

Senate Committee on Agriculture and Natural Resources March 25, 1991 -
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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.

SENATE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

March 25, 1991Hearing Room C 8:15 a.m.Tape 99 - 101

MEMBERS PRESENT:Sen. Dick Springer, Chair Sen. Joyce Cohen,
Vice-Chair Sen. John Brenneman Sen. Shirley Gold Sen. Bob Kintigh Sen.
Tricia Smith Sen. Eugene Timms

STAFF PRESENT: Peter Green, Committee Administrator Chris Beck,
Research Associate Kus Soumie, Committee Assistant Jill Rader, Committee

Page MEASURES CONSIDERED: SB 613 SB 699 SB 726 SB 715
SB 162

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proceedings, please refer to the tapes.

TAPE 99 SIDE A

004 CHAIR SPRINGER CALLS THE MEETING TO ORDER AT 8:00 AM

PUBLIC HEARING ON SB 715

WITNESSES: Sen Mae Yih Lynn Talezack Charlean Clevens-Garling

010 SEN MAE YIH, Gives testimony on SB 715 and amendments see EXHIBIT A,
B

078 LYNN TALEZACK, Poison Proof Project, Albany Oregon, gives testimony
on SB 715 and presents EXHIBIT A. - reads a letter from a mother who
lost a son to anti-freeze - answers questions from committee members

285 CHARLEAN CLEVENS-GARLING, Assistant Director of the Poison Project,
gives testimony on SB 715. Narrating the story of a child who ingested
a toxic caustic substance. urges the committee to pass the bill.

UNSCHEDULED HEARING ON MINING BILL

WITNESSES: Sen Eugene Timms Marinessa Turner

363 SEN EUGENE TIMMS, District 30, gives testimony on SB

TAPE 100 SIDE A

003 MARINESSA TURNER, , gives testimony on SB , and presents EXHIBIT C
in favor of the passage of the bill.

- answers questions from committee members

PUBLIC HEARING ON SB 162

WITNESSES: Martha Pagel Eldon Hout Bob Bailey Janet Neuman James Good

095 MARTHA PAGEL, Governors Senior Policy Advisor for Natural Resources, gives testimony on SB 162 and presents overview of EXHIBIT D

ELDON HOUT, Department of Land Conservation and Development, gives testimony on SB 162 and presents overview of EXHIBIT E

- answers questions from members

268 BOB BAILEY, Department of Land Conservation and Development (DLCD), we have worked closely with the highway dept. We may not need legislation. EXHIBIT G

318 SEN COHEN: I suggest that you go over the amendments from the League of Women voters.

345 JANET NEUMAN, Division of State Lands, gives testimony on SB 162, and presents overview of EXHIBIT F

382 JAMES GOOD, Oregon State University, gives testimony on SB 162 with suggested amendments, and presents EXHIBIT H, overview and questions answered with references to SB 500

TAPE 99 SIDE B

003 GOOD: continues testimony on SB 162 - answers questions from committee members - Federal as opposed to State Ocean boundaries - Territorial Sea Definition

PUBLIC HEARING ON SB 715

WITNESSES: Rep. John Schoon Brent Burton Connie Linderman Marilyn Kirsch Ginny Bieberich Paige Clark Dr. James Lace Molly Klettke Jim Gardener

097 BRENT BURTON, Oregon Poison Center OHSU, gives testimony on SB 715 and gives overview of EXHIBIT I which includes suggested amendments to SB 715

297 BURTON: continues testimony on SB 715

- answers questions from Sen Smith about the possibility of alternatives to bittering agents

TAPE 100 SIDE B

003 BURTON: Continues testimony on SB 715 and answers series of questions from Sen Smith.

- answers questions from Committee Members - what is being done about substances not included in the bill which cause poisonings

