

TOXICS STAKEHOLDER GROUP

Meeting Notes

Monday, April 26, 2010
Oregon Department of Forestry, Salem

Attendees: Wendy Wiles, Kevin Masterson, Palmer Mason, Lisa Heigh, Terry Witt, Deanna Conners, Mike Karnosh, Brandy Humphries, Steve Riley, Dave Wilkinson, Dave Kliever, Peter Ruffier, John Ledger, Paul Cosgrove, Mary Lou Soscia, Renee Hackenmiller- Paradis, Jennifer Wigal, Jennifer Shmikler, Tom Mendes, Neil Mullane, Andy Ginsburg, David Livengood, Jason Feldman, Cheryl Grabham, Abby Boudouris, Sheree Stewart, Ralph Saperstein, Keri Handaly, Denise Roth

On Phone: Joan Rothlein, Rich Garber, Kathryn VanNatta, Lisa Arkin, Tim Shestek, Holly Sears, Western States Petroleum representative

Overview by Wendy Wiles:

The DEQ agency wide strategy is currently under development. This is an opportunity to bring stakeholders up to speed on the history, purpose and status of the Toxics Reduction Strategy. We are attempting to produce a comprehensive integrated strategy for reducing toxics. DEQ is currently organized around 3 divisions – Air, Land and Water. We are trying to determine how contaminants move across the various media that each division is tasked with regulating. We will be asking for your help in identifying strategies that come out of this process. The ones appropriate for DEQ to work on will come back to our individual programs for implementation. In addition, other toxics reduction opportunities may be recommended for implementation by other state agencies.

Q: What do you expect us to contribute?

A: Three things we are looking for from you sounding board, technical resource; being very specific about the expected outcome and your role.

Q: Who is pursuing prioritization? Who is doing that?

A: We will take the lead. The team is working on it, including talking about the idea of subgroups. There will certainly be stakeholder involvement in every aspect of this.

Draft Data Summary Table for Focus List Chemicals

At the last stakeholder meeting, we talked about the new template. We came up with toxic chemicals Focus List based on all DEQ's priority lists, which has 135 chemicals, grouped to 54. We pulled together as much information on the classes and collected the data and pulled it together and came up with a template; best way to approach is to put data into spreadsheet rather than a narrative format.; wanted to capture what data was out there; some columns to get at magnitude of potential chemical use in Oregon and uses and non uses; want to compile everything into one table; provide a more effective summary of the data we have; provided you all with the template and we have partially populated it and still going through some data sources. Want you to look at it before it's totally populated to get your feedback on other data sets we need. That's why we are showing it to you in this draft form. This is not just to capture data, but to help us decide how to use the data. This is not the sole basis of recommended strategies but will help us get a better sense of the magnitude and relevance toxicity.



State of Oregon
Department of
Environmental
Quality

LQ Division

811 SW 6th Avenue
Portland, OR 97204
Phone: (503) 229-5696
(800) 452-4011
Fax: (503) 229-6762
Contact: K. Masterson
www.oregon.gov/DEQ

*DEQ is a leader in
restoring, maintaining and
enhancing the quality of
Oregon's air, land and
water.*

Q. What if something is a legacy pesticide? Methoxychlor is really a legacy pesticide now, not a current use pesticide. It's not registered in the state of Oregon.

A. This is the kind of feedback we're looking for from you, the stakeholders. We talked about using subgroups to solicit focused feedback on categories of chemicals.

Comment: Add known carcinogens and toxicity to people – its more relevant information. Animals are good, but people are better. Other human health effects should be added, if possible.

Q. How do you see the distinction in the columns of presence in Oregon vs storage in Oregon?

A. We can call it something else if it makes sense - want to make the distinction about what is stored and present in Oregon.

Q. Any chemicals already covered by programs – no real surprises on this list?

A. Kevin- no regulatory programs on consumer products

Q. Which ones are consumer products?

A. See bottom of page two on list – very few that we have standards on and it depends on which agency you are talking with.

Q. Can you make the call to take the ones off that are already covered by a program?

Reference information would be helpful. List of references should be at bottom of spreadsheet. Codes seem to be cut off and would like complete references.

A. We will look at that one.

Q. Did you look at other rules and regulations and databases with regard to releases in Oregon?

A. No, but it's a good idea! You're referring to Oregon Occupational Safety & Health (OSHA)'s material safety data sheets (MSDS). It is company specific

Q. Are there other legacy chemicals that aren't pesticides?

A. Polychlorinated bipheynls (PCBs) are the only ones that are on the Focus List specifically.

Q. You talked about adding nitrate to this list. Where are you with that?

A. We have developed a process for adding chemicals to Focus List. All on chemicals on the initial Focus List have met the programmatic criteria (priority for 3 programs and 2 division). We have proposed a secondary screening criterion for adding chemicals to the Focus List that would be based on whether it exceeds and environmental standards or benchmarks. Came up with 8 chemicals, including nitrates, and proposed that they be added in the future.

Rich – reference to a foot note, didn't see any foot note on page 8. Just curious if there is one. Footnotes were inadvertently left out of the printed version of the draft data table.

