOI have participated in meetings with City of Portland on mutual concerns with the bill - amendments to language are requested - criminal liability triggered by status or position as a corporate official is not supported by interested parties

061 BRAD WITT, Oregon AFL CIO, offers testimony in SB 88, and presents overview of EXHIBIT G. 084 KRISTEN MITCHELL, OSSI, offers

testimony on SB 88, and the industry's concern with language and concepts in the bill. 097 HANSEN: Comments on testimony of various interest groups. 126 CHAIR CEASE ADJOURNS MEETING AT 10:40 AM

EXHIBIT LOG:

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Submitted by:
Green Assistant

Reviewed by: Kus Soumie
Administrator

Peter

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