031 CONNIE LINDERMAN, Secretary of Poison Proof Project, gives testimony on SB 715

079 MARILYN KIRSCH, Board of Poison Proof Project, gives testimony on SB 715

115 GINNY BIEBERICH, Poison Proof Project, gives testimony on SB 715

132 PAIGE CLARK, Pharmacist, gives testimony on SB 715, and presents overview of EXHIBIT J

190 DR. JAMES LACE, Oregon Medical Association, gives testimony on SB 715, and presents EXHIBIT K

223 MOLLY KLETTKE, The Chase and Lily Co., gives testimony on SB 715,. Many new chemicals are now very low in toxicity.

- gives overview of types of labels for poisons

290 JIM GARDENER, Non-Prescription Drug Manufacturers Association, gives testimony on

315 REP. JOHN SCHOON, gives testimony in favor of SB 715.

351 SEN TIMMS: Will we require businesses as well as home manufacturers to use this bittering agent.

PUBLIC HEARING ON SB 699

WITNESSES: Sen John Brenneman Kay Brown Lt. Larry Kraft David Moskowitz Ted Hughs Stan Keeser

400 SEN BRENNEMAN:

TAPE 101 SIDE A

003 KAY BROWN, Oregon Department of Fish and Wildlife, gives testimony on SB 699 , SB 726, and gives overview of the ODFW's position on the effects of polystyrene. - 62 per cent of trash on the beach was plastic - of that plastic 13 per cent was polystyrene

010 LT. LARRY KRAFT, Oregon State Police, Wildlife Enforcement Division, gives testimony on SB 699 and presents overview of EXHIBIT L

050 DAVID MOSKOWITZ, Association of Northwest Steelheaders, gives testimony on SB 699 and gives overview of enforcement , control and cleanup of polystyrene material.

080 SEN BRENNEMAN: What enforcement problems would present themselves with SB 726?

084 MOSKOWITZ: This touches the lives of the users of these products, therefore the target area is with the initial packaging of products.

KRAFT: SB 726 addresses the angler only and enforcement concern is there when a non-angler could use the same product at the same site. There are many non-anglers such as swimmers and picnickers who contribute to this problem also and would be exempt under this proposal.

132 TED HUGHS, Society of Plastics Industry, gives testimony on SB 699. Suggesting this bill is amended to include a fine for littering.

143 STAN KEESER, Environmental Plastics, gives testimony on SB 699.

- answers questions from committee members - post consumer plastics -

plastic recycling - grant from Multnomah County for recycling of plastic

EXHIBIT LOG:

A - Testimony on SB 715 - Sen Mae Yih - 3 pages
B - Testimony on SB 715 - Sen Mae Yih - 3 pages
C - Testimony on Mining Legislation to SB - Sen Eugene timms - 1
pages D - Testimony on SB 162 - Martha Pagel - 3 pages
E - Testimony on SB 162 - Eldon Hout - 2 pages F - Testimony
on SB 162 - Janet Neuman - 2 pages G - Testimony on SB 162 - Bob
Bailey - 53 pages H - Testimony on SB 162 - James Good - 3 pages
I - Testimony on SB 715 - Brent Burton - 29 pages
J - Testimony on SB 715 - Paige Clark - 2 pages
K - Testimony on SB 715 - James Lace - 1 page L - Testimony
on SB 699 - Lt. Kraft - 14 pages

Submitted by: Reviewed by:

Kus Soumie Peter Green Assistant Administrator

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SENATE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

March 18, 1991Hearing Room C 5:30 p.m. Tape 102 - 105

MEMBERS PRESENT:Sen. Dick Springer, Chair Sen. Joyce Cohen,
Vice-Chair Sen. John Brenneman Sen. Shirley Gold Sen. Bob Kintigh Sen.
Tricia Smith Sen. Eugene Timms

STAFF PRESENT: Peter Green, Committee Administrator Chris Beck,
Research Associate Kus Soumie, Committee Assistant

MEASURES CONSIDERED:SB 261 - Requires Encapsulation of Submersible Polystyrene Device Installed on Dock, Buoy or float in Water of State, WS SB 262 - Requires Certain State Agencies to Follow Principles of Integrated Pest Management and to Report on their Practices to Department of Agriculture within One Year of Effective Date of Act, PH SB 519 - Modifies Requirements for Commencing Action Based on Use or Application of Pesticide, PH SB 669 - Enables PUC to allow Rate Recovery for Investment in Alternative and High Efficiency Energy Facilities, PH

