



## Minutes for Board Meeting of August 1, 2007

PARC Board Coordinator: Kathleen Harvey

### Board Members Present

Chris Kirby, PARC Board Administrator  
Dale Mitchell, PARC Co-Chair  
Gail R. Shibley, PARC Co-Chair  
Garnet Cooke, OR-OSHA  
Brad Knotts, ODF  
Chris Kuenzi, OSFM

### Consultants Present

Dr. Fred Berman, CROET  
Dr. Dan Sudakin, OSU  
Justin Waltz, OPHD  
Jeff Jenkins, OSU  
Will Lackey, ODOT

### Board Members Absent

Greg Pettit, DEQ  
Sandy Giffin, OHSU/Poison Control  
Richard Kepler, ODF&W

### Guests Present

Lauren Henderson, ODA  
Merlyn Hough, Lane County Regional Air  
Protection Agency  
Laura Power, OSU  
Joan Rothlein, CROET  
Terry Witt, OFS

### **I. Introductions:**

- a. Called to order: 9:08 a.m.
- b. Gail R. Shibley, Administrator, Environmental Public Health, and new PARC Co-Chair, was introduced. She gave a short introduction of her experience and stated how much she was looking forward to her tenure as Co-Chair. Dale Mitchell explained that the Health Co-Chair takes over as chair of the meetings during the off legislative year.
- c. Minutes from the March 21, 2007 meeting were accepted as presented.

### **Guest Presenter:**

Mr. Merlyn Hough, Executive Director of the Lane County Regional Air Protection Agency requested permission to discuss the "Pitchfork Rebellion". This group had come to the July 12, 2007 LRAPA Board meeting making claims of illnesses and cancer clusters, as well as drift and direct spraying of herbicides. He brought the minutes from his meeting, as well as the March 2006 Eugene Weekly newspaper that had a story about the "Pitchfork Rebellion". He explained that he was at this PARC meeting on an educational mission to better understand how pesticide application concerns are addressed by PARC.

Dale explained that, while ODA and Public Health had not dealt with the "Pitchfork Rebellion", after the article came out in 2006, some of the names of the group were researched and there had been some investigations of individual allegations. Additionally, Cinzia Romali had sent a Lane County Commissioner, Mr. Fleenor, cancer cluster packet, but there had been no information since then.

Mr. Hough gave a historical review of the LRAPA, from its formation and authorization in 1967, with two other local agencies (one around the Salem area and the other around the Portland area). In Lane County, he explained, LRAPA does what DEQ currently does for the rest of the state. Over time, the other two local agencies dissolved, with DEQ taking lead for air issues. He passed out the 2006 Annual Report for LRAPA. He also discussed the fact that the LRAPA does not deal with slash burning, grass field smoke or pesticides.

Dale asked about staffing of LRAPA and Mr. Hough stated that LRAPA (22 staff) is funded from local dues from Lane County and the cities of Lane County, some state and federal grant funding and industrial and other permitting fees. They conduct air monitoring, permitting and compliance, inspection and enforcement, and regulate open burning and asbestos abatement throughout Lane County.

The LRAPA also conducts special projects focused on air quality. An example of this is that LRAPA has helped purchase auxiliary power units for truckers through a program called "Everybody Wins". They also have a woodstove advisory program and an open burning advisory.

Dale talked about how ODA has a relationship with the U.S. Environmental Protection Agency, and asked how LRAPA works with DEQ.

Mr. Hough explained that LRAPA coordinates with DEQ to obtain EPA funding and state general funds. He did say that there are several areas that are different than the federal requirements.

He requested clarification regarding whom complainants should call. Dale explained that PARC should be notified. Gail reminded everyone that if someone has an immediate acute problem, they should contact OPC or a medical professional.

Gail asked about the LRAPA Strategic Plan for '07 and the answer was that the Board has reaffirmed the key points starting with Particulate Matter, Ozone and Air Toxics.

Mr. Hough requested information regarding general investigations into the Blachley, Deadwood, and Greenleaf area – the areas highlighted in the March 2006 article. Gail thought they might be able to get the information if they can get certain parameters from the article.

Dale asked that the PARC Coordinator collect the requested information using the criteria of the last 10 years and using records from Oregon Environmental Public Health, Forestry, Oregon Poison Control Center, Oregon Department of Agriculture, Department of Environmental Quality and PARC and report this information to LRAPA within the next three weeks for presentation to the LRAPA Board.

Additionally, Dale asked that LRAPA send anyone making complaints about effects of pesticides to either ODA or to PARC for investigation.

## **II. Handout**

- A handout was distributed in the meeting packets that described the planned protocol for collecting and distributing classification information during the classification process. It was explained that this subject would be discussed at a later time, but each member should have the handout.

## **III. Old Business:**

### **Status of Data Base**

- Kathleen Harvey explained that the database still has to go through formal testing, but that it has been "mounted" on the testing system after informal testing. Data is being entered into the 2005 program and the program will begin to be used in August. Kathleen has written the testing protocol and, as soon as it is approved, the formal testing process will begin.

