

SENATE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

DATE: April 2, 1993 TAPES: 101 - 104 PLACE: Hearing Room CTIME: 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 Shirley Gold

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

MEASURES HEARD: SB 543 PPW SB 753 PPW SB 336 PPW SB 557 PPW SB 67 WRK SB 1006 PUB SB 1038 PUB SB 1039 PUB

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 101 SIDE A 005 CHAIR CEASE CALLS MEETING TO ORDER 8:00 AM PUBLIC HEARING ON SB 1006, 1038, 1039 WITNESSES: Bill Kewell, National Frozen Foods Corp. Steve McCoid, Association of Oregon Food Industries Laurie Aunan, OSPIRG Phil Fell, LOC Gordon Fultz, AOC Susan Aiolo, Clackamas County Senale Agnculture nod Natural Resources April 2. 1993 Page 2

Susan Schneider, City of Portland

009 BILL KEWEL, General Manager, National Frozen Foods Corp., Albany OR, offers testimony in opposition to SB 1006, and presents overview of EXHIBIT A. - why Oregon recycle content mandates can not be followed - questions from committee members 080 SEN COHEN: 1) How many containers do you use annually? 2) What kind of cost would this mean for your company? 3) What percentage of products you make are distributed in these kinds of containers? 080 KEWEL: 1) I'm not sure, approximately 12 containers per case, ~ 12,000 cases per year. 2) We would loose \$2 million in sales if not able to use present form of plastic container. 3) I can't answer that question. 126 SEN SMITH: In this case they have rigid plastics that are produced in Oregon. Probably 30 percent could not be sold in Oregon if SB 1006 does not pass, and their packaging equipment would be transferred to their repackaging facilities in Washington. They would not loose the sales, but simply transfer the jobs out of Oregon. 143 STEVE MCCOID, Association of Oregon Food Industries (OFI), offers testimony in support of SB 1006, and presents overview of EXHIBIT B. - food safety and product availability at competitive price are major concerns - alternatives such as glass will not always lend themselves to alternatives 240 SEN SHOEMAKER: The statute says that you need to make one of the criteria, that only means that the plastic goes into the recycling stream. No one has addressed this issue and why those alternatives are something that you cannot meet. - there are plastic recyclers who will sort containers for you 292 CHAIR CEASE: You say that you are not of the recycling industry, have you done anything to become a part of them? This bill passed last session and we are concerned that you are not doing more to recycle. 324 SEN COHEN: We all have a responsibility to consumers to ensure that these containers get back into the recycling stream.

TAPE 102 SIDE A 005 McCOID: - continues testimony on SB 1006, and overview of EXHIBIT B. 063 LAURIE AUNAN, OSPIRG, offers testimony on SB 1006, and overview of EXHIBIT C. more industry commitment is needed to accomplish recycling goals - there was no opposition to the final bill

(SB 66 1991) in either legislative body

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. - Senate Agriculture and Natural Resources April 2, 1993 Page 3 -proposed amendments would gut the bill - examples of containers made of plastic that are recycled - we have a markets problem in Oregon - companies can begin to support products that can be and are made with recycled materials. That is the missing link and has not yet happened.

235 SEN SMITH: There are many recyclable plastics. This speaks to those not yet FDA approved. 289 PHIL FELL, LOC, offers testimony in opposition to SB 1006, and overview of EXHIBIT E. - city officials feel once recycling markets are established they could get out of the way  
311 GORDON FULTZ, AOC, offers testimony opposing SB 1006, with overview of EXHIBIT E. 354 CHAIR CEASE: Could you all get together and figure out a way to fund the Marketing Council? I am not asking you to fund it. It is important that it be allowed to operate as it was intended by the law, and the agreement by the plastics industry in 1991. - constituents sometimes say that it is not government's responsibility to deal with marketing, that is business' responsibility - I think government should play the role of catalyst - collecting containers for recycling with no market for material does not solve the problem  
380 KRISTEN MITCHELL, OSSI, offers testimony in opposition to SB 1006.

390 BOB MARTIN, METRO, offers testimony in opposition to SB 1006, with overview of EXHIBIT F.

TAPE 101 SIDE B

005 MARTIN: - continues testimony on SB 1006, and overview of EXHIBIT F. - 9 percent by weight and 20 percent of space sent to landfills is plastic - volume of plastic in the waste stream is increasing - presently cost for disposal (not collection) of waste in Oregon is \$75.00 per ton -concerns that plastic is replacing other materials in the waste stream - groups collect plastics and finding no market put them in our facility at 95 dollars per ton -plastics have enormous adaptability - the industry needs direction from the legislature - implied recyclability is misleading on many plastic containers now in the waste stream

103 SUSAN ZIOLKO, Waste Reduction Coordinator, Clackamas County, offers testimony in opposition to SB 1006, 1039, overview of suggested amendments. - plastics industry has shown little support for education and other program - request for county to collect plastics curbside continues without support from industry - we are against SB 1039 we would like to see current law enacted - Clackamas wants SB 66 kept intact until true effort to meet mandates are enacted