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TAPE 102 SIDE A

003 CHAIR SPRINGER CALLS THE MEETING TO ORDER AT 5:30 PM

SB 261 - Requires Encapsulation of Submersible Polystyrene Device Installed on Dock, Buoy or Float in Waters of State, WS

014 CHRIS BECK: provides an overview of SB 261.

025 PAUL HEFFNER: Director of the Marine Board, gives testimony on amendments to SB 261 and asks for the insertion of a clearer definition of polystyrene devices.

052 SEN COHEN: could you tell me if repair and maintenance would be done on what type of polystyrene.

058 HEFFNER: The new section 4 would allow the use of expanded foam on

existing structures for repair and maintenance. This stems from a concern with floating homes that use barrels for floatation. Barrels are not available in the extruded variety.

067 SEN COHEN: So even if you are using a barrel you don't have to get barrels that are covered?

070 HEFFNER: The language in the bill would not require a cover on barrels used for maintenance or repair of existing structures.

088 CHAIR SPRINGER: MOTION: moves the adoption of the -3 amendments with the additional language described in the new section 3, line 7. Seeing no objection, so ordered.

103 CHAIR SPRINGER: MOTION: moves SB 261-3 to the floor with a DO PASS recommendation. 104 > VOTE: 6 - 0; Senator Gold is excused.

SB 669 - Enables Public Utility Commission to Allow Rate Recovery for Investment in Alternative and High Efficiency Energy Facilities, PH
Witnesses: Representative Dave McTeague, Dist. 25 Denise McPhail, Portland General Electric Ron Eachus, Public Utilities Commission Mike Grainey, Department of Energy Marget Beutler, Citizens Utility Board of Oregon Fred Heutte, Solar Energy Association of Oregon Dan Meek, Oregon Fair Share Lloyd Marget, Four Lives Onboard

112 REP. DAVE McTEAGUE, gives testimony in opposition to SB 669 and amendments. Gives reasons for opposition to this bill. The PUC order was overturned and PGE was ordered to repay rate payers. When the plant becomes used and useful then you put it in the rate base and begin to earn a return on it. Long lead times brings disparity. The language in this bill is deceiving.

229 DENISE MCPHAIL, PGE, gives testimony on SB 669 and amendments (See Exhibits B & C).

410 RON EACHUS, Public Utilities Commission, gives testimony on SB 669 and -3 amendments. Does not view this bill as a way to repeal ballot measure 9. It applies in limited circumstances. One change is that now there is a least cost planning process. The second factor that has changed is that their priorities in investments are being established by law and the plan.

TAPE 103 SIDE A

003 EACHUS: continues testimony on SB 669 and -3 amendments. The utilities themselves are investing differently. In cases were we are asking for development of renewable resources such as geothermal we are talking about some high up front costs to determine whether or not there is a potential for the resource.

057 SEN SMITH: Is geothermal renewable?

061 MIKE GRAINEY, Department of Energy, gives testimony on definition of renewable energy and geothermal energy. States that geothermal is considered a renewable resource in the energy statutes.

074 EUCHUS: Another thing that has changed is that we are back again into resource acquisition. Importance of distinguishing between expencing something and rate basing something. In general, construction

work in progress is allowed only when it effects the financial condition of the utilities. Another factor might be rate impact.

157 SEN SMITH: If PGE does this to design this plant do the rate payers get to benefit from that conservation?

164 EUCHUS: It is our view that other rate payers benefit from that investment because it is foregoing other resources that would be more expensive.

169 SEN SMITH: Would you consider it to be a revenue neutral situation, they are not going to pay more if the company leaves and then they are going to benefit if the company stays.

175 EUCHUS: PGE investment is treated from the start just as if it was made in generating a resource and would be capitalized. The question is whether or not PGE is entitled to gain from investments. If no savings are generated is there a question as to whether continued amortize the original cost. We think that they should be able to. This bill would make it clear that they could amortize the original investment.

