



Testimony of the Confederated Tribes of the Umatilla Indian Reservation

**Public Hearing
Regarding SB 5018 – Department of Environmental Quality**

**Before the Joint Ways and Means Subcommittee on Natural Resources
Oregon State Legislature**

March 25, 2015

Co-Chairs Devlin and Rayfield and Members of the Committee:

The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) would like to offer our support for the budget of the Oregon Department of Environmental Quality (ODEQ). The CTUIR appreciates the cooperative working relationship we have with ODEQ, and have for many years. Our relationship has not been without disagreements from time to time, but the CTUIR remains confident that ODEQ is doing an excellent job protecting the resources on which the CTUIR and all citizens of Oregon rely. The CTUIR is aware that there are many priorities that the legislature must balance in developing the budget and we would like to lend our support to the important work ODEQ does to reduce risks to the public from environmental hazards. In addition to the proposed budget items, the CTUIR would like to see additional funding provided to ODEQ to address implementation and enforcement of water quality standards and regulations as well as sufficient resources to address harmful spills to the environment.

ODEQ has a solemn duty to help reduce the burden of toxic chemicals that are too often found in our water, in our air, and across the landscape. We should constantly seek to reduce the use and discharge of unhealthy chemicals and contaminants in the first place as much as possible. Source reduction is the most sensible, productive and cost-effective approach, one that should go hand-in-hand with protective standards and regulations. Delay, either in reducing sources or repairing the damage that has already occurred, will only result in a greater toll on human health and the environment. Furthermore, delay will increase the long-term costs of restoring what has been damaged. A study by the Oregon Environmental Council found that environmentally attributable diseases—like cancer, birth defects, and neurobehavioral problems—cost Oregonians at least \$1.57 billion annually. We as a state must do all we can to limit these unnecessary risks to our health and other costs to our communities. We cannot afford these preventable and excessive expenses in times of economic hardship, but most importantly, we should not tolerate the needless harm to the health and well-being of our people.

The CTUIR believes that ODEQ Director Pedersen has demonstrated strong leadership and vision in recognizing that we as Oregonians must do more to understand and reduce the damage caused by environmental pollutants. The Director and his staff are implementing initiatives that are crucial to a healthy, sustainable and resilient Oregon.

Implementing Water Quality Standards

A major priority for the CTUIR with respect to ODEQ's 2015-16 biennium budget is support for implementing revised toxics water quality standards for human health and aquatic life. Oregon was

the first state in the nation to adopt a Fish Consumption Rate based on scientific data derived from tribal consumption surveys. Water quality standards based on this rate protect not only tribal members but every citizen of the state who consumes fish. The Oregon standards protect the State's citizens and fish and other resources that form a major part of our shared heritage. They have been a beneficial step forward that we can all be proud of. But to fulfill their promise, they must not merely exist on paper, but in actual practice, on the ground. Decreasing toxics and their effects on people and organisms requires full, fair and timely implementation of the revised standards. Sufficient, secure funding is essential, and will ultimately pay ample dividends in the future. The CTUIR appreciates ODEQ's long-standing commitment to these efforts, and the support of the Legislative Assembly to make them a reality.

Funding Additional Staff to Address Spills

Oregon and the region are facing an onslaught of fossil fuel transport projects—coal, oil and natural gas, by rail, barge and ocean-going ships. Increasing shipments of crude oil by rail are already taxing an overly-stressed rail infrastructure. The State of Oregon needs more staff at ODEQ who can respond to spills to make sure that the environment is protected. Derailments occur constantly, most of them in railroad yards or on sidings at slow speeds with little or no releases. However, our rail infrastructure is incredibly open and expansive, with hundreds of miles of rail in Oregon. There are thousands of crossings, with each one a potential disaster from vehicles getting struck by an increasing number of trains. The CTUIR has witnessed two train derailments in our ceded lands in just the last eight months. They could have been much more disastrous than they eventually turned out to be. The first occurred on August 1, 2014, along the Columbia River, where 13 cars derailed and 7 ended up in the river. Fortunately, the seven cars in the water were empty; had they been loaded with crude oil the consequences may have been far different. The second derailment occurred on March 2, 2015, just weeks ago, when 10 cars derailed two miles east of Meacham, Oregon, on the headwaters of Meacham Creek, just a few miles away from Interstate 84. Meacham Creek is one of the primary tributaries to the Umatilla River that runs through the Umatilla Indian Reservation. Two derailed tank cars contained hazardous materials; one contained residual pressurized propane and another contained Methylene Diphenyl Diisocyanate. Both cars came to rest less than 200 feet from Meacham Creek along the canyon wall above the creek. Derailments like these, and similar ones that are likely to happen, pose a substantial and direct threat to the health and well-being of the citizens of Oregon, and additional funding for staff to respond to these spills in a timely manner is imperative.

The CTUIR thanks you for the opportunity to provide this testimony in support of ODEQ's proposed budget, including resources for toxics reduction programs to improve state-wide environmental stewardship and to enhance overall spill response. Under the able direction of Director Pedersen, ODEQ is focused on positive results, productive partnerships and sensible environmental safeguards. We ask that the Department receive the funding needed to maintain the critical work it is doing for this generation and those in the future. If Committee Members or staff require more information, please feel free to contact:

- Phil Donovan, Northwest Public Affairs, at (503) 522-3023;
- Carl Merkle, CTUIR First Foods Policy Program, at (541) 429-7235; or
- Lisa Ganuelas, CTUIR Legislative Coordinator, at (541) 429-7392.

Thank you.