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200 SUSAN SCHNEIDER, Government Relations Office, City of Portland, offers testimony in opposition to SB 1006, and presents overview of the

city's position. - most Oregon recycling is t'ood containers - exempting 52 percent ot' rigid plastics would inhibit ability to meet the 25 percent recycling rate - durable products can be made fro n recycled plastics

WORK SESSION ON SB 67

WITNIEESE: Phil Ward, ODOA Terry Witt, Oregonians for Food and Shelter Bob Martin, Metro Stever McCoid, Association of Oregon Food Industries

237 PETER GREEN, Committee Administrator, offers testimony on SB 67, and presents overview of proposed legislation (EXHIBIT G). 290 CHAIR CEASE: Which group is not willing to make any concessions to this issue whatsoever? 314 GREEN: The grocers seem willing to go along with the education program and a portion of small users (hardware stores) want a voluntary program. The solid waste industry and the counties feel strongly that it be mandatory if money is to be put forward.

329 CHAIR CEASE: That seems reasonable to expect the retail side to do something in terms of education. With increased registration fee on pesticide, is there willingness to use a portion of that t'or the education? 340 GREEN: There has been some discussion of using existing money for education rather than Increasing fees. 367 SEN COHEN: If we are talking about narrowly focused pesticide education, I am not in favor of this either. The mission is to reduce HHHW. I don't want anything that is exclusively pesticide education. That is just bull shit. We've had pesticide education by the DOA forever, and haven't gotten anywhere. 378 GREEN: Sen Cohen is correct, this increase and existing money for HHHW, is a broad based education program for all household hazardous products and potential wastes. This is the first time adding small piece from the pesticide industry to go back to the pesticide industry, although it is assumed a portion would go to the collection, education and preparation of brochures. Part of the proposal was to target pesticide industries for additional funds. 395 SEN COHEN: I have a problem with delegation of funds.

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005 SEN COHEN. GREEN: - discussion continues on SB 67 021 PHIL WARD, ODOA, offers testimony on SB 67, and presents overview of EXHIBIT G (hand engrossed - 4 amendments). - we are interested in the pesticide portion of the bill 044 TERRY WITT, Oregonians for Food and Shelter, offers testimony on SB 67, and presents overview of EXHIBIT G and H.

076 CHAIR CEASE: Do you prefer education at the point of purchase?

081 WITT: I have no problem dealing with proper use of pesticides, rather than paying for disposal. 103 SEN BUNN: Are you comfortable with the - 4 amendments? I I I WITT: No. We saw them only this

morning, and understood this meeting was cancelled. 121 SEN BUNN: The -4's are not what the group came up with. Intent was creation of 2 funding pots, 90 percent DEQ and 10 percent ODOA. 123 WITT: No consensus was reached at yesterday's meeting, and we understood ideas for amendments to -3's would them on paper for all to see, and was not aware these were being written. - we violently object to a 10 percent surcharge on pesticide products - regulatory authority and pesticide control is held within the ODOA - subdividing authority is a mistake - for the record. I would not like any authority taken away from DOA

163 SEN COHEN: What kinds of decisions are you talking about? We have a difference in what we are talking about in this bill. Everyone should pay for their portion of what it costs to dispose of HHHW. The education part of this bill is added in. 182 WITI: My primary concern is with

control is the accuracy of information, and who is the enforcing agency and under what authority for non-compliance. 203SEN COHEN: This bill does not give anyone the authority to sell or not sell a product.

218 GORDON FULTZ, Association of Oregon Counties, offers testimony on SB 67, and presents overview of EXHIBIT G, including proposed language.

245 CHAIR CEASE: Are we playing with something that no one cares about? - industry has done nothing on the voluntary side of this issue in terms of what is being proposed, this is crap - industry development promised on the plastics side has not occurred \_ \_ \_ 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. Senate Agriculture and Natural Resources April 2, 1993 Page 6

- on the record industry people said they would develop marketing and many have not

275 KRISTEN MITCHELL, OSSI, offers testimony on SB 67, and overview of EXHIBIT G. 287 BOB MARTIN, METRO, offers testimony opposing SB 67, and overview of EXHIBIT G. -the bill is already substantially watered down - in the METRO regional 94/95 budget there is \$2 million to support the continuing HHHW treatment collected from ratepayers - this year we instituted a user pays fee of \$5.00 - proposers of this bill do not want to promote minimal educational efforts

315 STEVE MCCOID, Association of Oregon Food Industries, offers testimony on SB 67, and presents overview of EXHIBIT G, and overview of meeting on Wednesday (March 30, 1993).

PUBLIC HEARING ON SB 1038 and SB 1039

WITNESSES: Laurie Aunan, OSPIRG Ted Hughs, American Plastics Council  
Laurel Nelson, National Food Processors Assoc Kenneth Yeats, NFPA Dale  
Colgrove, Grocery Manufacturers of America

370 LAURIE AUNAN, OSPIRG, offers testimony supporting SB 1038, 1039, and overviews EXHIBIT I. - many interests say compliance with options under current law SB 66 (1991) not possible - OSPIRG offers this alternative requiring rigid plastic containers to be made with 25 percent recycled plastic by 1995 and 50 percent by 2000.

