

Comments Submitted on April 10, 2017 for Amended SB871 Hearing in the Senate Committee on Environment and Natural Resources

My name is Barbara Kerr and I reside in northeast Portland.

I want to express my appreciation to the sponsors of SB871, especially, Senator Dembrow and Representative Keny-Guyer for their ongoing work on this vital public health risk issue. It is reassuring that SB871 now addresses the very serious issue of lead-based paint as well as asbestos.

However, we have known of the dangers of exposure to asbestos and lead-based paint particulate for decades. Their effects, especially on children, and the distribution of these hazardous materials throughout neighborhoods by mechanical demolition are well-documented. There is no conscionable reason why these practices are allowed to occur. Those who demolish buildings need to be held responsible for the damage or potential damage they inflict on the neighbors whose rights to maintain the safety and health of their property are involuntarily sacrificed for the convenience and financial benefit of the demolisher. Those who remove buildings by deconstruction and those who renovate buildings follow practices and rules that protect their workers and the neighbors from these dangers. There is no reason why all demolitions cannot do the same.

Therefore, SB871 needs to go beyond merely requiring surveys for lead and asbestos and allowing cities and counties to require notification of neighbors and creating plans for their abatement.

The State needs to direct the Oregon Health Authority to meet its mandate to protect human health by clearly stating that all demolitions follow best practices for asbestos and lead including the EPA's Renovation, Repair and Painting rules.

The rules need to be directly enforced and not depend on citizen oversight or get lost in the gaps between the State and municipalities. The penalties need to be enough to be a deterrent. Five thousand dollars would be a minor cost for many projects. The consequence also needs to include not being eligible for further demolition permits for a specified period of time.

The rules need to be clear and not allow loopholes. They need to use the State's definition of demolition as the removal of load-bearing structures instead of definitions such as the City of Portland's, which calls leaving one wall a "major remodel".

Notification of the neighbors needs to be required and include information on the potential dangers and distribution of lead, asbestos, and other hazardous materials from mechanical demolition. It also needs to include information on the rights of citizens who think they may have been affected and how to be informed of non-compliance.

For SB871 to do anything less than complete regulation, is dangerous and irresponsible. It will be just a delay tactic otherwise. To stop demolitions from polluting can be a restoration of the neighbors' basic human rights to not have their health involuntarily compromised. It is not a burden on the contractors who demolish, since they will just be meeting their responsibility to not damage others.

As a teacher, I am painfully aware of the impact of even small learning or behavioral difficulties and what we all lose in human potential of children who have been affected. In considering the financial impacts of real and effective regulations to eliminate hazmat exposure, how much value do we place on the effect on each child's life, or even on the services a child with behavioral or learning disabilities will cost the State?

The hazmat discussion has been going on for several years. The public has made their feelings very clear. The number of demolitions in our neighborhoods is great and growing. We must act now.

Thank you for considering making SB871 the common sense legislation we all deserve.

Sincerely,  
Barbara Kerr  
1150 NE Faloma Rd.  
Portland, OR 97211