

DEQ issues largest air quality fine at \$1.3M

Aluminum recycler fined for processing dirty material

By **SAM STITES**
Oregon Capital Bureau

SALEM — An aluminum recycling plant in The Dalles has been hit with the largest fine ever imposed by the Oregon Department of Environmental Quality for air pollution.

The state announced Thursday that it is assessing a fine of \$1.3 million against Hydro Extrusion USA, a Norwegian company found by DEQ and Environmental Protection Agency inspectors

to have multiple violations of its air quality permits for its plant in The Dalles. The violations were found during an inspection in April 2019, DEQ said.

According to DEQ, the facility's air quality permit allows it to melt only "clean charge"—material that's free of oil and grease, paints or other coatings. Inspectors found that the facility processed unclean, coated aluminum scrap for more than a year.

"DEQ found Hydro Extrusion operated with flagrant disregard for the rules and conditions of its air quality permit," said Kieran O'Donnell, DEQ compliance and enforcement manager. "DEQ expects industrial facilities to adhere to the rules that

are in place to protect the health of Oregon's people and environment. Hydro Extrusion chose not to follow these rules, and DEQ is holding the facility accountable to ensure in the future it operates in full compliance with environmental laws."

According to DEQ, inspectors also found the facility didn't do required tracking and monitoring to prevent the processing of unclean charge, failed to keep required records, submitted inaccurate certifications to DEQ, and use excessive amounts of an additive used to improve product quality.

After identifying the violations, DEQ ordered the facility to stop using unclean alumi-

num, improve its tracking and monitoring program, and submit monthly records so DEQ can verify compliance.

Hydro Extrusion has improved its scrap monitoring program at the facility and certified to DEQ that it has stopped processing prohibited material, the agency said.

The majority of the penalty — \$1,063,485 — is the estimated economic benefit the facility gained by avoiding the cost of pollution control equipment. If the facility installs control equipment, DEQ may reduce the penalty.

The largest air quality permit penalty issued by DEQ until now was \$303,169 against Eagle Picher Minerals in 2002 for operating a mineral processing plant

in Vale without a federal permit.

The largest penalty in any DEQ program came that same year, a \$1.4 million fine against Cain Petroleum for violations relating to a fuel spill from underground storage tanks in Hillsboro and Forest Grove.

Hydro Extrusion has 20 days to appeal the fines.

This isn't the first time Hydro Extrusion has run afoul of government regulation. In April 2019, the company agreed to pay \$46 million to NASA and the U.S. Department of Defense in resolving criminal and civil claims for falsifying certifications for aluminum extrusions to thousands of customers across the country, including government contracts.

Washington lawmaker introduced a bill that would allow CBD in food

CBD has fueled a boom in hemp cultivation

By **DON JENKINS**
Capital Press

OLYMPIA, Wash. — Hemp's popular non-psychoactive compound CBD would be a legal food ingredient in Washington under a bill introduced Jan. 7 by a state legislator, a move that would cross federal food-safety regulators.

The legislation, sponsored by Republican Rep. Drew MacEwen of Mason County, also runs counter to the Washington State Department of Agriculture's warning to processors to not mix CBD into products to be ingested by humans or animals.

"We still have concerns about allowing CBD in food," agriculture department spokesman Chris McGann said Tuesday. "A state-led effort to allow food ingredients not allowed by the FDA would be complicated to enforce and put processors and markets at risk."

The Food and Drug Administration says CBD hasn't been proven safe to consume and that interstate trafficking in CBD-infused food and drinks is illegal. Nevertheless, CBD has fueled a boom in hemp plantings across the country. Popular products include CBD chocolates, gummies and tea.

The FDA has approved CBD for one product: a prescription drug to treat two rare and severe forms of epilepsy. The agency says it continues to evaluate CBD, but has concerns now about its toxicity and adverse effects, including potential liver damage.

A FDA spokesman said the agency doesn't comment on pending legislation.



Cannabidiol, or CBD, is one of the main products driving interest in growing hemp.

Industrial Hemp Association of Washington Director Bonny Jo Peterson said the state bill was "useless."

"It still wouldn't stop the FDA from coming in and saying, 'Hey, you can't do this,'" she said.

