

25 February 2013

To: House Energy and Environment Committee

Fr: Mary Peveto

Re: HB 2336 - Testimony for 26 February 2013 Committee Mtg

Hello. My name is Mary Peveto. I am a co-founder, and president, of Neighbors for Clean Air. I live in Portland.

Thank you, Chair Bailey, Vice-chairs Boone and Johnson, and all the committee members for this opportunity to speak in support of HB 2336, the industrial emissions modernization bill.

I call myself an accidental activist, though others have started to refer to the work of Neighbors for Clean Air as do it yourself air emissions regulations. Either way, it is an unlikely fit and my presence here today is a demonstration of the gap in the effectiveness of toxic air pollution regulation.

In 2008, USA Today used an EPA model to track the path of industrial pollution and mapped the locations of almost 128,000 schools in the United States to determine the levels of toxic chemicals outside.¹ Researchers concluded the potential problems that emerged were “widespread, insidious and largely unaddressed.” This landmark study illustrated that, despite overall improvements in air quality since the 1970s, there still persisted dangerous levels of toxic emissions, due to a significant blind spot of the Clean Air Act: localized impacts or toxic hot spots.

In Portland, OR Northwest Neighborhood parents were shocked to learn that close proximity to the industrial sanctuary, specifically the Title V regulated ESCO Steel, put seven neighborhood schools in the bottom 2% in the nation’s toxic air hot spots.²

We were told by the Department of Environmental Quality that the company’s emissions which include a soup of heavy metals like manganese, arsenic, chromium and over 70 other crazy sounding chemicals were legal. This despite the fact the state’s modeling and monitoring data showed that Portland’s air shed contains 19 toxic compounds that exceeded health based- benchmarks by as much as 100 times in the census tract where my daughter’s school is located.³

I am a veteran of the Portland Air Toxics Solutions Advisory Committee- or PATSAC. From August 2009 - through October 2011, I served as a citizen volunteer on the committee alongside some thirty other stakeholders that was charged with coming up

¹ <http://content.usatoday.com/news/nation/environment/smokestack/index>

² http://www.oregonlive.com/environment/index.ssf/2012/03/pollution_gets_northwest_portl.html

³ <http://www.deq.state.or.us/aq/toxics/docs/pats/15pollutantsAboveSummary.pdf>

with unanimous consensus recommendations to reduce air toxics in the tri-county Portland Metro air-shed.

Concurrently, Neighbors for Clean Air was able to engage directly with ESCO Steel in a protracted negotiation that culminated in November 2011, with neighborhood representatives and ESCO signing a Good Neighbor Agreement which committed the company to specific toxic emissions reduction actions. It is estimated that this deal would result in about a 20% reduction in the heavy metal fugitive emissions from the company into the neighborhood.

Meanwhile, with its final report to the EQC in August 2012, DEQ staff said that after the culmination of the ten year Portland Air Toxics program, the agency had been unable to come up with any recommendations for reductions in air toxics in the tri-county Portland metro air shed.⁴

I am here today to ask that you provide clear direction to our state regulators to take necessary action to reduce unnecessary air toxics in our neighborhoods. In the study of schools and industry, no school in Portland ranked better than the bottom 30% of schools located in toxic air sheds across the country, and 117 Oregon schools rank in the bottom 10% nationally.

This is not a victimless situation and it is one that costs our state.

OUR PUBLIC HEALTH IS AT RISK

According to the Oregon Health Authority, more than 10% of adult Oregonians (300,000) have asthma putting Oregon among the top five states with the highest percentage of adults with asthma. In addition 83,000 children are affected. Multiple studies in Oregon have shown that asthma rates increase with proximity to industry and freeways. The total cost of asthma hospitalizations in 2008 was more than \$28 million. The total cost and the average cost of an asthma hospitalization has steadily increased over time.⁵

Despite reductions since the 1970's, the American Lung Association still recognizes that air pollution is a real and urgent threat to public health in the US. Today's air quality standards do not reflect what science proved long ago to be levels that actually protect public health.

Breathing in particle pollution can increase the risk of early death, heart attacks, strokes and emergency room visits for people with asthma, cardiovascular disease and diabetes. Infants and children are particularly susceptible because of developing bodies, faster respiratory rates and increased outdoor activity.

⁴ <http://www.deq.state.or.us/aq/toxics/docs/pats/PATSSStaffRpt.pdf>

⁵ <http://www.oeonline.org/resources/publications/reportsandstudies/pop>

Based on Oregon Environmental Council's 2008 study - The Price of Pollution: "The estimate of the total costs of environmentally attributable disease in the state of Oregon for children alone is \$1.10 billion per year" which includes treatments for asthma, cancer, cardiovascular disease, birth defects, lead poisoning and neurobehavioral problems, nearly all of which have scientifically supported links to toxic air pollution.

We can do better. Our children deserve better. And they deserve more than hysterical hyperbole about job-killing regulations.

Oregon needs common sense improvements in how industrial air polluters receive permits. Unlike other non-industrial sources of toxic air pollution, our oldest and dirtiest facilities still receive permits to emit the same level of emissions they did in the 1970's. And no facility in Oregon is tied to a health-based emissions limit.

It is important that you understand what this bill is not about. It is not about shutting industry down or broad application of one size fits all requirements. It is about creating a transparent and fair process that allows for serious consideration and mitigation of the impacts of industrial activity on the public.

We need to put protecting our children's health from unnecessary environmental toxics front and center in our environmental regulation.

HB 2336 is a common sense adaptation of what worked extremely well in the ESCO case, and which should be available to all communities who share a disparate burden of toxic impacts from neighboring industry.

I urge you to consider HB 2336 carefully for what it really is.