

Questions & Answers from the View-Master Public Meeting Held on January 28, 2003



Original release date: April 2, 2003. Revised Sept. 16, 2003.

This document contains responses to questions that were gathered at the public meeting that Oregon DHS held with former View-Master workers and concerned citizens on January 28, 2003, at the Elmonica School in Beaverton.

To develop answers, these questions were referred to several different agencies, including the Office of Environmental and Occupational Epidemiology of Oregon DHS, the Office of Environmental Services and Consultation of Oregon DHS, Oregon Department of Environmental Quality, Oregon Drinking Water Program, the federal Agency for Toxic Substances and Disease Registry, the Ombudsman's Office for Injured Workers in the Department of Consumer and Business Services, as well as the Mattel Corporation.

The responses were developed to the best of our knowledge at the present time. This document may be updated in the future if we receive new information.

Section XII. Safe Drinking Water Regulations

Q: Why wasn't the water tested? Why didn't the state demand chemical analyses in the late 80s and early 90s?

None of the plant operators filed any records with the Drinking Water Program at Oregon DHS regarding the existence of a drinking water well on the Hall Street plant. DHS was first notified about the well in 1998 after the TCE contamination was discovered. The DHS Drinking Water Program had no reason to suspect that this plant was operating a well, since the facility was located in a dense urban area and served by city water.

Q: I understand that View-Master submitted bacterial analysis tests, but not chemical, why didn't the state enforce compliance?

According to Mattel, the factory's Maintenance Department routinely tested the well water for bacteria. The factory did not however, submit any of the results of those tests to the Oregon Drinking Water Program, nor did it ever report the use of the well as a drinking water system. The state therefore has no record of any bacterial tests that might have been conducted. We don't know why these test results were not reported to the state, if they were in fact being conducted. For further inquiries, please contact Mattel at (503) 293-7343.

Q: What laws were broken? Were there dates when the water should have been tested?

Water suppliers, in this case Sawyers, GAF, View-Master International, Tyco and Mattel, were responsible to assure that the water delivered to water users did not exceed federally established maximum contaminant levels (MCLs). These owners of the water system were responsible for reporting the water quality test results to the EPA, and later to the DHS Drinking Water Program. This reporting requirement is intended to assure that water system facilities are free of public health hazards and that water system operation and maintenance are performed as required by the rules. In general, the system operators are responsible for the following:

- 1. Routine collection of water samples for laboratory analysis at prescribed frequencies.***
- 2. Corrective action when results of analyses or measurements indicate that MCLs have been exceeded.***
- 3. Reporting of results to DHS and others as prescribed.***
- 4. Notify all users of the system when maximum contaminant levels have been exceeded.***
- 5. Notify all users served by the system when the reporting requirements are not being met, when public health hazards are found to exist, or when the operations of the system is subject to a permit or variance.***
- 6. Maintain monitoring and operating records and make records available when systems are inspected.***
- 7. Maintain pressure of at least 20 pounds per square inch (PSI) at all times.***
- 8. Follow up on complaints relating to water quality from users and maintain records and reports on actions undertaken.***
- 9. Submit plans prior to new construction or major modifications to systems.***

EPA established drinking water standards for VOCs such as TCE in 1987, and included a four-year phase-in schedule for initial monitoring by public water suppliers beginning in 1988. Monitoring public water systems for TCE was first required of non-transient, non-community public water systems, such as the Hall Street Plant well, in Oregon beginning in 1991.

Q: Why wasn't the water tested in 1970, or before 1988?

Testing public water systems for VOCs was not required in 1970. Federal requirements for public drinking water systems were enacted in 1974 under the Safe Drinking Water Act (SDWA). Monitoring of public water systems for volatile organic compounds (VOCs) was added in 1986 to Oregon Administrative Rules (OARs) under the Oregon Drinking Water Quality Act. The View-Master facility was not required by law to conduct VOC testing in 1988, but would have been required to begin testing the well water for VOCs beginning in 1991, when the definition of a Non-Transient Non-Community Public Water System was introduced to the OARs.