228 GRAINEY: Gives testimony in favor of SB 669 with the - 3 amendments. Public utilities need to go through a rule making process. We expect that the utility would have to show how they are meeting the renewable resource targets that are in those least cost plans. renewable

245 EUCHUS: In the context of sub 3-2, we don't expect pre construction costs when we are talking about energy efficiency. This would imply that it is completed and that you have invested in something that is saving energy.

286 REP MCTEAGUE: I have not heard a convincing reason to the need for this utility financing devise. Is there something going on in the utility industry that we haven't heard about? Are the utility companies incapable of financing these turbans or conservation and renewables? Is the money not available on the bond market? What is your financial condition?

300 McPHAIL: Our current plan for acquisition of needed resources is to competitive bid them. When the risk is shifted totally to another entity then you pay higher dollars for it. There is no implication that resource will not go forward.

379 MARGET BEUTLER: Citizens Utility Board of Oregon, testifies against SB 669 .

395 FRED HEUTTE: Solar Energy Association of Oregon, gives testimony against SB 669 (See Exhibit D). We don't believe that this bill is blocking the appropriate development of renewable resources. Those who expect to get a financial return from providing capital to the utilities for investments should bare the risk.

TAPE 102 SIDE B

003 HEUTTE: continues testimony on SB 669 -3 amendments. What we need instead of this bill is consistence with least cost planning, we need a much more serious development effort for renewables in this state based on the ADC report. SEA opposes this bill because it fundamentally changes the way that rates are made, the relationship between risk and return in rate making and the future development of renewable resources.

083 DAN MEEK: representing Oregon Fair Share, gives testimony against SB 669 (See Exhibit E). PGE gives special treatment to certain industries to prevent them from co-generating. The utilities want to be paid whether or not they are successful. Speaks to the issue of the effect of fish deaths due to combustion turbans. We can require the utilities to abide by their least cost plans, we can require the utilities to come up with real world least cost plans that aren't based on fantasy. There is no real plan for competitive bidding.

210 LLOYD MARBET: Four Lives Onboard, gives testimony against SB 669 and speaks on the PUC's plans and problems that might arise. What kind of message is sent if this bill is passed. What happens to our renewables if this is designed to fail. Is concerned about the section of the bill which addresses the five percent use of waste heat because I see that as a check to go into any kind of resource that produces waste heat and use it as an avenue to support conventional resources.

SB 262 - Requires Certain State Agencies to Follow Principals of Integrated Pest Management and to Report on their Practices to Department of Agriculture within One Year of Effective Date of Act, PH Witnesses: Jean Cameron: Oregon Environmental Council Tim Rhay, City of Eugene Parks Department Bret Fisher, Northwest Coalition for Alternative Pesticides Thayne Dutson, Oregon State University Bill Wright, Oregon Department of Agriculture Wayne Cobine, Oregon Highway Division Joe Hay, Oregon Highway Division Terry Witt, Oregonians for Food & Shelter Steve Johansen, Oregon State Parks

290 JEAN CAMERON: representing the Oregon Environmental Council defers her statement in the interest of time to those who are not here on a regular basis (See Exhibit F).

305 TIM RHAY: representing City of Eugene Parks, gives testimony on SB 262 and gives overview of experience with using integrated pest management methodology for more than ten years (See Exhibit G).

TAPE 103 SIDE B

003 RHAY: continues testimony on SB 262

129 BRET FISHER, Northwest Coalition for Alternatives to Pesticides (NCAP), gives testimony in support of SB 262 (See Exhibit H). No one has the right to expose others to poisons. These should be used only as a last resort. How is a process defined in a sentence? This is addressed in the bill. There is a conflict with HB 2127, This definition is dangerous. NCAP agrees that the rule adoption is essential to make IPM programs stick to the law.

214 THAYNE DUTSON: Director of Agriculture Experiment Station at OSU, gives testimony in support of SB 262 (See Exhibit I).

245 EARNIE SMITH, Oregon State University Extension Service, gives testimony in support of SB 262 .

272 CHAIR SPRINGER: If I wanted to call your office how would I learn about integrated pest management?

286 DUTSON: All the information, as we gain it, would be in our data base and is provided through to the public through the extension service

office.

