

Moore-Love, Karla

From: Katharine Salzmann <katharinesalzmann@gmail.com>
Sent: Tuesday, March 28, 2017 6:06 PM
To: Moore-Love, Karla
Subject: Fwd: Testimony before City Council
Attachments: HB 2669.pdf; CommunityToxicsReporting_FactSheet_FINAL.pdf

----- Forwarded message -----

From: **Katharine Salzmann** <katharinesalzmann@gmail.com>
Date: Thu, Mar 23, 2017 at 5:20 PM
Subject: Re: Testimony before City Council
To: Karla.Moore-Love@portlandoregon.gov

Hi Karla,

Yes! I would like to be on the schedule to testify on May 3d. (April 12th is not open for me).
I am assuming this email will take care of all the requirements for testifying:

May 3
Katharine Salzmann
2922 SE Woodward St
Portland 97202
[503-231-9374](tel:503-231-9374)

I would like to give a quick report on HB 2669, the Toxics Reporting and Community Right To Know bill currently before the Oregon House. This may present an opportunity for the city of Portland. Attached is a copy of the bill and a fact sheet.

Thank you so much.
Please let me know if you need any more information.
I will be there by 9:30 in May 3d.

Katharine

On Thu, Mar 23, 2017 at 6:45 AM, Eastside Portland Air Coalition <eastsideportlandair@gmail.com> wrote:

Sent from my iPad

Begin forwarded message:

From: "Moore-Love, Karla" <Karla.Moore-Love@portlandoregon.gov>
Date: March 20, 2017 at 2:46:24 PM PDT
To: Eastside Portland Air Coalition <eastsideportlandair@gmail.com>
Subject: RE: Testimony before City Council

Hello,

I was wondering if you are still interested in speaking on May 3rd?

Thank you,

Karla

Karla Moore-Love |Council Clerk
Office of the City Auditor |City Hall Rm 130
503.823.4086

From: Moore-Love, Karla
Sent: Thursday, March 09, 2017 10:06 AM
To: 'Eastside Portland Air Coalition' <eastsideportlandair@gmail.com>
Subject: RE: Testimony before City Council

Hello Katharine,

Thank you for your inquiry on how to address the Portland City Council. The next available date to speak is Wednesday, May 3rd but, there is a *possibility* April 12th might become available.

Here's information on the Communications portion of the agenda and how to sign up:

- Requests are placed on the Wednesday Agenda as a "Communication". Communications are the first item on the Agenda, and the meeting starts at 9:30 a.m.
- Individuals must schedule their own Communications.
- Deadline: Noon on Tuesday to sign up for the following Wednesday Meeting at 9:30 a.m. An earlier deadline is announced when needed due to a holiday.
- Requests may be hand delivered, emailed, faxed or mailed to the Clerk's office.
- Request should include the date requester wishes to speak, requester's name, address, phone number and a few sentences regarding the issue.
- The requestor's name and the general subject of the Communication will be published in the Wednesday Agenda. Third-party names will not be published.
- The requester will have 3 minutes to speak and may also submit written testimony before or at the meeting, please provide 7 copies.

- Communications allow the Council to hear issues that interest our community members, but do not allow an opportunity for dialogue. Since many issues can be resolved directly with the Bureaus, the Clerk's office recommends that citizens contact a Commissioner's Office or Bureau for assistance prior to requesting a Communication at the Council meeting.
- A total of 5 communications are scheduled per week.
- Requesters are limited to one scheduled communication per calendar month.
- Requester may schedule no more than two months in advance.
- In the event the meeting is cancelled, requester will be notified of the next available open date.

Let me know if you are interested in signing up.

Regards,

Karla



Karla Moore-Love |Council Clerk

City of Portland |Office of the City Auditor
1221 SW 4th Ave Rm 130
Portland OR 97204-1900

email: Karla.Moore-Love@portlandoregon.gov
Testimony Email: cctestimony@portlandoregon.gov

phone: [503.823.4086](tel:503.823.4086)
Clerk's Webpage: www.portlandoregon.gov/auditor/councilclerk

From: Eastside Portland Air Coalition [<mailto:eastsideportlandair@gmail.com>]
Sent: Wednesday, March 08, 2017 1:03 PM
To: Moore-Love, Karla <Karla.Moore-Love@portlandoregon.gov>
Subject: Testimony before City Council

Hi Karla,

I'm following up on a phone message I left for you. I'd like to find out how to get a spot for 3 minute testimony during the Council's open agenda times. Also I

have some materials to submit beforehand? I have never done this before so I need a bit of a first-timer's walk thru.