The Washington Legislature last year passed a hemp-regulation bill, responding to the 2018 Farm Bill, which took hemp off the federally controlled substance list. The bill allows the "whole hemp plant" to be used as food, but also directs the state agriculture department to follow federal law in regulating hemp as a food ingredient.

The Legislature was unwilling to approve CBD in food without the FDA's approval, said Vicki Christophersen, executive director of the Washington Cannab-

business Association.

"I don't know how much has changed in nine months," she said. "It would be a pretty dramatic action, I think."

Efforts to reach MacEwen were unsuccessful.

The FDA sent 22 warning letters to companies in 2019. The companies were marketing CBD as a curative, dietary supplement or an ingredient in food or drink, according to the agency.

The FDA says it's continuing to study CBD and anticipates issuing regulations on making and labeling it.

Christophersen said the current status of CBD-infused food — illegal but available — was "very weird."

But rather than a patchwork of state rules, the hemp industry needs a national policy from the FDA to ensure CBD is safe and legal, she

said. "It's just creating a lot of uncertainty for farmers and manufacturers," Christophersen said.

CBD provides the biggest potential market for growers. "Fiber and rope and all that is probably not where we're going," Christophersen said.

The FDA has declared that hemp seeds are safe to consume. According to the FDA, the seeds do not have CBD or THC, the psychoactive compound in marijuana.

MacEwen also introduced a bill Tuesday to allow CBD-infused products to be sold at marijuana stores. Currently, marijuana retailers can only sell cannabis products with at least 0.3% THC.

House Bill 2296 is the legislation to allow CBD in food. House Bill 2300 is the proposal to let marijuana stores sell CBD products.

Logging project lawsuit cites wildlife impact

By **MATEUSZ PERKOWSKI**
Capital Press

KLAMATH FALLS — A 933-acre logging project on U.S. Bureau of Land Management property in Southern Oregon is accused of violating federal law by environmentalists who seek to overturn its authorization.

Several environmental plaintiffs — Klamath-Siskiyou Wildlands Center, Oregon Wild, Cascadia Wildlands and Soda Mountain Wilderness Council — have filed a lawsuit claiming that BLM failed to fully analyze the Griffin Half Moon project's impacts on great gray owls and Pacific fishers.

The complaint alleges the at-risk species will be harmed by logging but the "direct, indirect and cumulative effects" of the project weren't considered by BLM, contrary to the National Environmental Policy Act, which means the project's approval should be vacated and any harvest operations blocked.

The project, which is adjacent to the Cascade-Siskiyou National Monument, aims

to generate about 9 million board-feet of timber through thinning as well as clear-cutting under which stands would retain roughly 10-20% of their canopy.

The planned timber sale area is used by four known Pacific fishers, which are members of the same carnivorous mammal family as weasels that depend on "dense canopy closure," according to the complaint.

"Under all action alternatives, timber harvest would reduce canopy cover on 410 acres to the point where the remaining habitat, if any, would no longer support use by Pacific fisher for its life history activities," the environmental plaintiffs claim.

The species is proposed for a "threatened" listing under the Endangered Species Act, primarily due to the "habitat loss and fragmentation" from vegetation management in the region, but receives no mandatory protections under the Griffin Half Moon project plan, the complaint said.

"BLM did not take a hard look at excluding timber harvest from occupied Pacific

fisher habitat," the plaintiffs claim. "BLM did not monitor Pacific fisher presence in the planning area to determine if species management objectives are being met."

Similarly, great gray owls require "older forest stands with larger trees," where they can find hunting perches and nest sites built by other birds, the plaintiffs said. The project area is "perhaps the best known population" of the species in Oregon and a "crucial link" between its populations to the north and south.

The project area has five great gray owl nests documented by the Rogue Valley Audubon Society, but the species also won't receive any special protection under the logging project plan, even though some of the "logging units" were excluded from harvest under the Northwest Forest Plan, the complaint said.

Properties owned by BLM in the region were withdrawn from the Northwest Forest Plan in 2016 when the agency enacted a new resource management plan for 2.4 million acres in the area, which means the owls are no longer

part of a "survey and manage" program, the complaint said.

"BLM did not incorporate best management practices, standard operating procedures, conservation measures, and design criteria to mitigate specific threats to great gray owls as required by BLM policy," according to the plaintiffs.

