

February 9, 2018

900 Court St. NE- HR E
Salem, Oregon 97301

Re: HB 4003 - Relating to diesel engines

Multnomah County supports HB 4003, which presents a comprehensive approach to reduce the hazard posed by diesel emissions from older diesel vehicles. Bellow we offer specific suggestions for amending the act to better align with County clean diesel procurement efforts and to reduce the administrative and cost burden on local jurisdictions.

Pollution from diesel engines is deadly, and diesel pollution is present at unhealthy concentrations throughout the state, especially in the Portland Metropolitan region. Multnomah County ranks highest in total exposure concentrations among Oregon counties.¹ Exposure to diesel engine exhaust contributes to heart disease and premature death and is associated with respiratory disease, low birth weight, and cancer.²

Fortunately, there are solutions available, such as those proposed in HB 4003. The majority of diesel emissions in Oregon come from heavy-duty trucks and construction equipment. Federal regulations require that newer engines be fitted with pollution controls that reduce toxic emissions by 99 percent. Nevertheless, because the federal rules only apply to *new* engines, states must address the thousands of older dirty diesel engines still in use.

HB 4003 addresses diesel emissions for “in-use” engines through a range of strategies that are targeted, and tailored to fit Oregon, including the creation of an indirect source-permitting program. An indirect source program would allow the state to evaluate, permit and develop emissions reduction strategies for operations such as rail facilities where the queuing of diesel engines results in localized air quality impacts. This aspect of the program would be strengthened by adding an Oregon health-based benchmark for diesel PM.

Other aspects of the bill require a transition to clean diesel fleets over the next 10 years, creating a registration system to better understand and govern nonroad diesel powered construction equipment being used in the state, and creating a clean diesel procurement requirement for large public improvement contracts.

The creation of a procurement standard for large project with state money would dovetail with a program under development by Multnomah County and regional partners to create a local *clean diesel*

¹ 2011 NATA: Assessment Results. Accessed on 2/1/18 at <https://www.epa.gov/national-air-toxics-assessment/2011-nata-assessment-results>

² U.S. EPA. Integrated Science Assessment (ISA) for Particulate Matter (Final Report, Dec 2009). U.S. Environmental Protection Agency, Washington, DC, EPA/600/R-08/139F, 2009

procurement standard. The Nonroad Diesel Engine Registration program would also make the administration of a clean diesel procurement standard by state and local agencies far easier since information on vehicle EPA tier level would be readily available.

To better align with local efforts we recommend the following changes:

Limit the financial impacts on local jurisdictions by capping the total amount of investment for any given project to no more than one percent of the total project cost. We recommend that section 2 (3) be rewritten as follows: “must reserve use an amount equal to at least *up to but not exceeding* one percent of the total contract price,”

Funds within the 1% cap not spent on retrofits should be used on the project and not deposited into the Clean Diesel Engine Fund. Local jurisdictions use restricted funds that are limited to specific uses, highway trust funds for example. We recommend that section 2 (4) be removed from the act.

Prioritize the “DERA Option” for Environmental Mitigation Trust Agreement Funds. The EPA has allowed states to include in the list of Eligible Mitigation Actions (EMAs) the DERA Option, or EMA 10, which would allow for the retrofitting and the replacement of nonroad diesel equipment. We recommend that this option be prioritized, particularly for MWESB certified firms participating in a public contract for which there is a clean diesel procurement standard.

Sincerely,



John Wasiutynski, Director

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