

To: Senate Committee on Environment and Natural Resources

From: Miki Barnes, PO Box 838, Banks, Oregon 97106, 503-324-0291

Topic: Supplemental Hearing Submission on SB 115

Date: February 16, 2017

The Cost of Lead Poisoning

In addition to the testimony I provided yesterday at the hearing on SB 115, I would like to submit the following. Yesterday many pilots in opposition to SB 115 spoke of the economic benefits of general aviation but did not address the hidden costs of continually exposing impacted residents to lead and a host of other toxins including oft-times relentless noise.

As noted at yesterday's hearing, registered pilots in the State of Oregon represent less than 1/3 of one percent of the population. This percentage is also reflected on the national level. According to the Federal Aviation Administration (FAA) as of 2015 there were 590,039 registered pilots in the U.S. See https://www.faa.gov/data_research/aviation_data_statistics/civil_airmen_statistics/ for additional information on this topic.

Yet the burden of the negative impacts posed by this small group is borne by residents who have little if any recourse for remedying this extremely unfair and unjust situation. None of us were given the option to vote on whether or not we wanted to be poisoned or to sacrifice the enjoyment of our properties to the noise disruptions and pollution inflicted by aviation hobbyists and flight training schools.

Below is a link to an abstract on an 8/23/16 MIT report entitled the "Costs of IQ Loss from Leaded Aviation Gasoline Emissions"
<https://www.ncbi.nlm.nih.gov/pubmed/27494542>.

An excerpt from the report reads as follows:

We find that aircraft-attributable lead contributes to \$1.06 billion 2006 USD (\$0.01-\$11.6) in annual damages from lifetime earnings reductions, and that dynamic economy-wide methods result in damage estimates that are 54% larger. Because the marginal costs of lead are dependent on background concentration, the costs of piston-driven aircraft lead emissions are expected to increase over time as regulations on other emissions sources are tightened.

The health costs for treating lead exposure include expenses related to ADHD, miscarriages, birth defects, conduct disorder, antisocial personality disorder, increased violence, learning and behavior problems, cardiovascular disease, kidney ailments, and a host of other serious conditions that place a substantial burden on families, schools, the educational system, health care, community corrections, and society as a whole.

Hillsboro Airport – Largest Source of Lead Emissions in Oregon

The Port of Portland owned and operated Hillsboro Airport (HIO) is the largest facility source of lead pollution in the state of Oregon. The international flight training school, Hillsboro Aero Academy (formerly Hillsboro Aviation), located at this site is the biggest offender.

A major benefactor in this arrangement is Max Lyons. In late 2014, Lyons, the owner of Hillsboro Aviation, sold the flight school to out of state investors. After the sale he stayed on as part owner, manager and CEO of the school. He also continued to run Hillsboro Aviation, which offers charter, sales, and maintenance services.

The private businesses owned and or managed by Lyons at both Hillsboro and Troutdale airports are major contributors to noise, lead and other toxic emissions associated with these facilities.

According to the [FAA Registry](#), nearly half of the 265 based aircraft at the Hillsboro Airport are registered to companies owned, partly owned, or managed by Lyons. Hillsboro Aero Academy has 83 based aircraft and Hillsboro Aviation lists 41. Yet another HIO aircraft is registered to Lyons Aircraft Leasing LLC and two are registered to his wife, Carol Lyons. The publicly funded \$17 M third runway was constructed in large part to accommodate the for-profit, private business interests promoted by Mr. Lyons. Please note that \$4M of the runway expansion cost was donated by the State of Oregon via a ConnectOregon grant.

Though Lyons has benefited greatly from public subsidies, he has declined to provide information on the number and types of operations his businesses log. He also refuses to give the exact numbers regarding how many student come from the local community, out of state, or overseas. It is my understanding that the majority of students, upwards of 60-70 percent are from outside the country. In any case pilots who train at this facility fly repetitively over homes and neighborhoods both close-in to the airport and at designated training areas within a 20 mile radius of HIO

Other airports around the region are also cashing in on the flight training business including Stark's Twin Oaks, Scappoose Airpark, Aurora, Troutdale, and host of other facilities. One public flight training airport in Washington County, Skyport, operates in violation of state land use laws which do not permit public airports on land zoned for Exclusive Farm Use.

PSU Lead Study

At the 2/15/17 hearing Dr. Jim Lubischer alluded to a PSU study. It was facilitated by Dean Atkinson, an associate professor at PSU and a member of the DEQ Air Toxics Science Advisory Committee (ATSAC). Unfortunately this study did not replicate EPA standards for airport monitoring or those adhered to in the Duke University study insofar as most of the lead monitors were not placed either downwind, within 1 mile of the airport or on airport property – all areas that are at greatest risk for lead exposure and toxicity. A number of the sites where the monitors were placed were more than a mile

from the airport. In the case of one residence located closer-in to HIO, the equipment malfunctioned.

Despite the significant shortcomings of this informal study, those involved are interested in the results, however no results have been forthcoming. At the outset we were told that Professor Atkinson would work with PSU students to analyze the samples. The study began in the fall of 2014. The monitors were removed from their respective locations in November of 2015. Since that time more than 14 months have elapsed yet to date Mr. Atkinson has declined to meet with those who participated.

The Duke University study referenced above and referred to by Senator Riley at the hearing focused on lead monitoring at airports located in 6 North Carolina counties. The findings revealed that children living within two-thirds mile of an airport had higher blood lead levels. The study is available at the following link <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3230438/>.

SB 115 Amendment

I would like to express my support for the amendment suggested by Jim Lubischer in his 2/16/17 submission in which he stated

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.

The legal decisions below explain that intrastate operations are not federally pre-empted insofar as these flights do not leave the state from which they originate. This means that the state and local governments can impose restrictions without deferring to the FAA. In the case of touch-and-go training maneuvers pilots take-off and return to the same airport. These flights remain within 4-5 miles of the airport at elevations below 2,000 feet. Other training operations involve flying to designated training locations within a 20 mile radius of the airport before returning to the airport from which they originated. In both cases pilots fly repetitively over homes, neighborhoods, recreational areas, prime farmland, and waterways.

- Regulations that affect flights that start and end within the same state. *SeaAir NY, Inc. v. City of New York*, 250 F.3d 183 (2d Cir. 2001).
- Measures taken by the government as the proprietor of an airport that are reasonable, non-arbitrary, and non-discriminatory. *Nat'l Helicopter Corp. of Am. v. City of New York*, 137 F.3d 81, 88-89 (2d Cir. 1998)

Again, thank you for your time and attention to this issue.

Miki Barnes
PO Box 838
Banks, Oregon 97106
503-324-0291