A spokesperson for the BLM's Medford District, which approved the project, said the agency doesn't comment on pending litigation.

In its record of decision, the agency said the Griffin Half Moon project would rely on clear-cutting to "produce complex early-successional ecosystems" while also contributing to the amount of timber harvested from BLM land on a sustained annual level.

Clear-cutting, or "regeneration harvest," is needed in the area because "complex early successional" forest stands make up only 2% of the harvestable land base in the region, while the vast majority of the area is comprised of older forest stages, the agency said.

BRIEFLY

EOU training on doing business with government

LA GRANDE — Eastern Oregon University's Small Business Development Center is hosting a training for business owners interested in doing business with state and federal agencies.

The training will be Jan. 23 from 9 a.m. to 1 p.m. at 1607 Gekeler Lane in La Grande. It is free, but preregistration is required.

Attendees will be provided with an overview on what they would need to know to do business with government agencies, including what state or federal certifications they would need. Presenters include the Oregon Government Contracting Assistance Program, Small Business Administration, Certification Office for Business Information and Diversity, Oregon Procurement Information Network, U.S. Army Corps of Engineers and Oregon Department of Transportation.

For more information email eousbdc@gmail.com or call 541-962-1532.

Construction safety summit coming to Bend

SALEM — The 19th annual Mid-Oregon Construction Safety Summit, a two-day conference in Central Oregon that will focus on the safety and health of workers in residential, commercial and industrial construction, will take place Jan. 27-28 in Bend. Fall protection, personal protective equipment, silica hazards and electrical safety are among the included topics.

Training sessions, from Oregon OSHA training for construction to work zone safety and flagging will be available to those who attend, and they will be able to attain certifications or recertifications. An opportunity to earn continuing education credits through Oregon's Construction Contractors Board and Landscape Contractors Board will also be offered.

Matt Pomerinke of Longview, Washington, will deliver the keynote presentation, "Accidents are Forever," on Jan. 28. Pomerinke, who at 21 years old had his arm amputated below the elbow following a lumber mill accident, shares his story now to help prevent similar accidents.

Registration for pre-conference workshops on Jan. 27 is \$50. The Jan. 28 conference is \$85. Registration for the OSHA 10-hour training for construction is \$140 for both days. And the cost of attending the silica competent person workshop on Jan. 27 is \$75.

To register, go to <https://safetyseries.cvent.com/summit20>. For questions or help registering, call the Oregon OSHA Conference Section at 503-947-7411.

Tax season officially opens Jan. 27

PENDLETON — The IRS has confirmed Jan. 27 as the first day the tax agency will accept and begin processing 2019 tax returns.

The deadline to file tax returns for 2019 and pay any owed taxes is April 15, which this year falls on a Wednesday.

More than 150 million individual tax returns are expected to be filed, according to a press release from the IRS.

Taxpayers may prepare returns through the IRS's Free File program or tax software companies and tax professionals before the start date, but processing returns will begin after IRS systems open later in January.

Oregon W-4 to be used for changes to state withholding

SALEM — Oregon taxpayers making changes to state withholding must use an Oregon W-4 form, according to the Oregon Department of Revenue. The new federal Form W-4 cannot be used for Oregon withholdings since it doesn't use allowances, and Oregon withholding is calculated using allowances.

Prior Oregon or federal withholding statements used for Oregon withholding can remain if the taxpayer doesn't change their withholding elections.

"We encourage Oregon taxpayers to check their withholding for tax year 2020," Personal Tax and Compliance Division Administrator JoAnn Martin said in a press release from ODR. "Not withholding enough during the year could lead to an unexpected tax bill in 2021."

A Form OR-W-4 should be provided by employers to employees when an employee gives them a new federal Form W-4.

Taxpayers who are more at risk for withholding too little include those who:

- Started a new job in 2019 or later.

- Updated their federal Form W-4 in 2018 or 2019.

- Previously claimed federal deductions that were impacted by federal tax law changes, such as the employee business expense deduction.

- Live in a two-earner household.

Taxpayers can find Form OR-W-4 and determine the correct amount to withhold by using the online withholding calculator on the department's website at www.oregon.gov/dor.

— EO Media Group