Q. We aren't sampling for a lot of these, so it's not just 'Yes' or 'No' are they present in Oregon. Do we need to add another category?

A. We're asking you to help us fill in some of these blanks. Keep in mind we don't have all the data at our fingertips. Think about some of this as we select or you choose your subgroup.

Q. Can EPA's toxics release inventory (TRI) data capture information on chemicals that are brought to landfills or capture what goes outside. We do capture what goes out. But it's based on use not toxicity. The consumer products seem limited. How are you going to keep up with pharmaceuticals and other emerging contaminants.

A. The chemical screening and evaluation process hasn't evolved yet, but DEQ is proposing to develop a more rigorous screening process for chemicals that didn't make it on the Focus List as a result of the first two screening criteria (programmatic priorities and standards exceedances). In addition, as we collect more monitoring relative to SB 737 Initiation Levels, pesticide benchmarks and air toxics benchmarks, more chemicals could be added because they exceed these new established numeric values.

Q. How will you stay current?

–A. Other experts will be resources and we will revisit the list every 3 years. We need more work in this area.

Q. Naphthalene – releases – is you've made use of naphthalene compounds and are you combining compounds.

A. May not have captured the compounds.

Wendy - Other comments or questions from those on phone or around the table?

Outcome – We're asking for clarity and adequacy of information and data in draft table. We will ask those interested work through subgroups to help populate the spreadsheet further.

DEQ Program Reviews:

Team Toxics and as part of this group helping with program review. We started with a draft survey and presented it to you last meeting - this is the follow up. The initial pilot review started with the agency's Hazardous Waste program. Presently, we surveying three different programs within the agency's three divisions: Air Quality's Employee Commute program, Land Quality's Cleanup Program - they finished their part of the survey, and Water Quality's Drinking Water Protection program. We are still in pilot mode. So far, the pilot reviews are very insightful, which we use to finalize the survey before distributing it to all divisions to review all programs and subprograms Preliminary Findings show that program and subprograms are meeting their regulatory mandated work, but have challenges that include:

- **Structural:** ...structures vary, which makes having one survey template challenging (e.g., HW program (prevention), Cleanup (identification & cleanup) & Drinking Water Protection (identification, prevention));
 - **Regulatory Authorities:**...are using their existing regulatory authorities that support just point sources or just non-point sources, and have expanded reach where possibly, such as through flexible technical assistance programs (e.g., Hazardous waste TA);
 - **Resources:** ...reduced funding and reduced staff over the years have forced prioritization, which implies inability to get to other priorities with known and unknown extent of need (e.g., Orphan site cleanup);
 - **Inherent Limits:** ...have inherent limitations, such as regulatory mandates and supporting funding sources, narrow monitoring parameters, inflexible regulations, and organizational and people structuring (aka siloing).
- Next steps
 - Participating staff to review process and tweak survey one last time

- Distribute surveys to all divisions and their subprograms with Team Toxics' members to facilitate process
- Develop Program Review Summaries – Kevin will discuss this in more detail

Q. You going to roll out the survey out agency wide? Any intent to extend it to other agencies?

A. Kevin Masterson will be talking about it in his review with agencies. He distributed a table to this group so you can look it over today. This is the draft, preliminary output of DEQ's program review. We've distilled the main highlights, but not providing you minute details of the survey – again, just the highlights. The template provides you with the major findings of the Program Review.

Some programs focus on individual chemicals and others looked lumping compounds. We intend to develop this kind of sheet for all the DEQ programs. We started with Current Use Pesticides category just to show you what the final product may look like after the reviews are done. This document is informal, but still hopes to capture the scope and essential needs and then match to potential actions. Want input now from this group on – is it good, are we capturing it?

Q. Potential actions as a category at one time. Is there a reason you didn't include it in this draft?

A. That's the next step, but want to complete the Program Review first. Ideally, it will be like building blocks where we can match program needs to potential actions and will run each of the actions through a set of criteria. Preliminary findings allow us the ability to see those areas where they don't cover what's needed to reduce a particular toxic chemical. Also, we will be able to see the challenges what actions we will recommend. Let's take a quick walk through of the Program Review results template so you can see how it works and what we have captured so far.

Comment. One advantage of using the pesticides as your base line is there is a lot of information available.

Q. Casting a wide net struggling to see what matrix you are generating how to prioritize any of these quantitatively or qualitatively. There should be some way to create a tiering of priorities.

A. We are trying to get more information on all these chemicals to make some of these prioritization decisions. No formula yet to come up with the prioritization and we have said we want to address each category in some way, shape or form. High priority chemicals with lots of information we will be able to come up with solutions, but won't be able to hold every chemical to the same criteria.

Comment - Each potential program need and some will be easy and some will require a different set of boxes and maybe easy should happen and the ones who need more input or legislative support. Seems like we should at least prioritize the easy ones even if they are not the most important ones. One option to do pilots in certain areas of the state you want to focus on.

Q. Is the chemical and class categorization the same as in the table?

Q. Yes, the same criteria.

Q. Is that the right level of something in the categories?

A. Yes, for now.

Q. As some other agencies asked to participate and we struggle with lack of health guidelines, how do we fulfill those needs for chemical safety management? Program review process – as you are doing needs assessment one thing might be interesting if different programs have best practices for risk management strategies. Thinking about cross program strategies.