307 BILL WRIGHT: Administrator of the Plant Division of the Oregon Department of Agriculture, gives Department overview of pest control program and testimony in support of SB 262.

380 WAYNE COBINE: Manager of Office Operations for the Highway Division, gives testimony in opposition to SB 262. Has concern of the restrictions of the bill and proposes amendments to the bill.

436 JOE HAY: Agronomist for the Highway Division, gives testimony in opposition to SB 262, and presents amendments (See Exhibit J). Proposes an amended definition of Integrated Pest Management. Believes that the language in HB 2147 is better language.

TAPE 104 SIDE A

003 HAY: continues testimony on SB 262

097 TERRY WITT: Oregonians for Food and Shelter, gives testimony in support of SB 262 (See Exhibit K). A workable definition would include; Must allow for the selection of the most appropriate tool, must consider economic as well as environmental impacts, and must result in practical method that accomplishes the desired management objective.

141 STEVE JOHANSEN: Oregon State Parks, gives testimony on support SB 262 (See Exhibit L). Stating his agreement with recommended changes to the bill.

170 JEAN CAMERON: Oregon Environmental Council, gives testimony in support of SB 262 and presents overview of EXHIBIT F

SB 519 - Modifies Requirements for Commencing Action Based on Use or Application of Pesticide, PH Witnesses: Mark Twedt, Self Kevin McTeague, Housing Authority of Portland Joe Hay, State Highway Division Bill Wright, Department of Agriculture Terry Witt, Oregonians for Food & Shelter

261 MARK TWEDT: gives testimony in support of SB 519. This bill does not apply to anyone but the operator of a company that applies the pesticide.

419 KEVIN McTEAGUE: Association of Oregon Housing Authorities, gives testimony against SB 519 (See Exhibit M).

TAPE 105 SIDE A

024 JOE HAY: Oregon State Highway Division, gives testimony against SB 519 (See Exhibit N).

088 BILL WRIGHT: Oregon Department of Agriculture, gives testimony on SB 519 (See Exhibit O).

100 CHAIR SPRINGER: How many reports do you conduct on an annual basis?

103 WRIGHT: 762 investigations in 1989-90 of those 70 were related to loss reports made to the department.

145 TERRY WITT: Oregonians for Food and Shelter, gives testimony on SB 519 (See Exhibit P). Also submits testimony of Pest Control Operators of Oregon and Oregon Agriculture Aviation Association.

262 CHAIR SPRINGER: Adjourns the meeting at 8:25 PM.

Prepared by

Reviewed by

Stuart Farmer

Peter Green Committee Assistant
Committee Administrator

EXHIBIT LOG:

A - SB 261-3 Hand Engrossed - Staff - 3 Pages B - SB 669-3 Hand Engrossed - Staff - 2 Pages C - Proposed Amendments to SB 669 - Denise McPhail - 29 Pages D - Testimony by Solar Energy Association of Oregon - Fred Heutte - 4 Pages E - Testimony by Oregon Fair Share - Dan Meek - 2 Pages F - Testimony by Oregon Environmental Council - Jean Cameron - 16 Pages G - Testimony by Eugene Parks Services - Tim Rhay - 6 Pages H - Testimony by Northwest Coalition for Alternatives to Pesticides - Bret Fisher - 3 Pages I - Testimony by Oregon Department of Agriculture - Thayne Dutson - 1 Page J - Testimony by Oregon Department of Transportation - Joe Hay - 10 Pages K - Testimony by Oregonians for Food & Shelter - Terry Witt - 2 Pages L - Testimony by Oregon State Parks - Steve Johansen - 1 Page M - Testimony by Association of Oregon Housing Authorities - Kevin McTeague - 1 Page N - Testimony by Highway Division - Joe Hay - 1 Page O - Testimony by Oregon Department of Agriculture - Bill Wright - 1 Page P - Testimony by Oregonian for Food & Shelter - Terry Witt - 5 Pages