

SYNOPSIS OF PUBLIC TESTIMONY HEARD BY THE  
JOINT MEETING OF THE METRO LEGISLATIVE TASK FORCE  
AND THE METRO SOLID WASTE COMMITTEE, MARCH 17, 1989  
REGARDING SOLID WASTE LEGISLATION

Chair Gardner opened the public hearing at 3:18 p.m. on State solid waste legislation: SB 350, SB 352, SB 353, SB 424, HB 2331, LC 3489, Oregon Resource Conservation Trust Fund, and other legislation raised at the meeting -- SB 990, SB 344. Eight persons representing local jurisdictions, the Plastics Recycling Task Force, the solid waste industry and businesses testified:

SB 350 -- REQUIRES ALCOHOLIC LIQUOR SOLD OR DISTRIBUTED BY OLCC BE IN BIODEGRADABLE OR RECYCLABLE CONTAINER

No public testimony received. Corky Kirkpatrick, Plastics Recycling Task Force Chair, said the Task Force only formally endorses bills upon which all members of the Task Force can agree. The Task Force does not oppose this bill but cannot offer formal support. Chair Gardner noted receipt of a letter from Jean Ray of Recycling Advocates urging support of SB 350.

SB 352 -- REGARDING BIODEGRADABLE PLASTIC RING CONNECTORS FOR BEVERAGE CONTAINERS

1. BRUCE HOLSER, DENTON PLASTICS, said there are real concerns about degradability because as a plastics recycler, want plastics that do persist. Mr. Holser expressed his concern about clear identification of degradable plastics and the potential problems if degradable materials become mixed with "good" plastic materials. He said the recycling industry does not have a problem with specific products being degradable as long as they are clearly identified and the industry knows what is forthcoming and can monitor the changes. From an industry standpoint, certain products should be degradable such as baby diapers and the proposed plastic rings. He proposed amending the bill to include perforation of plastic rings, similar to a process in Alaska, causing the rings to break apart and preventing them from becoming an obstruction to wildlife.

SB 353 -- PROHIBITING PURCHASE OF POLYSTYRENE FOAM FOOD PACKAGING PRODUCTS BY STATE AGENCIES

1. JEFF GAGE, GAGE INDUSTRIES, representative of the plastics industry, testified SB 353 would do nothing to encourage recycling and therefore would do nothing to reduce the amount of materials going to landfills. Mr. Gage said scientific studies showed biodegradable substances such as paper do not degrade in actual landfill environments. He said there are experimental attempts to recycle post-consumer polystyrene foam in the Portland area and collection problems due to the light weight of the materials can be overcome. Recycling polystyrene foam would prevent much more of the material from entering the landfill than would a product ban. Mr. Gage offered amendments to the bill to: 1) remove the pure ban of polystyrene foam products and require recycling of disposable food packaging, regardless of the material; 2) enhance polystyrene

foam recycling efforts by establishing a polystyrene foam and milk jug recycling program in the Portland area; 3) create a plastics recycling fund to match funds for industry subsidies of collection services, capital expenditures, etc. to enlarge recycling programs nearly 4-fold; 4) prohibit use of "degrading plastic flotation systems" effective January 1, 1992. Mr. Gage noted that nowhere in current legislation is there language to address degrading polystyrene foam flotation devices which animals eat because the broken-down beads look like eggs. Responding to committee questions regarding ozone depletion, he said the manufacture of foam packaging as a "major" contributor to the depletion of the ozone is debatable. He said the processes to make plastics products are far cleaner than processes to make metal or paper products.

2. BRUCE HOLSER, DENTON PLASTICS, said the big debate concerns what products are polystyrene foam, i.e. polystyrene with a foaming agent. There are a number of polystyrene products which can replace the foam products, thus circumventing the ban. The ban on polystyrene foam is not a solution. He noted there are few substitutes to many polystyrene foam packaging materials, especially egg cartons -- there are no pulp egg carton manufacturers in the northwest.
3. JERRY HERRMANN, DIRECTOR, ENVIRONMENTAL LEARNING CENTER, testified regarding wildlife problems and said the real threat from foam (as documented by the State, Defenders of Wildlife and other organizations) was not from food trays but from degrading flotation materials. He noted the wildlife issues from plastics are much broader and the National Oceanic Administration has studied the problems of non-degrading plastics.

