

Bill aimed at reducing toxics use in Oregon

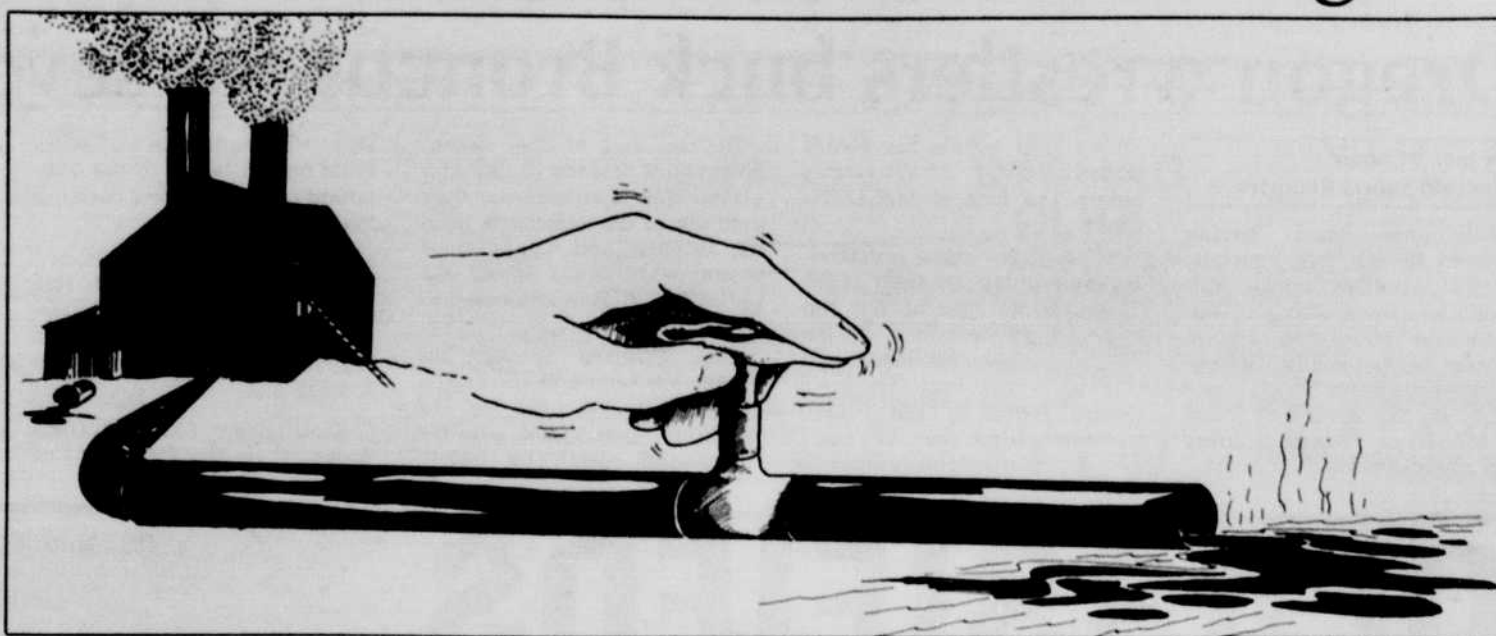
By Martin Johncox
Emerald Contributor

Like much of the United States, Oregon faces a growing toxic chemical problem that threatens drinking water supplies, exposes workers and the public to a wide range of health hazards, destroys the environment and drives up the cost of waste disposal.

The Oregon Department of Environmental Quality (DEQ) has identified more than 200 hazardous waste sites in the state, some of which may require millions of dollars to clean up. The DEQ has also identified more than 100 instances of groundwater contamination, often involving multiple toxic contaminants that threaten public and agricultural wells and have been linked to cancer, birth defects and other serious illnesses.

Major Oregon industries will generate more than 6 billion pounds of toxic waste this year, according to the DEQ. This does not include toxics released into the water or atmosphere, or generated by small quantity users exempt from DEQ regulations.

So far, the response of government and industry to hazardous waste problems has primarily been to identify and clean dumpsites after they have already polluted groundwater



Graphic by Jarrett Jester

manufacturers and machine repair facilities use toxic solvents to clean and finish parts.

OSPIRG's Toxics Use Reduction Act would force such industries to gradually phase out the use of toxics in their production processes, thereby reducing the amount of waste produced. Industries would accomplish this by recycling and substituting hazardous materials with safer ones and changing manufacturing processes so that fewer toxic materials are used in production.

The bill would also set per-

pose a provision in the bill that requires certain highly problematic substances to be gradually phased out of use entirely.

The bill allows citizens to petition for the phase-out of these substances and requires the director of the DEQ to annually recommend at least one toxic substance for phase-out.

The bill also gives a group of any 10 citizens the right to sue toxics users in civil court to enforce the law. The citizens would not need to prove damages and would have the right to inspect toxics-using facilities and review their hazardous substances inventory and discharge reports.

