

2-16-17

To the Senate Committee on the Environment and Natural Resources

Re: SB 115

Yesterday I presented oral testimony regarding SB 115. Thank you for that opportunity.

Below is my oral testimony, in large part, which I presented yesterday. Not included were my suggestions to amend SB 115, which I will include at this time:

Suggestions for amending SB 115:

In view of the fact that the most concentrated lead pollution from aviation aircraft occurs at flight training operations where the aircraft emissions are primarily made at low altitudes and in limited areas (students practicing touch and go maneuvers) I would suggest the following:

***I would amend SB 115 to apply only to intrastate flight training operations.
In addition, I would make the effective date January 1 of either 2018 or 2019.***

By limiting SB 115 to “intrastate” operations Oregon should not run afoul of “interstate commerce” law and Federal “preemption” law. By moving the effective date up to January 1, 2018 or perhaps 2019 Oregon would not delay for any longer to protect those most vulnerable children (and the unborn) who live in close proximity to flight training airports.

I have included additional materials along with this letter that support my testimony made yesterday.

Thank you,

Jim Lubischer

Testimony in favor of SB 115 by James T. Lubischer, M.D., Hillsboro, Oregon

(Presented orally on 2-15-17)

I’m Dr. James Lubischer, a Pediatrician. I live in Hillsboro. 80% of my one-year-old patients have detectable lead in their blood.

Science has concluded that lead is an extremely potent neurotoxin that respects no threshold for its toxicity. In other words, as the CDC has stated, there is no safe level of lead in a child’s blood. The most concerning toxic effect of lead is lead’s pernicious damage to a child’s developing brain leading to lower IQ’s and contributing to Attention Deficit Hyperactivity Disorder. The cost to a child, their family and to society is enormous. As a pediatrician, I am particularly aware of the toll that ADHD takes on the child and family. I would note that lead poisoning is perhaps the largest public health disaster that we have seen in our country.

Is SB 115 necessary? Is there really a problem with lead air pollution from aviation fuel? Why worry about banning leaded fuel in 2022 when aviation advocates have argued that an unleaded replacement fuel will be ready by 2018? And why worry about airborne lead when the National Ambient Air Quality Standard for lead of 150 nanograms per cubic meter is cited as being adequate?

First, that a replacement fuel will be ready by 2018 is by no means certain; and even if such a fuel is ready there is no mandate that it be used. The present phase out period of leaded fuel runs until 2024. I would note that efforts to provide a lead free fuel started in, I believe, 1995.

Second, the National Ambient Air Quality Standard does not protect those children that live around the Hillsboro Airport, which is primarily a flight-training airport (the base of perhaps the largest flight school on the west coast) whose students circle over residential areas over and over practicing their takeoffs and landings. The National Standard for lead accepts that a small percentage of children are expendable when it comes to lower IQ due to lead toxicity. [Please see footnote #3 in my 3-22-15 letter to EPA Administrator McCarthy. My letter is submitted to the committee. Footnote #3 is presented here:

³ *“Thus, we conclude that the current evidence, as considered within the conceptual and quantitative context of the evidence-based framework, and current air monitoring information indicates that the current standard would be expected to achieve the public health policy goal recommended by CASAC in the last Pb NAAQS review that IQ loss on the order of one to two IQ points be **‘prevented in all but a small percentile of the population’** (73 FR 67000).”* (2014 EPA Policy Assessment for the Review of the Lead National Ambient Air Quality Standards, p 4-32)]

A year long 2015 Portland State University program that actually measured air concentrations of lead, found that the air children breathe around the Hillsboro Airport contains lead, small particulate lead consistent with recently combusted fuel.

In summary, we know that lead is a potent neurotoxin with no toxicity threshold that damages the developing brains of children; we know that there is lead in the air around the Hillsboro Airport; we know that children who live around that airport breathe lead containing air; we know that a large percentage of one year olds have detectable levels of lead in their blood; and we know that the CDC has recommended that all nonessential uses of lead be eliminated. SB 115 is long overdue.

Finally, while I support SB 115, I would suggest that an effective date of 2022 is much too long to wait. I would suggest an effective date of 2018, which is the year aviation advocates have cited as to when the leaded fuel issue will be resolved.

That lead is still allowed to be spewed into the air our children breathe is embarrassing. With SB 115 Oregon can be the leader in protecting our children. Please enact SB 115 (preferably with an effective date of 2018).

Thank you,

James T. Lubischer, MD
6890 NE Quatama Street
Hillsboro, Oregon 97124

Please see additional materials submitted along with this letter.