

# Ozone initiative will harm Eugene, the environment

By Jeff Miller

As someone who supported a close family member through successful treatment for melanoma — and who lost a friend of many years to the disease — I understand as well as anyone the importance of protecting the ozone layer. I agree with the Nobel laureates and other scientists who believe that ozone depletion is one of the most important environmental problems.

That's why when I first saw Measure 20-03, the Ozone Protection Charter Amendment, I thought it was a good thing. But as I read further, I quickly realized that 20-03 didn't do much — if anything — that wasn't already being done on the national and international levels. Much more important, though, it threatened to cause some major problems for our community — and, surprisingly, the environment.

**Measure 20-03 would duplicate federal law and international agreements.**

As I researched the measure, I found that national and international agreements had already been passed to protect the ozone layer. The 1993 U.S. Clean Air Act banned or assigned phase-out dates for every one of the products banned by Measure 20-03.

**Measure 20-03 would hurt Eugene.**

Even though its duplication of the Clean Air Act makes Measure 20-03 unnecessary, that

doesn't mean it's harmless. On the contrary, Measure 20-03 will hurt four key areas of our community: city government, the municipal court system, schools and individual citizens.

First, this initiative will raise the cost of city government, at the same time that budgets are being slashed in every department. The initiative requires the city to create a new bureaucracy in municipal court and staff a new citizen advisory committee, publish ads and brochures, and develop a new policy and procedures. Figures recently published by the city estimate the annual cost as high as \$140,000 per year. It could cost the city \$200,000 if the vague language of the amendment forces the city to defend itself in a lawsuit.

Second, Measure 20-03 requires the municipal court to process citizen complaints against other citizens, but the court is not set up to handle these kinds of complaints. In fact, court administrators believe they lack even the authority to do so. At the very least, a new bureaucracy will need to be created and put into place. One way municipal court could enforce its decisions is through arrest warrants.

Third, the amendment would hurt our schools. How? Projects scheduled for this summer at one area high school and the University specify a kind of rigid foam insulation that would be banned by Measure 20-03. Proponents say that economical

alternatives are available for all products banned in the amendment, but I thought I'd check it out. I asked a local roofing contractor who sells a variety of roofing materials to give me figures on the projects using equivalent R values of perlite, a substitute recommended by proponents. The difference: add \$30,000 to the University project and \$60,000 to the high school project.

Fourth, proponents say that other cities have passed similar laws. Let's examine them for a second. Measure 20-03 bans compounds and products that are already banned. Others don't. Measure 20-03 is a permanent change to a city charter. Others aren't. Measure 20-03 creates a new judicial system. Others don't. And Measure 20-03 creates a vigilante system of citizen enforcement. Others don't.

Citizen enforcement lends itself to harassment and vigilante behavior. Think about it a minute. Suppose you go into your garage, get a pesticide that you purchased legally, and apply it to your property. Your neighbor could challenge your use of that pesticide under the terms of the amendment, have you cited, and you would have to appear in court. If you lose, you would have to pay all the costs of litigation, including all expert witness fees — in addition to fines as high as \$1000 per offense.

If the changes proposed in this initiative were implemented, they would be very hard, if not

impossible, to change. That's because Measure 20-03 is a charter amendment. That means changes to it can be made only by a vote of the people, a very difficult and expensive way to make a simple modification to a regulation.

**Measure 20-03 hurts the environment.**

Surprisingly, Measure 20-03 will cause environmental problems of its own. That's because, unlike any other measure around the country, it bans HCFC-blown rigid building insulation.

A ban would sound good. But what effect would such a ban have? According to EPA officials, the ozone layer is now expected to return to normal levels of chlorine in about 60 years. That's a long time. But research has shown that banning HCFC-blown insulation throughout the U.S. would change the date of the ozone's return to normal to 59 years, 11 months and 9 days. That's a gain of only 21 days.

Unfortunately, in the first five years of such a national ban, according to a recent Price-Waterhouse study using data from Oak Ridge National Laboratory, national energy consumption would increase by as much as 379 million barrels of oil. Using that much additional oil would cause 535 billion pounds of carbon dioxide emissions to be released into the atmosphere.

**Vote no on Measure 20-03.**

I understand the appeal of a measure like Ballot Measure 20-

03. Sometimes it seems like we just have to do something — anything — to help.

But remember that this is an initiative for a permanent change to our city charter. It's an example of what a 1992 Eugene City Club report cautioned against when it said: "...Initiative measures are too often written in such a manner that they are difficult to interpret and administer. Sometimes poorly drafted initiatives produce results unanticipated by even their sponsors."

Sponsors don't anticipate having to make tough budget decisions. But the city has a fixed budget, so that's a reality. When you vote for Measure 20-03, ask yourself which programs should be cut. The Eugene Celebration? The homeless car camp? Parks and recreation, swimming pools or playgrounds? Police or fire protection? The city will have to make these decisions.

Government, industry and environmental groups, in the United States and internationally, were involved in the crafting of current EPA regulations protecting the ozone. Let's give them a chance to work and save our local tax dollars for truly necessary local services. Measure 20-03 represents good intentions, but it creates bad government. Please join me May 17 in voting no on Measure 20-03.

*Jeff Miller, a former mayor of Eugene, is a member of Citizens Against Redundant Legislation.*

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