

LRAPA will be inundated with dealing with odor issues and side-lined from doing it's [sic] real work — which is to focus on keeping our airshed clean and healthy." Banks included Baxter representatives among the e-mail recipients and reiterated her position at the February board meeting.

Community member Becky Riley, who lives downwind of the Baxter plant, is disturbed by Banks' comments. "What kind of incentive is this for the company to make a good faith effort to complete the work to the highest standard and to make sure it is effective?" she wrote in an e-mail to Jim Johnson. "I think the agency needs to send a new message to Baxter, loud and clear ... that further enforcement actions WILL be taken at the end of the term if the odor conditions continue."

County Commissioner and former LRAPA board member Pete Sorenson suspects that industry is influencing the board in Baxter's favor. "The board refused to listen to the complaints of the local population," he says. "They chose not to enforce the ordinance against Baxter because of political pressure."

## Skewed Board

LRAPA's April 12 board meeting is packed to capacity. Chair Dave Ralston presides, sporting all-black clothes, a sandy mustache and combed-over hair, while a dozen-odd audience members sit at attention. Former board member Pat Patterson, sitting behind me, coughs: a deep, loud, phlegmy hack from the depths of his body cavity, the kind that rattles the ribs and brings tears to the eyes. A cough that reminds me why LRAPA exists.

The LRAPA board is the agency's boss, establishing policies and overseeing the staff work. It currently has seven members: three from Eugene, one from Springfield, one from Lane County, one from Cottage Grove/Oakridge and one at-large. The board plans to add two new members, one from Eugene and one from Springfield, in accordance with the state statute.

Eugene City Councilor Betty Taylor has served on the board for eight years. She says that with board changes come shifts in policy that favor either industry or public health. Before last November, she says, the board was relatively balanced: Commissioner Pete Sorenson and former Eugene City Councilor

Shannon McCarthy shared Taylor's public health bias, and Springfield City Councilor Ralston, Cottage Grove representative Patterson and at-large appointee Carol Tannenbaum favored industry. Eugene's Gary Rayor was a swing vote.

But Sorenson didn't seek re-appointment this year. "The community shouldn't be lulled into believing that LRAPA exists to serve and protect the public," he says. "You really don't have much public accountability with LRAPA. It's hanging right now by a thread. I'm not optimistic, and so I left."

County Commissioner Faye Stewart replaced Sorenson, Eugene representative Earl Koenig replaced McCarthy, and Oakridge representative Glenn Fortune replaced Patterson. Based on their voting records so far, all three new appointees seem sympathetic toward industry.

That leaves Taylor as the board's lone voice for public health. At the past several meetings, she's often been on the losing end of 6-1 votes, and her motions are seldom seconded. She worries that the current board will push for a new director who will put industry above the public health. "I'm not optimistic about who we're going to hire," she says.

Community member Leslie Maguire echoes her concern. Speaking at the April board meeting, she cites language in the agency's hiring criteria that says LRAPA seeks a new director who "takes enforcement action using a cooperative and conciliatory approach" and "is sensitive to economic impacts of air quality improvement on area businesses and able to develop mutually beneficial solutions."

Maguire tells the board that she is losing faith in the agency. "How sad that rather than LRAPA protecting the public, it is now the public that must protect itself against what you have become — a voice for industry," she says.

Taylor motions to add two more points to the hiring criteria. First, she says, the new director should be committed to the agency's mission to protect the public health. The motion passes. Second, Taylor continues, the new director

should be willing to enforce air quality laws, including the nuisance rule. Ralston rolls his eyes. Nobody seconds the motion.

## A tough choice

Would Lane County's air be cleaner if it were regulated by the ODEQ? It's hard to say; it never has been. During LRAPA's tenure, the local airshed has improved in some regards but declined in others. The levels of sooty particulates from wood burning have declined dramatically since the '70s, but Lane's emissions remain among the worst in the state — and the nation — in terms of several major pollutants: carbon monoxide, nitrogen oxide, fine particulate matter and volatile organic compounds. In 2001, Lane County's adult asthma rate was 9.9 percent, compared with 8.5 percent statewide.

Oregon Toxics Alliance President David Monks says that the local air regulation model might be best for Lane County because it holds the agency accountable to the public. "There's always a value in having a locally staffed and run air pollution authority," he says. "Staff members are accessible; neighbors can serve on the advisory committee. Despite the way the board has gone, I'm not ready to give up on LRAPA."

On the other hand, a regional authority may be more susceptible to local politicking than a state authority. "We are a local agency, and there are always political pressures," Metzler says. "Anybody who says 'No, that doesn't happen,' I think they're a little naïve."