Ario does not believe that technical assistance and advice to industry is alone enough to adequately deal with the hazardous waste problems. "Of course, industry will want something purely voluntary and advisory in nature. That can't provide the level of compliance we need," he said.

But Tom Donaca, general counsel for Associated Oregon Industries (AOI), a group representing business interests, said the bill is unnecessary and may even hinder other cleanup efforts. He said present legislation, such as that requiring employers to inform workers and fire departments of toxic hazards, and the increasing expense and liability associated with toxics disposal are already causing industry to move away from toxics use.

"We (the AOI) are terribly concerned with environmental issues; we have supported most environmental legislation over the last five years and businesses are attracted by our state's protection of the environment. But this bill has the potential to set up barriers to economic growth, at a time when Oregon's economy is improving," Donaca said.

Donaca said the TUR bill has some good points, such as technical assistance for industry and a general education program, but he believes the overall emphasis is misplaced. "A lot of toxic stuff, like Drano, is dumped down drains in homes, and this bill doesn't address that."

"Toxics have become increasingly expensive for industry to dispose of and real estate interests don't want contaminated property. Those who still use toxics in industry do so because they have no choice," he added.

Donaca also expressed concern that money to implement

TUR would come from funds already allocated for cleanup and investigation of toxic waste sites, a more immediate concern.

Just how much a TUR program would cost is unclear. Dave Rozell, Waste Reduction Manager with the state DEQ, said that "while right now there is no separate appropriation for TUR, part of it would come from already-existing taxes on hazardous substances. That's about \$22 million annually and about two-thirds of that goes to cleanup. Most of the funding details have to be worked out in the legislature."

Rep. Grattan Kerans (D-Eugene) will be the bill's sponsor in the legislature. He said that

while the bill enjoys broad-based support from the public and labor unions, it could be changed in fundamental ways in the legislative process.

"The public and members of the legislature are becoming increasingly aware of the expense of cleanup for local and county governments."

Kerans also said he does not believe industry can voluntarily reform its toxic use habits.

"There are many examples of firms that have been exceptionally responsible, especially in high-tech industry, but we can't expect that all the compliance we need will come voluntarily," he said.

'It's time to shift our emphasis away from managing our pollution problems once they have been created to preventing them in the first place.'

-Sara Laumann

or have otherwise been identified as a serious threat to the environment or public health. This is the "control-oriented" approach.

But during this legislative session, an Oregon consumer group will introduce a controversial bill aimed at eliminating the use of toxic substances in manufacturing, thereby reducing the amount of waste generated.

The Toxics Use Reduction Act would mandate eventual phase-out and substitution of toxics in industry and place additional taxes on the sale of toxic substances. The bill would also provide technical and financial assistance to industries to help them achieve toxic use reduction goals.

The Oregon State Public Interest Research Group (OSPIRG), which wrote the bill and is its chief sponsor, said toxics use reduction (TUR) is a necessary response to the current waste management approach because present pollution control laws are not keeping pace with the proliferation of toxics in our environment.

"It's time to shift our emphasis away from managing our pollution problems once they have been created to preventing them in the first place," wrote Sara Laumann, staff attorney for OSPIRG, in a report.

If passed, the bill would affect industries throughout the state, from paper mills to automotive and industrial chemical users. Some mills are believed to produce dioxin, a potent environmental contaminant, as a result of bleaching pulp to make paper. Many electronics

formance standards which would force toxics users to achieve as low a level of reduction as has been achieved with similar businesses in their industry. OSPIRG hopes to have the bill before the legislative committees by late February or early March.

According to OSPIRG, the toxics use reduction program will require at least \$3 million a year and would be funded through fines (up to \$25,000 a day per offense) and a tax on all toxics sold, bought, and transported in the state. Money would also come from an existing general hazardous substances fund already intended for cleanup and investigation of hazardous waste sites.

Joel Ario, OSPIRG director, said a tax as small as .6 percent would generate \$12 million a year in revenue for TUR. He said this is more than enough to fund the Toxics Use Reduction Institute (to conduct research into TUR), the Bureau of Toxics Use Reduction (to enforce TUR laws and assist industry), administrative costs, and a revolving loan program to assist toxics users in achieving compliance with the act.

Ario also pointed out that it costs \$14 million to clean the average toxic waste dump, so TUR would actually be cost-effective in the long run.

He also said the bill would have less effect on Oregon businesses because Oregon is a net importer of toxic chemicals, mainly from California. "This bill will favor the paper industry over the plastics industry," he said.

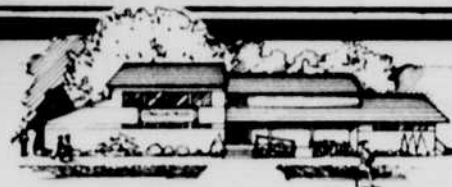
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