Dale brought up the subject of the two years of incidents and cases that need to be identified and classified. He explained that the process for classification would include member agencies in open discussion to choose how the incident/case should be classified and closed. Justin asked if the classification would have to be unanimous, Dale replied that it would be majority rule. Dale said he expects to begin working on classifications within the next two months.

### **Florence Case**

- The Department of Agriculture has been asked and has provided, based upon a subpoena, all communications that have to do with this incident that is being prosecuted as a civil suit by the victim's husband. The PARC classification and ODA case files have all been provided to both sides of the legal case.

### **Kasch's Garden Center**

- This ongoing investigation by DEQ, OROSHA, and PARC has not yet been finished. Clean up of the storage unit is one of the next issues that must be completed. The PARC coordinator will contact Greg Pettit to request further information regarding the disposition of some of the issues and the clean up of the site. OROSHA has issued an enforcement action that has been appealed.

### **Truck Driver Exposure**

- This issue was discussed again with regard to the overarching considerations of labeling requirements and ventilation. ODA and Public Health had considered developing a recommendation to SFIREG in 2006, so Dale and Chris will discuss how much further they wish to take this.

### **Communication**

- Dale had wanted to discuss interagency communication and training, using several issues that had occurred in the last few months. However, he wanted to assure that all of the agencies were involved in the discussion, so he has asked that this item be postponed until the next meeting of PARC.

Gail proposed that a presentation regarding PARC be made to the Governors Cabinet on Natural Resources, so Dale will discuss this with the Director.

### **Public Comment**

Mr. Terry Witt, Oregonians for Food and Shelter, took the floor to thank ODA for its' support for SB 883 during the legislative session. This bill increased fines for violation of the pesticide laws and regulations. Oregonians for Food and Shelter felt that there should be more disincentives for farmers who are considering breaking the pesticide laws.

### **Minimum Risk Pesticide Issues**

- Kathleen talked about the fact that some of the minimum risk pesticides, called 25(b) products for the section of the Federal Insecticide, Fungicide and Rodenticide Act where it resides, have been implicated in several PARC cases, usually where there are ventilation issues, as well.

Because of this, Justin Waltz sent out a memo on a list serve board to other states to identify whether they were seeing similar issues. What resulted was an answer from Headquarters EPA and the Idaho representative to SFIREG taking examples of labels back to the SFIREG meeting and discussing some of the issues with a group of EPA regulators. Additionally, the SFIREG agenda was already set to discuss 25(b) products, so this was timely information.

## **IV. New Business:**

### **Draft Protocol for Case Classification**

- Kathleen began the discussion of how the process will work to classify the two-year backlog of PARC cases. She described that this will begin with setting up a phone conference call with the agencies/consultants involved, with enough information to assure each of the parties is provided sufficient time to prepare for the classification of each case to be discussed.

Dr. Sudakin voiced three concerns about classification, leading with his concern that the tool that PARC has developed may not fit environmental cases, secondly there is no designation in the classification chart for "insufficient information", and thirdly that the chart may be too "fuzzy" for agreement between agencies conducting classification.

After some discussion of these concerns, Dale asked if it would suit the Board for him to test this method of classification, and the classification standard operating procedure, and then come back to the Board with a recommendation. He explained that the process for classification would include member agencies in open discussion to choose how the incident/case should be classified and closed. Justin asked if the classification would have to be unanimous, Dale replied that it would be majority rule. Consensus around the table was to do that and at the next meeting report the outcome.

### **New Incidents/Cases**

••Kathleen was asked to only highlight several of the “important” cases that occurred in the last two months as there was very little time left for discussion of those incidents and cases. Dale asked that the members review the document and ask questions later if they had any about the incidents or cases.

Kathleen pointed out several of the incidents where people who have called are using diagnosis by machine or naturopathic practitioners to complain that the symptoms they are experiencing are caused by pesticides.

### **V. Agency Updates**

#### **Legislative Update**

••Chris Kirby stated that the budget for PARC was increased by 5% for the next two-year period. He also stated that the Memorandum of Understanding between the Oregon Environmental Public Health and the Oregon Department of Agriculture has been signed and that the Oregon State University Memorandum of Understanding is in the process of being signed.

#### **Adjourned at 12:10 p.m.**

Next meeting is scheduled for September 19, 2007.

#### **ACTION ITEMS:**

- 1) Have members and consultants collect information regarding the identified geographical area from the Pitchfork Rebellion newspaper article for discussion at the next meeting and to send to LRAPA as follow-up for their next meeting in September.
- 2) Classify 2005 cases using the draft protocol by next meeting.
- 3) Carry over the discussion of pesticides in stores brought about by the case in the Lowe’s store in Salem to the next meeting.
- 4) Coordination of the CCA/Wood treatment case by PARC and the outcome to be reported to the Board at the next meeting.
- 5) Follow up regarding recommendation to make a presentation about PARC to the Governors’ Cabinet.
- 6) Identify a periodic review for the draft Classification Protocol.

#### **GENERAL FOLLOWUP**

- 1) An email has been sent out to members requesting that if they cannot be at the meeting, they send an alternate.