A. Cross-program needs and inconsistencies between agencies or programs will be considered in the program reviews

Q. Monitoring will be part of this program need. How will we go about it and how will it fit in to the strategies?

A. As we complete the population of the data table, we will see where we fall short on the monitoring and source data. These needs will definitely be incorporated into the strategy.

Q. Will additional monitoring be done by permittees or will the agencies initiate the monitoring program?

A. Kevin – It's in DEQ's realm with help from our partners. Will really depend on what questions we are trying to answer. May be some obvious overlaps.

Q. I'm not clear from the chart that you are looking at what everyone is doing. Looks like it's just federal programs. Is it?

A. Those are the kinds of things we want to hear from you all. There are other needs and there are partners doing great work, opening to expanding our program reviews.

Comment - Seems like there are some relevant federal programs affected.

Comment - Another type of stakeholder with potential impacts are the railroads.

Q. Add to current use pesticides key partners Oregon state university and soil and water conservations districts

A. Address partnerships in the actions section that hasn't been done yet.

Perhaps the program review summaries can reference federal agencies and the show the linkages with all the agencies and bring them into the conversation.

Q. Interested in hearing thinking of toxics that aren't regulated and how they will fall into emerging contaminants and it will be left out and there isn't a program to address the chemical class then you won't have a category and no criteria.

A. The agency is addressing pharmaceuticals through take-back efforts and collection events. But the Solid Waste program will address gaps when it does its Program Review.

Q. Is the Strategy still on the plate of the Environmental Quality Commission (EQC)?

A. Yes. We are still working with EQC and DEQ Executive Management Team on how they want to institutionalize the Strategy.

Plan for subgroups

Discussion:

Wendy – question for the Group: Are you willing to pull subgroups back together again to get more information for the data table?

A DEQ person will be assigned to facilitate each of the subgroups. .

There was general agreement that using subgroups to review categories of pollutants in the Focus List data table would be useful.

Q. What is the charge for these subgroups?

A. To review the information in the data table for a particular category of the category and help us populate any additional information.

Q: Does DEQ want specific questions rather than just review it?

A. Yes, DEQ would like any guidance on what will help improve the usefulness and accuracy of the table. For instance, we would appreciate perspectives on what may be missing, as well as comments on the information in the table, and to direct DEQ to additional sources of data or information.

Q. If you have blanks, does it mean you don't have some information

A.– yes

Wendy – it will be as complete as it can be before we ask you to work on it.; will ask team leaders to get back in touch with you after it's been populated and email and send to the entire group showing sub groups again and you will work with a DEQ staff. Teleconference or simple email feedback. It's up to the subgroups.

DEQ will plan to have a more complete draft data table by next meeting. Want to be able to use the table as a decision making tool.

Kathryn Van Natta – Indicated she was on several groups but don't represent the interest of all those groups. I would like to say the other groups are very light on stakeholder participation. She said not to expect her to do the coordination she did before. There are experts who are not me.

DEQ will recirculate the list of subgroups

Next Meeting and Agenda

Timing for next meeting – mid to late June if it doesn't conflict with other meetings

Plan for next meeting:

* Share data table

* Update on progress and findings of program reviews

* Finalize election process we propose to use to run chemicals through and the outcomes, *

Take a couple of reduction options and run them through the evaluation criteria and write them up similarly to the program reviews. Give you an example to see how it works

Q. What is target date for draft strategy?

A. Realistically, it October is likely. Hope to make substantial progress by August.

Roundtable:

Cheryl Grabham, DEQ – coordinate implementation of 737 – we just closed the public input period on draft legislative report and in process of evaluating the information we heard and will go to legislature on June 1st,. Effluent screening will begin this summer.

Q: SB 737 Intergovernmental agreements on monitoring back to DEQ yet?

A: Cheryl says several are back.

Deanna Conners, DHS – centers for disease control’s national conversation on public health and chemicals is occurring. Great feedback and good information. Check out the web site.

Renee Hackenmiller-Paradis, OEC – wrapping up green chemistry advisory group. Will have a report soon. Also, OEC is working on Stormwater Solutions project and launching a Love Your River Campaign.

Keri Handaly, City of Gresham – City of Gresham starting an stormwater pesticide reduction initiative, and have a plan for best management practices guidance and outreach.

Jason Feldman, DHS – initiative to enhance public health messaging based around chemicals.

Mary Lou Soscia, EPA – action plan toxics reduction on Columbia river. Getting ready to go out with a draft. Only sharing it on our website. Draft for public review next week.

Andy Ginsburg, DEQ Air Quality – Air Quality sector based approaches – recently adopted practices for smaller businesses, and are helping to facilitate How to implement these practices. EPA will require more requirements fairly soon for smaller sources. Also working on new revisions to Air Quality Toxics Benchmarks and Diesel Program.

Q. What are chemicals for that will be subject of benchmark revisions?

A. Mercury, manganese, ethyl benzene, lead

Everyone agrees that the roundtable should occur at every meeting.