

DATE: 27 March 2017

TO: The Honorable Representative Ken Helm, Chair
House Committee on Energy and Environment



SUBJECT: HB 2269

HB 2269 is a critical piece of legislation that must be passed. This bill will start the long overdue process of creating an air quality regulatory system that prioritizes the health of Oregon communities.

Due to Oregon land use law, it is common to find industrial and residential uses located in close proximity. While the legacy of land use law has many environmental benefits, one unintended consequence has been Oregonians' increased exposure to industrial pollutants. This became especially clear last year when a U.S. Forest Service moss study in Portland revealed that gaps in air quality regulations for industrial pollutants resulted in toxic emissions hot-spots. Industrial facilities were revealed to be the primary contributors to unhealthy levels of hexavalent chromium, arsenic and lead in a Portland neighborhood.¹ Some recorded concentrations were more than one hundred times the Oregon health-based benchmarks, which are the exposure levels considered safe, and posed an acute risk to the community members who were exposed. The biggest shock, however, was to learn that these facilities were operating in full compliance with Oregon environmental law.

Risks from air pollution are highest for vulnerable populations like children, so it was especially disconcerting to learn that hot-spots were close to day-care centers and schools. High levels of industrial pollution near Oregon schools are sadly not a new story, however. For over a decade regulators have known that some Portland area schools are among the top two percentile for exposure to industrial air pollutants.²

While important 'good neighbor agreements,' have been negotiated between polluters and neighborhood groups, it is clear that a health-based regulatory approach at a statewide level is required to ensure that the health of people who live, work, and play near industrial facilities is protected.

Fortunately, the moss study prompted communities to organize and demand that the regulatory system prioritize human health. At the time Multnomah County Chair Deborah Kafoury called on the state to undertake immediate rulemaking, establish a clear timeline for action, and to provide adequate funding to the Department of Environmental Quality to

¹ ODEQ Ambient Air Monitoring Data. (2016-17). Retrieved from <http://cleanerair.oregon.gov/data-and-current-actions/bullseye-uroboros-glass/>

² Learn, Scott. "Portland Parents Tackle Industrial Pollution Near Schools." Oregonian, 20 May 2009.

effectively regulate industrial polluters. Shortly thereafter, the Governor established the Cleaner Air Oregon program. HB 2269 allows the Oregon Legislature to take the necessary next step of adequately resourcing DEQ to stand up the revamped air quality program.

HB 2269 also extends the paradigm enshrined in the Clean Air Act of 'polluter pays.' This principle is important because it recognizes that air is held in trust as a common asset that can not be degraded without proper permitting and regulation. It is also important to note that clean air regulations have dramatically improved public health and have spurred innovation and increased economic activity. An analysis of the 1990 Clean Air Act amendment found that the benefits outstrip costs by a factor of 30 to 1.³ The Cleaner Air Oregon process and subsequent rules are likely to also result in dramatic improvements in public health and increases in economic activity.

This legislation also paves the way for the state to receive and distribute Volkswagen settlement funding. We are specifically in support of the tenets that provide for increased assistance to operators of small businesses, and that allow for the agency to provide a higher rate of financial assistance to owners of engines where such increase would "benefit sensitive populations with elevated concentrations of diesel particulate matter." This is especially important for communities that bear a disproportionate burden of environmental and economic challenges.

It is our goal at Multnomah County to protect and promote the health of our community; toward that end we work to assure that individuals, families and communities gain greater control over the factors that influence their health. Air quality, however, is not in an individual's control and requires a smart policy response from the public sector. HB 2269 is that response, and it is time for the legislature to stand with Oregon communities for the right to breath clean air.

Sincerely,



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³ United States. Environmental Protection Agency. *Benefits and Costs of the Clean Air Act 1990-2020, the Second Prospective Study*. Washington: April 2011. Print.