

SENATE COMMITTEE ON AGRICULTURE - AND NATURAL RESOURCES DATE:
March 31, 1993 TAPES: 97 -100 PLACE: Hearing Room
C TIME: 8:00 AM

MEMBERS PRESENT: Senator Ron Cease, Chair Senator Joyce Cohen Senator
Bob Kintigh Senator Bob Shoemaker Senator Gordon Smith Senator Shirley
Gold MEMBERS EXCUSED: Senator Jim Bunn, Vice-Chair

GUEST MEMBERS: Senator Jeannette Hamby STAFF PRESENT: Peter Green,
Administrator Chris Warner, Research Associate Kus Soumie, Clerk

MEASURES HEARD: SB 641 PUB SB 1006 PUB SB 1009 PUB SB
1038 PUB SB 1039 PUB INFORMATIONAL HEARING: Bob
Danko: Department of Environmental Quality, Solid and Hazardous Waste

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 97 SIDE A 005 CHAIR CEASE
CALLS MEETING TO ORDER 8:00 AM INFORMATIONAL PUBLIC HEARING ON PLASTICS
RECYCLING WITNESSES: Bob Danko, DEQ Linda Hayes, DEQ Sen Dick Springer,
1991 Session Chair, Sen Ag & N R Committee Senate Agriculture and
Natural Resources March 31, 1993 Page 2

010 BOB DANKO, DEQ, Director of Solid and Hazardous Waste Division,
offers testimony on SB 66 (1991) Plastics Recycling Act, and presents
overview of EXHIBIT A (in 2 parts). 190 DANKO: - continues testimony
on Rigid Plastic Containers and the Oregon Recycling Act (implementation
of SB 66 {1991}), and overview of EXHIBIT A. 268 LINDA HAYES, Solid
and Hazardous Waste Division, DEQ, offers testimony on recycling
mandates in Oregon and overview of EXHIBIT A. 328 DANKO: - continues
testimony on Plastic Recycling (implementation of SB 66 {1991}), and
overview of EXHIBIT A.

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PUBLIC HEARING ON SB 1009

WITNESSES: Jim Whitty, AOI Joel Ario, OSPIRG

005 JIM WHITTY, AOI, offers testimony in favor of SB 1009, with
overview of EXHIBIT B. - AOI feels that elements in SB 66 (1991) warrant
reconsideration - overview of problems in Section 34 of SB 66 (1991)
plastics containers certification provision (ORS 459.8.660) - compliance
is impossible or cost prohibitive for DEQ and industry 080 JOEL ARIO,
OSPIRG, offers testimony on SB 1009, and presents overview of OSPIRG's
position and oppositions to provisions within the bill. - OSPIRG agrees
with the basic intent of the bill - plastic industry has not come to the
table on plastics issues - plastic industry says product can be recycled
and should walk their talk

PUBLIC HEARING ON SB 641

WITNESSES: Sen Jeannette Hamby, State Senate District 5 Lynda Gardener,
Pharmaceutical Manuf., Health Ind. Manuf., Abbot Laboratories Tom
Vendewalle, Abbot Laboratories Barbara Cavalier, Abbot Laboratories
Donna Bowler, Baxter & HIMA

215 SEN JEANNETTE HAMBY, State Senate District 5, offers testimony in
favor of SB 641, and speaks in support of the bill. - defines 'medical

devices', 'prescription drugs' and reason for exemption request - defines 'infant and medical foods' and reason for exemption request - SB 641's exemptions request is very narrow

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- proposes plastics recycling in Oregon's prisons to produce plastic lumber (not meant to compete with the private sector)

335 DANKO: Portland area hospitals have put together plastic recycling program that is approved by DEQ.

PUBLIC HEARING ON SB 1038 & 1039

WITNESSES: Luke Schmidt, NAPCR

335 LUKE SCHMIDT, NAPCR (National Assoc. for Plastic Container Recovery), offers testimony on SB 1038 & 1039, and presents overview of members of the organization represented by Mr. Schmidt. - NAPCR is not here to ask for extension or exemption on SB 66 (1991) mandates - PET leads the industry in amount collected and recycled

TAPE 97 SIDE B

005 SCHMIDT: - continues testimony on SB 1038 & 1039, and overview of NAPCR and their efforts to recycle plastics. - consumer education program forthcoming - time needed to develop infrastructure for recycling industry - request for the committee to oppose SB 1038

