



Eugene, OR Right-to-Know Law

By Mary O'Brien

In November 1996, the citizens of Eugene, Oregon passed the nation's only local materials accounting toxics right-to-know law. Materials accounting requires a toxics-using entity (e.g., a manufacturer) to produce a yearly ledger sheet of its toxics inputs and releases (outputs) such that the inputs and outputs balance, much as these companies balance their money income and expenses.

The preamble to the law is clear: "The people of Eugene do hereby find that: "A. exposure to toxic chemicals can damage human health and the environment; and B. the public has a fundamental right to know the identity and amounts of toxic chemicals that are released into the workplaces, air, water, soil, and environment of their community. Be it resolved and ordained by the people of Eugene that: all hazardous substance users in Eugene shall file an annual, public, materials balance report listing inputs and outputs of all hazardous substances obtained, used, or generated."

This law was written by citizens and passed 55%-45% by initiative into the City's charter, which means that the City Council cannot alter it, for instance under pressure from reporting businesses. The law is a strong one for several reasons:

- * Manufacturers of ten or more full-time equivalent employees that use a total of 2,640 or more pounds of hazardous chemicals a year file an input-output report for each hazardous chemical whose use exceeds 50 pounds a year. If the chemical is extremely hazardous (including extremely persistent and bioaccumulative), input-output reporting is done if 5 pounds of the chemical is used a year.
- * The hazardous chemical list includes all chemicals considered hazardous in all federal laws (e.g., Clean Air Act, Clean Water Act, CRCLA, RCRA) with the exception of pesticides.
- * Manufacturers who use toxic chemicals pay for the reporting program.
- * The manufacturers electronically report their previous year's inputs and outputs on April 1 of each year. Within a few days, their reports are posted on the worldwide web: www.ci.eugene.or.us/toxics Reports are available for 1998 and 1999. Reports for 2000 will be posted April 1, 2001.

The law is implemented and enforced not by a government agency, but by a Toxics Board, appointed by the City Council, and consisting of three representatives of reporting manufacturers, three citizens with a track record of advocating for public right-

to-know, and a seventh member nominated by the six.

The law has worked extremely well, but it has come under intense pressure by American Electronics Association and Oregon Associated Industries in two State Legislature sessions, and in state courts. No essential features have been lost, however the 1999 State Legislature passed a law that effectively prevents other Oregon communities from enacting a similar law.

These actions have prompted citizens to form Oregon's first statewide toxics organization, Oregon Toxics Alliance, which started in Spring 2001.

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