

W. S. A.

AGENDA COVER MEMO

AGENDA DATE: September 18, 2007
TO: Board of County Commissioners
DEPARTMENT: Health & Human Services
PRESENTED BY: Rob Rockstroh



AGENDA TITLE: ORDER _____ /IN THE MATTER OF REDUCING AIRBORNE BENZENE BY ENCOURAGING THE ENDING OF THE PRACTICE OF "TOPPING OFF" FUEL TANKS AND THE UNNECESSARY IDLING OF COUNTY-OWNED VEHICLES.

I. ISSUE

In the Matter of Reducing Airborne Benzene by Encouraging the Ending of the Practice of "Topping Off" Fuel Tanks and the Unnecessary Idling of County-Owned Vehicles.

II. AGENDA ITEM SUMMARY

The Community Health Advisory Committee (HAC) has forwarded the attached "Draft Resolution for Adoption of County No-Idling/No-'Topping Off' Policies" for Board consideration. Although the HAC-forwarded draft resolution raises several possible approaches to benzene reduction, the primary focus of the HAC request is for the Board to discourage two practices that contribute to the release of benzene – the topping off of vehicles and idling a vehicle in excess of twenty seconds. The H&HS-referred Resolution (attached) addresses only these two items at this time.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

The Board has previously lent its support to public initiatives (Nobel Laureate monument, BO 06-10-18-1) and resolutions designed to raise public awareness related to a specific issue (Nonviolence, BO 07-2-7-1).

The Community Health Advisory Committee has studied the dangers related to airborne benzene and is requesting the Board's assistance in promoting "air healthy" behavior on the part of County employees.

The H&HS Director and Public Health staff have engaged the Public Works Director and staff in a discussion of how the Board could educate County staff regarding these two air-healthy practices. The presentation of this Resolution is the result of

both the HAC's deliberations and those on-line conversations.

B. Policy Issues

H&HS is only seeking Board concurrence with efforts of an advisory and/or educational nature, designed to raise the awareness of County employees and the public at-large.

Public Works staff note that the impact of encouraging County employees to reduce idling will be limited, as the fleet's larger engines are diesel, not gasoline; but PW still supports encouraging County staff to avoid unnecessary idling and to not top off when fueling with gasoline.

The HAC has discussed this issue extensively and has determined that the item should be referred to the Board for consideration of a variety of actions; including establishing advisory policies to be applied to County vehicles, as well as encouraging public support for actions that can reduce excessive benzene escape into the air.

The Environmental Protection Agency (EPA) has classified benzene as a Group A, known human carcinogen, by all routes of exposure (skin, inhalation, ingestion). The EPA has established that benzene is primarily released into the air from the fumes and exhaust connected with the use of gasoline in automobiles. 99% of human exposure to benzene is by inhalation (with half of that exposure being related to smoking, not gasoline engine exhaust). The Occupational Safety and Health Administration (OSHA) has set a permissible exposure limit of 1 part per million (1 ppm) averaged over 8 hours. Short-term exposure at levels above the permissible exposure limit may cause central nervous system effects such as dizziness, nausea, vomiting, headache, drowsiness, tremor and loss of consciousness.

The State of Oregon Department of Environmental Quality (DEQ) notes that Oregon has some of the highest reported levels of benzene in the U.S., based on the refining of Alaska crude, which is naturally high in benzene. The DEQ estimates the benzene level in the Portland area to be 20 times the acceptable cancer risk level of 1 ppm (parts per million). A 2006 screening of the air quality in Eugene found 10 times the acceptable level.

The number of states where no-idling resolutions/ordinances have been passed (by municipalities, counties, school boards, etc.) continues to grow and includes: California, Colorado, Indiana, Michigan, New Jersey, Pennsylvania, Vermont, West Virginia, and Wisconsin. Internationally, many European nations have placed strict controls on "idling", as has Canada.

C. Board Goals

Meets Board objectives of supporting community involvement. The HAC is a very active citizen board that meets monthly. The HAC does not limit itself to discussion,

but actively researches a wide array of topics, improves community involvement in health-related issues and assists with the development of strategies. (Committee participant list attached.)

D. Financial and/or Resource Considerations

The attached Resolution requires no additional commitment of resources, at this time.