040 SEN BUNN: Did you say that you do not support changing the existing law? 045 SCHMIDT: We think SB 66 was reached as a result of negotiation between industry and the environmental community and that law should be given time to work. 050 SEN BUNN: When January 1, hits and this law is not implemented what will happen? 056 SCHMIDT: We would encourage the committee and the legislature to work out these problems. 107 SEN KINTIGH: How are plastics sorted? Why do we have to have so many different types of plastics? 122 SCHMIDT: - gives overview of process for sorting and qualities of different qualities of various plastics - overview of problems with implementation of proposed SB 1039 - commercial market will have this available to them in the future - plastics recycling is a complex process 168 CHAIR CEASE: Would you say that consumers want to recycle even though they purchase plastic containers?

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174 SCHMIDT: Yes, everyone would like to recycle as much as possible. 195 SEN SMITH: What will happen if there are no waivers for some types of plastics? 209 SCHMIDT: The FDA is in control of much of the mandates for recycle content

INFORMATIONAL MEETING & OVERVIEW OF SB 66 (1991) IMPLEMENTATION (Continued) 223 SEN DICK SPRINGER, Senate District 6, offers

testimony on SB 66 (1991) implementation overview, and presents EXHIBIT C - Oregon is attempting cooperation with western states to implement recycling laws -adjustments proposed by DEQ are good - blanket rollbacks are not acceptable - good faith effort is needed - mixed messages from plastics industry are troubling - AOI has done good work and I request that you listen to their recommendations 327 SEN BUNN: What is your feeling on the Jan 1 sunset date? 340 SEN SPRINGER: Some in the industry may imply that there is only one path to compliance, however, the bill suggest that there is more than one way to attain compliance as the bill relates to plastic. - if there is a genuine effort at compliance and I am here in Jan 1995, I will be the first to support alternate routes to compliance with SB 66

PUBLIC HEARING ON SB 641 (Continued) 379 LYNDA GARDENER, PMA, HIMA, Abbott Laboratories, offers testimony on SB 641 , and presents overview of EXHIBIT D. - overview of reasons for requested exemption from existing recycling law

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005 GARDENER: - continues testimony on SB 641, and overview of EXHIBIT D.

055 TOM VENDEWALLE, Abbott Laboratories, offers testimony in support of SB 641 , presents overview of EXHIBIT E, and answers questions from committee members.

069 BARBARA CAVALIER, Abott Laboratories, offers testimony on SB 641, and answers questions from committee members and gives support statement for the bill sponsored by Sen Hamby.

090 VENDEWALLE: - continues testimony and answers questions from committee members

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116 CHAIR CEASE: Could you comment on the definition of medical plastics and products.

127 CAVALIER: - answers questions and overviews areas of current recycling law concerns.

140 DONNA BOWER, Baxter & HIMA, offers testimony on SB 641, and presents overview of.... answers questions from committee members

PUBLIC HEARING ON SB 1006

WITNESSES: Connie Kirby, NW Food Processors Assoc. Jaye Nagle, Kraft General Foods Pat Bronkau, Cosmetic Toiletries and Fragrance Assoc. Catherine Beckley, Cosmetic, Toiletry, and Fragrance Association (CTFA) Patricia Delmonico, CheeSB oro Ponds Kevin Kraushaar, Non-prescription Drug Manufacturers Association

199 CONNIE KIRBY, Manager, Scientific and Technical Affairs, NWFDA, offers testimony on SB 1006. and presents overview of EXHIBIT F.

374 JAYE NAGLE, Director, Scientific Relations, Kraft General Foods,

offers testimony on SB 1006, and presents overview of EXHIBIT G.

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005 CHAIR CEASE: 1) What portion of products on the shelf would be exempted? 2) Are we suggesting here that practically all products sold as food would be exempt? 3) Please define "rigid plastic container", versus other plastic used for food purposes. 018NAGLE: 1) I don't have a percentage. 2) Yes. All products having direct contact with food having rigid plastic. 3) (Refers to page 3 of EXHIBIT G) - continues testimony on SB 1006, and overview of EXHIBIT G 341 PAT BRONKAU, CTFA, offers testimony on SB 1006, and presents overview of personal experience with issues in implementation of SB 1006 and SB 66 (1991). - CONEG (Coalition of North Eastern Governors) experiences with similar implementation of Source reduction legislation.