TAPE 103 SIDE A

005 AUNAN: - continues testimony on SB 1038, and overview of EXHIBIT I. - reuse option could be put back in - 'play or pay' reason for removing the recycling rate option - 25 percent recycle rate is being carried by what is in place because of the bottle bill and the cities and counties - for market development we prefer to see more recycled content - restructuring is necessary to make this acceptable - Oregonians need to know the truth about recycling

115 TED HUGHS, American Plastics Council, offers testimony on SB 1038, 1039, and presents overview of EXHIBIT J. - tired of OSPIRG's complaints about plastics industry and non-compliance - these bills are nuisance bills and are non-productive

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SEN COHEN: What about a commodities Commission?

147 HUGHS: That is what SB 66 set up last session. Market research council does work, I was at every meeting (10 to 15) The plastics and timber industry sponsored, staffed and reported on these meetings.

167 SEN COHEN: Your reports state problems are in implementation. How do we get to the implementation piece of the work you've done?

166 HUGHS: We will deal with that in our own time, and OSPIRG feels that we aren't getting there fast enough. - we are searching for efficient methods of implementation - millions are being spent for test markets and programs in Oregon - OSPIRG will not be invited into our negotiation circle  
201 CHAIR CEASE: Would you agree with Sen Cohen's concern that we must figure out how to provide markets for recyclable?

203 HUGHS: Yes, we do. Markets and collections are the key and we know that and we are not ignoring that. We will battle SB 1038 & 1039 to the death in this building.  
217 KENNETH YEATS, Oregon Food Processors Association, offers testimony on SB 1038, and presents overview of EXHIBIT J.  
321 LAUREL NELSON, NFPA, offers testimony on SB 1038, and presents overview of the industry's position on the bill. - statement of position - Oregon's bill would put our industry at a competitive disadvantage  
378 CHAIR CEASE: What is the advertising issue we are looking at?  
386 NELSON: chasing arrows are designed as an educational tool, and the words recycling and recyclable.

TAPE 104 SIDE A

005 CHAIR CEASE: Information regarding recycling is misleading and dishonest advertising.

010 NELSON: The term "recyclable" needs redefining. Tying recycling to coding with requirement that 70 percent of Oregon residents have access to deposit systems, recycling centers or curbside pickup, is a substantial difference between coding system and infrastructure for recycling systems in Oregon. - this definition goes beyond what recycling should be - 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. ~, Senate Agriculture and Natural Resources April 2, 1993 Page 8

022 DAN COLGROVE, Manager Government Affairs, Grocery Manufacturers of America, offers testimony on SB 1038, and presents overview of GMA's position on the provisions within the bill. - our industry is caught in a bind with differing/conflicting recycling mandates from state to state - we support the FTC's guidelines - consumer product companies listen to their customers - consumers want recycled plastics and recycling

PUBLIC HEARING ON SB 336 WITNESSES: Sharon Cornesh, Enough is Enough Bob Martin, METRO Kristen Mitchell, OSSI

100 SHARON CORNESH, Washington County, Enough is Enough, offers testimony on SB 336, and overview of EXHIBIT K. - I do not like anything dealing with plastic - problems with "8,000 pounds" limit for trash haulers' vehicles, would like that to be 6,000 pounds  
- plastic is not being recycled but rather, ending up in the ditch  
- discussion with committee members

203 BOB MARTIN, METRO, offers testimony in support of SB 336, and overviews EXHIBIT F. - some haulers stop outside gate of waste facility to cover loads to avoid fine - we have no authority for patrolling the roads - \$120,000.00 yearly to pick up litter on arterials leading to

METRO facilities

PUBLIC HEARING AND WORK SESSION ON SB 543 WITNESSES: Kristen Mitchell,  
OSSI

231 KRISTEN MITCHELL, OSSI, offers testimony on SB 543, and presents  
overview of EXHIBIT E.

270 CHAIR CEASE ADJOURNS MEETING AT 10:55 AM

EXHIBIT LOG:

A - Testimony on SB 1006, 1038, 1039 - Kewell - 4 pages B  
- Testimony on SB 1006, 1038,1039 - McCoid - 4 pages C - Testimony  
on SB 1006 1038.1039 - Aunan - 3 pages D - Testimony on SB 1006- Staff -  
1 pages E - Testimony on SB 1006 - Phil Fell - I pages

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F - Testimony on SB 1006 - Bob Martin - 5 pages G - Testimony on SB 67 -  
Peter Green - 12 pages H - Testimony on SB 67 - Terry Witt - 4 pages I -  
Testimony on SB 1038, 1039 - Laurie Aunan - 2 pages ~ J - Testimony  
on SB 1038, 1039 - Ted Hughs/Yeats - 2 pages Z. K - Testimony on SB 336  
- Shoron Cornesh - I pages

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

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