E. Analysis

The EPA has adopted a rule change to limit the level of benzene in gasoline, recognizing its danger to the public. Oregon Senator Gordon Smith was instrumental in guiding the EPA to adopt this rule change, over the objections of the oil refineries.

Recognizing that Oregonians will remain dependent upon petroleum that is naturally high in benzene and considering that it will take time for oil refineries to adjust to the EPA rule change by installing benzene-reducing equipment, the immediate actions that can be taken to address this issue are to: drive less, reduce the unnecessary idling of gasoline engines and to cease topping off fuel tanks.

F. Alternatives / Options

- 1) Approve the attached Resolution.
- 2) Refer this matter back to the Health Advisory Committee for further action/coordination.

IV. TIMING/IMPLEMENTATION

If the Board approves the Resolution, the County Administrator could give advisory direction to staff encouraging these benzene-reducing actions.

The Community Health Advisory Committee could use the Commissioners' resolution to generate public awareness of the issue, partnering with other interested entities.

VI. RECOMMENDATION

To approve option number one above.

VII. FOLLOW-UP

H&HS and Public Works staff will continue to coordinate on this issue and determine if additional action is warranted, such as the establishment of no idle zones, which would entail signage.

VIII. ATTACHMENTS

Board Order

Health Advisory Committee Draft Resolution

Health Advisory Committee Composition

THE BOARD OF COUNTY COMMISSIONERS, LANE COUNTY, OREGON

RESOLUTION) ORDER _____ / IN THE MATTER OF
AND ORDER:) REDUCING AIRBORNE BENZENE BY ENCOURAGING
) THE ENDING OF THE PRACTICE OF "TOPPING OFF"
) FUEL TANKS AND THE UNNECESSARY
) IDLING OF COUNTY-OWNED VEHICLES.

WHEREAS, Lane County, through its Public Health Department, strives to promote and protect the health and well-being of individuals, families and communities; and

WHEREAS, consistent with this mission, the County seeks to protect air quality in Lane County; and

WHEREAS, the citizen-led Health Advisory Committee has studied the issue of benzene contamination and its threat to the people of Lane County and has brought the result of their deliberations forward for consideration by the Board of County Commissioners; and

WHEREAS, benzene is a volatile, colorless gas that is released even when gasoline engines idle and is also released when motorists "top off" their fuel tanks; and

WHEREAS, benzene has been classified by the Environmental Protection Agency as a Group A - known human carcinogen; and

WHEREAS, the State of Oregon Department of Environmental Quality has ranked the level of benzene in Oregon's air as one of the highest in the nation; and

WHEREAS, the principal source of benzene in the ambient air is from automobile exhaust and the transfer of gasoline at fueling stations and fuel transfer depots; and

WHEREAS, the US Environmental Protection Agency (EPA) has recently adopted a rule to limit the level of benzene in gasoline in the Northwest by 2012, because of its carcinogenic nature; and

WHEREAS, it is projected that the EPA's proposed 2012 rule change will still leave the Northwest with the highest benzene levels in the nation; and

WHEREAS, the promotion of community recognition of the danger presented by volatile benzene can encourage actions that will immediately reduce the level of this carcinogen in the air in Lane County;

NOW, THEREFORE IT IS HEREBY RESOLVED that the Board of County Commissioners express their support for efforts designed to educate residents regarding the need to reduce idling time to less than twenty seconds and to avoid the practice of "topping off" at fueling stations;

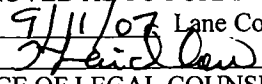
AND IT IS RESOLVED that the Board of County Commissioners encourage all

County employees to set a standard of practicing these benzene-reducing actions by not idling County-owned gasoline-engine vehicles to for more than twenty seconds and to not "top off" County-owned vehicles;

AND ORDERED that the Board of County Commissioners direct the County Administrator to impart the information contained in this Resolution to all County employees, instructing them in the importance of reducing vehicular idling time and ending the practice of "topping off" gasoline fuel tanks.

DATED this _____ day of September, 2007.

