

ORDINANCE NO. _____

AN ORDINANCE ADOPTING AMENDED HAZARDOUS SUBSTANCE TRACKING INSTRUCTIONS FOR REPORTS DUE BEGINNING APRIL 1, 2014, AND REMOVING A HAZARDOUS SUBSTANCE FROM THE LIST OF REPORTABLE CHEMICALS.

The City Council of the City of Eugene finds that:

A. Amendment IV to the Eugene Charter of 2002 was adopted at the general election on November 5, 1996 (the “Amendment”). The Amendment provides in part that hazardous substance users in Eugene shall file an annual materials balance report that lists inputs and outputs of all hazardous substances obtained, used or generated.

B. On April 6, 1998, the City Council passed Ordinance No. 20112 adopting the 1998 Hazardous Substance Reporting Forms and Instructions (“Instructions”). The Instructions have subsequently been amended, most recently by Ordinance No. 20499, passed on November 26, 2012.

C. The Toxics Board has reviewed the previous Instructions and developed amended Instructions for reports due beginning April 1, 2014. Revisions to the Instructions are necessary to (1) clarify the exclusion of reporting substances used only for research and development purposes; (2) change the reference to the List of Reportable Chemicals in the Hazardous Substance Tracking Instructions to reflect that the two previously separate static and searchable chemical lists have been merged; and (3) change the reference of Material Safety Data Sheets (MSDSs) to Safety Data Sheets (SDSs) in the Hazardous Substance Tracking Instructions to reflect the Hazardous Communication Standard change to the Globally Harmonized System of Classification and Labeling of Chemicals (GHS) – a global initiative classifying, defining and communicating hazards.

D. Like the Instructions for prior years, the amended Instructions include numerous provisions that describe provisions of the Amendment, give interpretations of the Amendment, and include provisions that are necessary to implement the Amendment in a practicable manner but which are not expressly contained in the Amendment. The Toxics Board has recommended that the Council adopt the amended Instructions.

E. The Council approves the amended Instructions as being consistent with the terms and intent of the Amendment and ORS 453.370. The Council intends by this ordinance to adopt the amended Instructions as binding on those persons covered by its terms.

F. The Council adopts this ordinance pursuant to its authority under both section 4 of the Eugene Charter of 2002 and Article X of Amendment IV to the Charter.

G. In addition to amending the Instructions, the Toxics Board has also recommended removing the hazardous substance HAE (CAS # 034375-28-5) from the list of reportable chemicals. This recommendation is based on a prior Court ruling that chemicals listed pursuant to the Federal Insecticide, Fungicide and Rodenticide Act, and those chemicals defined as pesticides under ORS 634.006(8), are not reportable under the Eugene Toxics Right-to-Know Program.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The amended Hazardous Substance Tracking Instructions, prepared by the Toxics Board, a copy of which is attached to this Ordinance as Exhibit A, are hereby adopted by the Council for reports due beginning April 1, 2014. The amended Instructions shall continue in effect for reports due in subsequent years until the Council adopts revisions to the Instructions.

Section 2. The hazardous substance HAE (CAS # 034375-28-5) is removed from the list of reportable chemicals.

Adopted by the City Council this

_____ day of _____, 2013

City Recorder

Approved by the Mayor this

_____ day of _____, 2013

Mayor