SB 424 -- REQUIRES COLLECTION PROGRAM FOR HOUSEHOLD AND SMALL BUSINESS HAZARDOUS WASTE

(Council staff noted the Plastics Recycling Task Force did not address this bill nor HB 2331 following.)

1. ESTELLE HARLAN AND DIANA GODWIN, REPRESENTING OREGON SANITARY SERVICES INSTITUTE (OSSI) AND THE TRI-COUNTY COUNCIL. Ms. Godwin provided written testimony presented to the State Legislature and said the most important aspect of the bill was that it provides an entirely new funding source in the State Department of Environmental Quality. DEQ estimates in the next biennium beginning July 1, 1989 this bill will raise nearly \$4 million and in the next biennium, nearly \$8 million. She summarized the bill, noting it would institute a new permit fee for domestic solid waste. The bill does not indicate a specific amount per ton, but DEQ estimates it would be \$2 per ton. The fee would apply to in-state and out-of-state solid waste. She described the distribution of the fee revenues and DEQ's proposed uses for their 50 percent portion, such as enhancing recycling efforts and monitoring ground-water contam-

ination. Ms. Godwin said OSSI submitted a revised version of the bill to the State. OSSI does not support DEQ collecting the \$2 per ton fee and then returning monies to local areas, but instead supports EQC adopting recycling performance standards by wasteshed, with the local wasteshed retaining control over the funding and provision of activities to meet their recycling goal. OSSI does support additional funding for DEQ to monitor groundwater contamination. She said OSSI was interested in getting a handle on hazardous waste small generators, which are not regulated. Ms. Godwin noted household hazardous wastes can be handled adequately on a local level with increased disposal areas, special collection days, etc.

Estelle Harlan said OSSI was very sensitive to potential overlap between proposed State efforts and Metro's current services and said there was support for an amendment to prevent service duplication and, concurrently, prohibit collection of State fees for duplicate services.

2. BRAD HIGBEE, CITY OF PORTLAND, OFFICE OF INTERGOVERNMENTAL AFFAIRS, said the City supports the bill essentially as drafted, especially the tonnage fee to promote recycling activities. Mr. Higbee noted 100 percent of the funds generated in a wasteshed and deposited in the Oregon Recycling Account are returned to that specific wasteshed. In addition, 50 percent of all funds generated from the disposal of out-of-state garbage are distributed to each of the wastesheds on a proportional basis. He said this bill represents potentially much greater funding for local jurisdictions to promote recycling. The City also supports the bill's intent to devote funds to market development for recycled products.

HB 2331 -- ESTABLISHES FUNDING MECHANISMS FOR HAZARDOUS WASTE PROGRAMS

1. DIANA GODWIN, OSSI, said there are 2 major bills dealing with hazardous waste program funding: HB 2176, sponsored by DEQ, and HB 2331 which is a product of the Joint Interim Task Force on Hazardous Materials Funding. Sections 34 and 35 are important because they apply a blank fee per ton on solid waste to fund household hazardous waste and small quantity generator programs. This bill will raise approximately \$400,000 for these activities. Ms. Godwin said OSSI would prefer to work under SB 424 for these 2 programs but noted HB 2176 and HB 2331 will raise nearly \$12.5 million in new funds for hazardous waste materials. She said HB 2331 was of interest because it could be used to make up for DEQ's shortfall, for which the department requested, but will not receive, \$2.5 million from the State General Fund. The \$2.5 million would be used to cover "orphan sites" which are Superfund sites without a principally responsible party to pay for required clean-up. Responding to Committee questions, Ms. Godwin explained that 50 percent of the funding under both HB 2176 and 2331 would come from

a tax on "first possessors of hazardous chemicals" and 50 percent on petroleum products.