Faye Stewart, Chair
Lane County Board of Commissioners

APPROVED AS TO FORM
Date 9/11/07 Lane County

OFFICE OF LEGAL COUNSEL

HAC Draft Resolution for Adoption of County No-Idling/No-“Topping Off” Policies

Whereas, the primary duty and mission of Lane County Health & Human Services is to promote and protect the health and well-being of individuals, families, and communities, and

Whereas, consistent with this mission, the County should take timely and appropriate actions to ensure that residents have clean air to breathe, and revise such actions as scientific evidence brings new air quality problems to light, and

Whereas, the level of benzene, an invisible gas known to be carcinogenic, is directly linked to increased risk of childhood leukemia¹, the most prevalent childhood cancer in Oregon, and

Whereas, the principal source of this benzene in the ambient air is from automobile exhaust and the transfer of gasoline at fueling stations and fuel transfer depots², and

Whereas, the US Environmental Protection Agency (EPA) has recently adopted a rule to limit the level of benzene in gasoline because of its carcinogenic nature, and

Whereas, benzene levels in urban areas of Lane County are ten times greater than the EPA nationwide standard³, and

Whereas, the reduction of benzene vapors from idling engines can further reduce levels in the ambient air around schools and public places, and provide improved air quality for residents, and

Whereas, encouraging and promoting efforts to reduce idling time to less than 20 seconds can help prevent the excessive escape of benzene into the air, and

Whereas, encouraging and promoting efforts to educate Lane County residents to avoid “topping off” at fueling stations can help prevent excessive escape of benzene into the air.

Therefore, be it resolved, that the Lane County Health Advisory Committee strongly urges the Board of County Commissioners to adopt policies to: (1) diminish idling from commercial vehicles on County premises (such as establishing “no idle” zones); (2) encourage establishment of no idle zones around County parks, schools, and public places, particularly those where children regularly gather; (3) encourage residents to forgo “topping off” at fueling stations; (4) require operators of county-owned vehicles to minimize idling by turning off vehicle ignition when an idling period of greater than 20 seconds is anticipated; and (5) discourage “topping off” of county vehicles when fueling at city or private fueling stations.

111 Crosignani, Paulo et al. Childhood Leukemia and road traffic: A Population-Based Case-Control Study. *International Journal of Cancer*. 108, 596-599 (2004).

2 Jo, Wan-Kuen and Oh, Jee-Won. Exposure to Methyl Tertiary Butyl Ether and Benzene in Close Proximity to Service Stations. *Air and Waste Management Associates*. 51:1122-1128 (2001).

3 Dietz, Diane. No Break from Benzene in EPA Plan, *Eugene Register-Guard*, July 25, 2006.

LANE COUNTY PUBLIC HEALTH ADVISORY COMMITTEE

"The Committee shall consist of twelve (12) members, each of whom shall serve four (4) years expiring August 31, limited to two (2) consecutive terms, but staggered over the four-year period among the members." (By-Laws, Article III, A)

"Membership shall total twelve (12) to include: seven (7) at-large representatives (one of which is a food service representative), and five (5) health members, including: a physician, dentist, nutritionist, health educator, and an 'at large' professional." (By-Laws, Article II, B)

"Whenever a vacancy occurs during a term, the replacement shall be appointed only to fill the unexpired portion of the term." (By-Laws, Article IV, A) This sentence has been interpreted to mean that a committee member may serve two full terms after filling a vacated term.

Pos. #	Members/ Representing	Commissioner Dist.	Term	Term Expires
1	James Lakehomer At-Large	5	2	08-31-09
2	Wendy Apland At-Large	3	1	08-31-10
3	Ruth Duemler At-Large	3	1	08-31-07
4	Celia Facundo At-Large (Food Service)	2	(CT)	08-31-07
5	Gloria Campuzano Nutritionist (Vice-Chair)	5	(CT)	08-31-07
6	Paula Dion-Watson At-Large (Secretary)	3	1	08-31-10
7	Gail Winterman At-Large	3	(CT)	08-31-08
8	Paula Staight Health Educator	3	1	08-31-10
9	Larry Dunlap Health Professional	3	1	08-31-09
10	Vacant			08-31-08
11	Dr. Karen Buntman Physician	3	1	08-31-09
12	Dr. Jim Goes At-Large (Chair)	5	(CT)	08-31-07

Rob Rockstroh, Director, Health & Human Services - 682-4035 – rob.rockstroh@co.lane.or.us

Karen Gillette, Public Health Program Manager - 682-4013 – karen.gillette@co.lane.or.us

Lynnae Clark, Admin. Asst. - 682-3957 – lynnae.clark@co.lane.or.us

*(CT) = To complete unexpired term until date listed