Thank you so much,

Katharine Slazmann,

503-231-9374

Eastside Portland Air Coalition

Twitter: @eastsideportlandair

Facebook: <https://www.facebook.com/groups/448557395350732/>

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"Sun on the bone-hulled galleons of those gulls/Charms my immense irrelevance away" James Wright

"Reason, that fool's gold of the bright . . ." Yann Martel

The obstacle is the path - Zen proverb

Be joyful, though you have considered all the facts. Wendell Berry

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House Bill 2669

Sponsored by Representative NOSSE, Senator TAYLOR, Representative KENY-GUYER; Representatives HELM, POWER, SANCHEZ (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies requirements for local community right to know regulatory programs for toxic substances and harmful substances.

A BILL FOR AN ACT

Relating to community right to know regulatory programs; amending ORS 453.307 and 453.370.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 453.307 is amended to read:

453.307. As used in ORS 453.307 to 453.414:

(1) **"Biopersistent substance" means a hazardous substance that:**

(a) **Is part of a class of compounds created through industrial manufacturing or as an unintentional byproduct of manufacturing;**

(b) **Has resistance to degradation from abiotic and biotic factors; and**

(c) **Is highly mobile, bioaccumulative and harmful to the environment.**

(2) "Community right to know regulatory program" or "local program" means any law, rule, ordinance, regulation or charter amendment established, enforced or enacted by a local government that requires an employer to collect or report information relating to the use, storage, release, possession or composition of hazardous substances and toxic substances if a primary intent of the law, rule, ordinance, regulation or charter amendment is the public distribution of the information.

[(2)] (3) "Emergency service personnel" includes those entities providing emergency services as defined in ORS 401.025.

[(3)] (4) "Employer" means:

(a) Any person operating a facility that is included in one or more of the 21 standard industrial classification categories in Appendix B of the Natural Resources Defense Council v. Train Consent Decree of June 8, 1976 (8 E.R.C. 2120); or

(b) Any person operating a facility designated by the State Fire Marshal.

(5) **"Extremely hazardous substance" means a hazardous substance that appears on the list of extremely hazardous substances prepared by the Administrator of the Environmental Protection Agency pursuant to 42 U.S.C. 11002.**

1 by the [*Director of the*] Department of Consumer and Business Services [*under ORS 654.035*] and
2 which appears on the list of Threshold Limit Values for Chemical Substances and Physical Agents
3 in the Work Environment by the American Conference of Governmental Industrial Hygienists; or

4 (c) Radioactive waste and material as defined in ORS 469.300 and radioactive substance as de-
5 fined in ORS 453.005.

6 [(6)] (8) "Health professional" means a physician licensed under ORS chapter 677, physician as-
7 sistant licensed under ORS 677.505 to 677.525, registered nurse, industrial hygienist, toxicologist,
8 epidemiologist or emergency medical services provider.

9 (9) "Input" means, for a single facility, the quantity of each hazardous substance:

10 (a) Stored as inventory at the facility at the beginning of an accounting period;

11 (b) Stored as waste at the facility at the beginning of an accounting period;

12 (c) Produced at the facility during an accounting period; and

13 (d) Brought to the facility during an accounting period.

14 [(7)] (10) "Law enforcement agency" has the meaning given that term in ORS 181A.010.

15 [(8)] (11) "Local government" means a city, town, county, regional authority or other political
16 subdivision of this state.

17 (12) "Materials balance report" means an accounting of the input and output for each
18 hazardous substance in a facility.

19 (13) "Output" means, for a single facility, the quantity of each hazardous substance:

20 (a) Stored as inventory at the facility at the end of an accounting period;

21 (b) Stored as waste at the facility at the end of an accounting period; and

22 (c) Removed from the facility during an accounting period, including hazardous sub-
23 stances:

24 (A) Chemically altered in the facility's processes;

25 (B) Shipped from the facility in product;

26 (C) Transferred away from the facility as waste;

27 (D) Emitted into the air;

28 (E) Discharged into publicly treated sewage;

29 (F) Released to surface waters;

30 (G) Eliminated through treatment at the facility;

31 (H) Eliminated through energy recovery at the facility; and

32 (I) Disposed of on-site.

33 [(9)] (14) "Person" includes individuals, corporations, associations, firms, partnerships, joint
34 stock companies, public and municipal corporations, political subdivisions, the state and any agency
35 thereof, and the federal government and any agency thereof.