LC 3489 -- REGARDING OREGON PLASTIC PRODUCTS TAX CREDIT LAW

1. BRUCE HOLSER, DENTON PLASTICS, testified the bill is too narrow in focus because it only applies to companies who make a manufactured product from recycled plastics. Denton Plastics applied, but did not receive the tax credit, because they do not make an end-product but manufacture a resin which is used to make a secondary product. Mr. Holser said he is not aware of any company which has received a tax credit. He reviewed an expanded version of the bill to enable companies based in Oregon, which reclaim plastics, to qualify for a tax credit. He said the limitation on most firms is capital costs to expand to recycle more materials, such as poly-styrene. The biggest problem is collection and storage of large volume materials, such as milk jugs, which could become a major reclamation material if compacted via new equipment.
2. JEFF GAGE, GAGE INDUSTRIES, responded to Councilor Hansen noting enhancements to the original tax credit bill would allow a third party to take the credit if equipment were leased. He said on a \$100,000 piece of equipment it would only take 10 percent per year to generate the tax credit, which would not require tremendous amount of profit.

OREGON RESOURCE CONSERVATION TRUST FUND

(Staff noted the LC Draft was printed the previous day but copies were not yet available.)

1. JERRY HERRMANN, DIRECTOR, ENVIRONMENTAL LEARNING CENTER; JEFF GAGE, GAGE INDUSTRIES; GEOFF PAMBUSH, NATURE CONSERVANCY, testified concurrently, with Mr. Herrmann commencing by summarizing the trust fund. He said the primary concern behind the proposed trust fund was the inter-relationship between resource utilization and the creation of products and their disposal, which ought to be addressed some way through funding at the creation point. Mr. Herrmann summarized the bill and noted the goal was to treat all products at a similar level and thus support mitigation efforts (for solid waste problems) in an equitable manner. He said in the extraction of any resource, there are some negative side effects to the environment and wildlife, such as entanglement, harmful ingestion on the part of animals, and ultimately the loss of natural habitats to landfills.

Jeff Gage said Oregon's very persona comes from a variety of natural landscapes and wildlife; he said wildlife viewing ranks 3rd in 12 categories of tourism interest tracked by the Oregon Division of Tourism. He emphasized the importance of private lands and tracking private uses. Mr. Gage also cited the opportunity of

states to receive matching funds if Federal legislation -- the American Heritage Trust Act -- is adopted.

Geoff Pampush noted there is no funding source for the proposed Portland area urban wildlife sanctuary system, which could be covered by this trust fund. He reiterated the importance of the Federal American Heritage Trust Act and said the Oregon Trust Fund is essential to tap into any of the Federal funds. Mr. Pampush said that in order to make a dent in landfills, many products which are not currently economically viable to recycle will have to be included. This effort will require additional funds such as those provided through the Trust Fund. Noted there would be a Board to administer the fund but per the legislation, 50 percent of the interest would go to recycling each year and 50 percent would go to the mitigation of wildlife related issues.

Jeff Gage said from a plastics industry standpoint, the trust fund is an appropriate means to promote recycling. While only a small portion of the fund would go to plastics, the actual dollars would be the largest to date.

Mr. Pampush, responding to Committee discussion, said the link between wildlife habitat, recycling and the fund comes from people using resources and the negative impact which results on wildlife.

ADDITIONAL LEGISLATION -- SB 990 & SB344

1. CORKY KIRKPATRICK, CHAIR, PLASTICS RECYCLING TASK FORCE, addressed SB 990 and said the Task Force had developed substitute language for parts of the bill because it was very confusing to read and understand. Ms. Kirkpatrick handed out a March 16, 1989 memo "Recommendations of Plastics Recycling Task Force" which contained the specific language recommended for SB 990. She noted milk jug labeling is a big problem because paper labels must be cut off of the jug.
2. JERRY HERRMANN, DIRECTOR ENVIRONMENTAL LEARNING CENTER, spoke on behalf of the Plastics Recycling Task Force on SB 344 and recyclable labels for plastic milk jugs and other products. The Task Force wanted to add language specific to recyclable labels and felt SB 344 was the most appropriate bill for that purpose because SB 344, the "type-coding" bill, establishes a hierarchy and code system for handling plastics. Noted the proposed new language could also be added to SB 990 to emphasize the importance of standardization of milk jugs. Mr. Herrmann said non-recyclable labels really slow down the plastic recovery process.

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