While the DEQ lacks localized air pollution programs like the Lane Clean Diesel Project and Everybody Wins, LRAPA lacks the funds to carry out some of DEQ's more expensive projects. "We probably do not do as much air toxics monitoring as DEQ does," Metzler says. That deficiency could work out nicely for local industries whose emissions aren't backed up by enough monitoring data to readily draw health conclusions, à la Baxter.

In order to steer the agency back toward its priorities, Monks says that the agency needs to

be more transparent, the public more aware and local nonprofits more involved in air quality politics.

Theoretically, the public could have as much leverage with LRAPA as industry, applying political pressure to shape it up or shut it down. But that doesn't seem to be happening. "I don't think we're getting any pressure [from public health advocates] recently," Metzler says.

A more perennial reform might come from a revision of the state statute concerning regional air agencies. Some examples may be found California and Washington, both with extensive networks of local air agencies.

California has 35 regional air pollution authorities, all overseen by the California Air Resources Board, an arm of the California EPA. Like LRAPA, they receive permit fees from local industries, but they also get a cut of vehicle license registration fees — enough to ensure a solid funding base in perpetuity.

Washington state has seven regional air pollution authorities covering 91 percent of the state's population, all overseen by the state's Department of Ecology. The Spokane County Air Pollution Control Authority (SCAPCA), like LRAPA, covers 8 percent of the state's population and regulates an airshed prone to temperature inversions. But unlike LRAPA, SCAPCA receives 8 percent of its annual budget from Washington's general fund, a figure based on the county's population, size and per capita income. In addition, SCAPCA levies mandatory fees on local jurisdictions based on their populations. Those fees cover 32 percent of SCAPCA's budget. With 10 sources of revenue, the agency's funding is fairly secure. "As a rule of thumb, I would say the more diversified the revenue sources, the easier it is to maintain a relatively stable budget from year to year," says SCAPCA Director Eric Skelton.

There's safety in numbers. Local air agencies in California and Washington are more stable because secure, annual funding sources strengthen them against political pressures, and they are backed up by statutes designed to sustain them.

In contrast, LRAPA seems immeasurably weak, trying to appease everyone and satisfying no one, nervously changing directions as its board shifts. Like the haze that hangs over the Willamette Valley, the agency responds to pressure. What direction it will take next depends on local governments, on industry, and on Lane County taxpayers. **EW**



**Kim Metzler**

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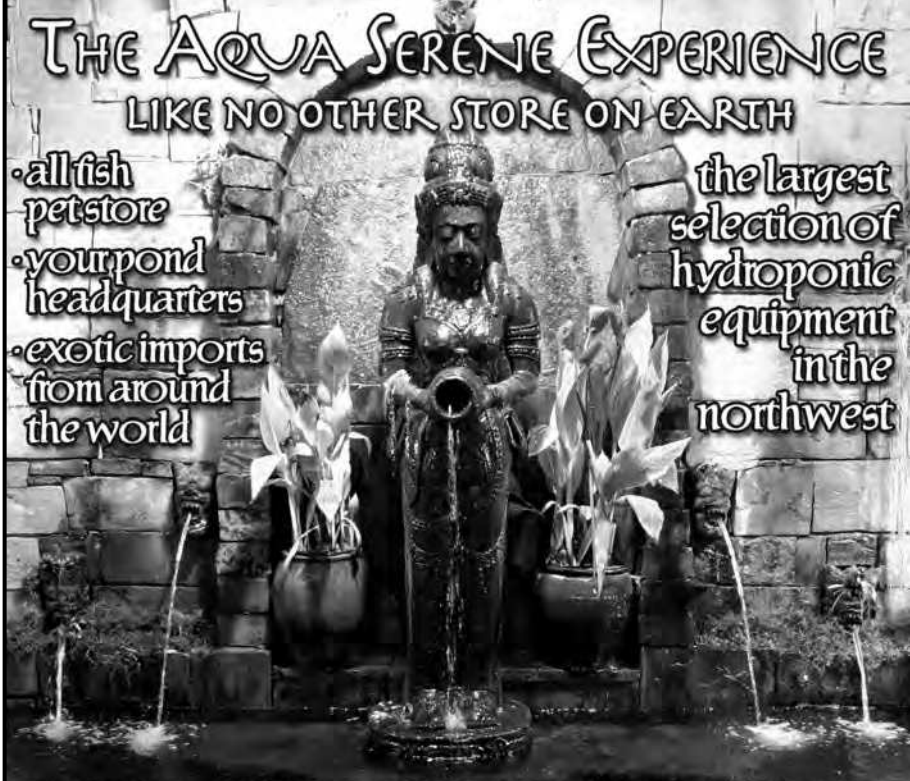
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