36 (15) "Smallest accounting unit" means:

37 (a) For a hazardous substance, except as provided in paragraphs (b) and (c) of this sub-

der ORS 453.307 to 453.414, as well as to ensure the effectiveness of local efforts, a local government may establish, enforce or enact a local community right to know regulatory program *[provided that the local program complies with the requirements of this section]*.

(2) To the extent that a local **community right to know regulatory** program is supported in whole or in part by fees, those fees may be set, imposed or assessed only by the local government that is implementing the local program. Such fees are allowed only to the extent not otherwise prohibited or limited by law. Such fees:

(a) Shall be adopted by ordinance as a fee schedule, after notice and public hearing; *[and]*

(b) May not exceed *[\$2,000]* **\$10,000** for any single facility in any calendar year~~[,]~~; **and**

(c) **Shall be assessed based on a calculation method that accounts for:**

(A) The output of each single facility; and

(B) The number of full-time equivalent persons employed by the employer.

(3)(a) All local community right to know regulatory program enforcement, including but not limited to penalties, may be imposed only by a local fire official, **the local governing body** or a board established by the local government to implement the local community right to know regulatory program.

(b) Penalties for violations of a **local** community right to know regulatory program may not exceed \$1,000 per day and shall be assessed according to a schedule adopted by the local government after notice and public hearing. Except when a local government has reasonable grounds to find that an employer willfully and knowingly avoided compliance with the local program, and as long as the employer submits the required information within 30 days following a written notification of non-compliance, penalties shall be suspended if the employer has no history of violating the local program.

(4) **In order to establish, enforce or enact a local community right to know regulatory program**, after notice and public hearing, the local government must determine that:

(a) Existing reporting to local, state or federal agencies is inadequate to meet the needs and concerns of the local government **or the public, or the public's interest in enhancing public and environmental health;**

[(b) The state or federal government does not collect data that will provide substantially the same information desired by the local government;]

[(c) The local government has asked the appropriate state agency to operate the program desired by the local government and the state agency has not committed to do so within 180 days;]

[(d) The Department of Environmental Quality, the State Fire Marshal and the Oregon Health Authority have had an opportunity to comment on the proposed program and the local government has responded to those comments;] and

[(e)] **(b)** The local government has provided an opportunity for written and oral public comment on the proposed program.

1 **smallest accounting unit.**

2 (b) Provide for an opportunity to report data electronically;

3 [(b) Place data reported under the program on the Internet with instructions for the general public
4 that explain the organization of the data; and]

5 (c) **Place data reported under the local program on a website:**

6 (A) **With instructions for the general public that explain the organization of the data; and**

7 (B) **In a manner that allows any member of the public who visits the website immediate
8 and unrestricted access to the data; and**

9 [(c)] (d) **Keep records of data usage and otherwise document interest in the collected data for
10 a period of at least 25 years.**

11 (6) Data and other information presented under a local community right to know regulatory
12 program:

13 (a) Shall clearly distinguish, where appropriate, public health interpretations from the raw data;

14 (b) [May] **Shall**, where feasible, indicate specifically which hazardous substances and toxic sub-
15 stances are being released into the local air, water and land; and

16 (c) Shall include locations where a person may obtain epidemiological statistics related to health
17 effects of the hazardous substances and toxic substances, if available.

18 (7) For any hazardous substance or toxic substance that a local government proposes to require
19 an employer to report under a local community right to know regulatory program established pur-
20 suant to this section, the local government shall: *[seek written and oral public comment and provide
21 written notice to interested parties prior to adoption as a reporting requirement. The local government
22 must provide the public with an opportunity to comment on the appropriateness of reporting on the
23 proposed hazardous substance or toxic substance, including but not limited to commenting on health
24 and environmental considerations, economic concerns and feasibility of compliance. The local govern-
25 ment shall consider the comments before adopting a list or making additions to a list of hazardous
26 substances and toxic substances to be reported.]*

27 (a) **Provide written notice to interested parties prior to adoption as a reporting require-
28 ment;**

29 (b) **Provide the public with an opportunity to comment on the reporting on the proposed
30 hazardous substance or toxic substance, including but not limited to commenting on health
31 and environmental considerations and feasibility of compliance; and**

32 (c) **Consider the comments before adopting a list or making additions to a list of haz-
33 arduous substances or toxic substances to be reported.**

34 (8) In administering a local community right to know regulatory program, a local government
35 shall establish procedures to exempt, when reasonable, an entity from all or part of the local pro-
36 gram *[for the purpose of protecting trade secrets or where]* **if** the local government determines that
37 the operations of the entity pose *[little]* **a de minimis** or no risk to the public health or the envi-

1 **(b) A schedule for auditing the reports submitted by an employer.**

2 [(10)] (11) Nothing in this section [shall] **may** be construed to limit the authority of a local
3 government to:

4 (a) Distribute information collected under the state Community Right to Know and Protection
5 Act; or

6 (b) Adopt or enforce a local ordinance, rule or regulation strictly necessary to comply with:

7 (A) The Uniform Building Code as adopted and amended by the Director of the Department of
8 Consumer and Business Services;

9 (B) A uniform fire code; or

10 (C) Any requirement of a state or federal statute, rule or regulation, including but not limited
11 to those controlling hazardous substances, toxic substances or other environmental contaminants.