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005 BRONKAU: - continues testimony on SB 1006, and overview of solid waste problems on the east coast of the United States. - leaching of toxins from waste facilities - toxic materials need to be taken out of packaging - CONEG group had strong consensus exempting some products from recycled regulation

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051 SEN SHOEMAKER: Recycled plastic doesn't need to go into food or medicine containers. It can be used in other ways in which there is no danger to human health. I want to hear why these product shouldn't be recycled? 060 BRONKAU: We are not asking for an exemption but rather a 'safeguard' to ensure that the goals of recycling don't sacrifice the goals of public health. 069 CHAIR CEASE: The committee will decide whether the argument for public health is valid or just industry hype. We don't blame you as lobbyists for making the case for your employers, that is to be expected. We will take a look at the question in reference to the question of the hype. 074CATHERINE BECKLEY, Cosmetic, Toiletry, and Fragrance Association (CTFA), offers testimony on SB 1006, and presents overview of EXHIBIT H. - language in SB 1006 although not required to have recycled content, would still be included in the solid waste stream. Containers would still be coded for recycling. 221 PATRICIA DEL MONAKO, CheeSB orogh Ponds Co., offers testimony on SB 1006, and presents overview of problems associated with recycling of plastics associated with the industry. 276 KEVIN KRAUSHAAR, NDMA (Non-prescription Drug Manufacturers Association), offers testimony on SB 1006, and presents overview of EXHIBIT I. 403SEN SMITH: I hear these groups saying their products can be recycled, I think public safety is of greater concern than recycling and the landfill space problem.

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005 SEN SMITH: SB 66 (1991) may have constitutional problems if these waivers are not granted.

019 ADELL SHERWIN, Recycling Committee Chair, League of Women Voters, offers testimony in opposition to SB 1006, and presents overview of

EXHIBIT J. - plastics industry CAN comply if they use options in the bill recycling momentum should not be scuttled - League of Women Voters urges the tabling of SB 1006

055 STEVE & LARI RUMPP, The Body Shop, offers testimony on SB 1006, and presents overview of EXHIBIT K.

113 CHAIR CEASE: What can we say to those who are concerned about health and safety standards. 120RUMPP: Many times concern in the industry boils down to money/profit - companies need commitment to the environment and recycling and listen to consumers

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142 LARI RUMPP, The Body Shop, offers testimony on SB 1006, presents overview of EXHIBIT K, and answers questions from committee members.

150 JERRY POWELL, Portland resident, Vice Chair, Recycling Markets Development Council (1991-1992), offers testimony on SB 1006, and presents position on provisions in the bill. - with exception to the plastics industry, all other industries have shown a can do attitude
- plastics industry lacks the "can do" attitude approach to problems
- SB 1006 not supported and urgently request continued expansion of recycling in Oregon - RMDC is considered by many to be the weakest link in SB 66 - industry has not funded our operation as promised
- market development has not seen the progress as in other aspects of the law

197 ROB GUTTRIDGE, Chair, Association of Oregon Recyclers, offers testimony on SB 1006, and presents overview of their industry's position on the bill, and urges the tabling of the bill. - SB 1006 is a retreat from progress on SB 66 (1991) implementation - all manufacturers could use material for packaging that is easily recycled 282 L RUMPP: Opposition to this legislation is based on instilling fear in the consumer. 326 CHAIR CEASE ADJOURNS MEETING AT 11:20 AM

EXHIBIT LOG:

A - Testimony on SB 66 (1991) Informational Hearing - Bob Danko - 41 pages
B - Testimony on SB 1009 - Jim Whitty - 3 pages
C - Testimony on SB 66 Informational Hearing - Sen Springer - 8 pages
D - Testimony on SB 641 - Gardner - 1 pages
E - Testimony on SB 641 - Vandewalle - 3 pages
F - Testimony on SB 1006 - Kirby - 20 pages
G - Testimony on SB 1006 - Nagel - 40 pages
H - Testimony on SB 1006 - Beckley - 9 pages
I - Testimony on SB 1006 - Kraushar - 4 pages
J - Testimony on SB 1006 - Sherwin - 1 pages
K - Testimony on SB 1006 - Rump - 2 pages

Submitted by: Reviewed by: Kus Soumie Peter Green Assistant Administrator - 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