12



Beyond Toxics fights for human and environmental health across Oregon. We serve communities to find effective solutions through advocacy and community-based research. Our vision is to achieve environmental justice for the most vulnerable Oregonians.



HB 2669 - Community Toxics Reporting Act

... for public health protection.

Communities have the right to know about pollution in their air and water.

What is the Problem?

Oregon's environmental protection agency does not currently collect detailed air and water pollution emissions data. HB 2669, legislation for Community Toxics Reporting, fills this gap. The bill creates opportunities for local governments and their residents to know what pollution is in their air and water. Communities and public officials need this data to understand the toxic chemicals in air and water that damage human health and the environment.

History

In 1985, the Oregon Legislature passed the Oregon Community Right to Know and Protection Act. This law gives first-responders and the public information about federally listed hazardous substances in their response areas and neighborhoods. In 1996, Eugene became the first Oregon city to put the law into practice. The Fire Marshall collects air and water emissions data from polluters. The data is shared with the community on a publicly-accessible database.

In the late 1990s, a series of lawsuits brought by polluters weakened the law. These lawsuits also created a chilling effect on local governments by mandating unreasonable burdens.

The Benefits of HB 2669

- HB 2669 will make it easier for Oregon cities to collect data on air and water pollution.
- The small cost of HB 2669 is covered by polluter fees.
- Toxic reporting is based on a system called "Materials Balancing," a comprehensive, mathematical account of where toxic chemicals go in the environment -- to air, water, land and waste streams. Pollution is reported by the pound.
- Toxics reporting data helps us to understand multiple toxic exposure pathways and stay informed about potential risks to public health.

Public Health Protections Require Accurate Data

Oregon's current regulatory system looks at air, water and waste as separate pollution streams. In contrast, Community Toxics Reporting uses Materials Balancing to build a comprehensive understanding of all environmental pollution in Oregon's communities. Data can help calculate cumulative exposures to pollution. In this way, Community Toxics Reporting becomes a basic component of public health policy.

HB2669, the Community Toxics Reporting Act brings science, accurate data and public health together for healthy communities.

HB 2669 - Community Toxics Reporting Act

HB 2669 is endorsed by the following community groups:

1. Beyond Toxics (Lane County & Statewide)
2. Cleaner Air Grants Pass (Josephine County)
3. Concerned Citizens for Clean Air (Lincoln County)
4. Corvallis Clean Air (Benton County)
5. Cully Clean Air (Multnomah County)
6. Disability Art and Culture Project – Disability Rights (Multnomah County)
7. Eastside Portland Air Coalition (Multnomah County)
8. Hillsboro Air and Water (Washington County)
9. League of Women Voters of Oregon (Statewide)
10. Linnton Neighborhood Association Board (Multnomah County)
11. Lotus Rising Project (Jackson County)
12. McPhillips Farms (Yamhill County)
13. NAACP Eugene-Springfield (Lane County)
14. PDX North Harbor Neighbors (Multnomah County)
15. Portland Clean Air (Multnomah County)
16. Rockaway Beach Citizens for Watershed Protection (Tillamook County)
17. South Portland Air Quality (Multnomah County)
18. Stop the Dump Coalition (Yamhill County)
19. The Dalles Air Coalition (Wasco County)



www.BeyondToxics.org
541-465-8860 | info@beyondtoxics.org

Saltzman

Request of Katherine Saltzman to address Council regarding HB 2669
Toxics Reporting and Community Right To Know (Communication)

MAY 03 2017

PLACED ON FILEFiled APR 25 2017

MARY HULL CABALLERO
Auditor of the City of Portland

By  Deputy

| COMMISSIONERS VOTED AS FOLLOWS: | | |
|------------------------------------|------|------|
| | YEAS | NAYS |
| 1. Fritz | | |
| 2. Fish | | |
| 3. Saltzman | | |
| 4. Eudaly | | |
| Wheeler | | |