



Oregon
Environmental
Council
It's Your Oregon

222 NW Davis Street
Suite 309
Portland, OR 97209-3900
503.222.1963
www.oeconline.org

**Testimony to the
Senate Committee on Environment & Natural Resources
on Senate Bill 1541**

**February 2018
Angela Crowley-Koch
Oregon Environmental Council**

Founded in 1968, the Oregon Environmental Council (OEC) is a nonprofit, nonpartisan, membership-based organization. We advance innovative, collaborative solutions to Oregon's environmental challenges for today and future generations.

Oregon Environmental Council (OEC) urges a NO vote on SB 1541 as proposed to authorize the Environmental Quality Commission to adopt program and rules to reduce public health risks of emissions of toxic air contaminants from industrial sources.

SB 1541 includes details of regulatory design that circumvent the robust public rulemaking process recently completed as part of Cleaner Air Oregon. Establishing fees for industry in order to pay for the program are not complex; they should be considered separately from the scientific complexities of risk assessment, affected sources, exemptions and implementation.

The rules developed by the Department of Environmental Quality (DEQ) and Oregon Health Authority are the result of a public process that included input from scientific and community experts, as well as a diversity of interests. We ask that legislature respect this process rather than contradicting it with the details within this legislation.

SB 1541 usurps state agency responsibility by replacing flexibility and expertise with rigid legislation.

SB 1541 contains multiple definitions of risk assessment, scope, exemption and implementation of a permitting program. Defining tenets of risk assessment within legislation could dangerously hamstring our ability to respond to emerging science. We know that health and environmental science, by its very nature, evolves with greater research and inquiry. As recently as the 1990s, for example, experts were unaware that children are uniquely vulnerable to toxic exposures. The Cleaner Air Oregon program can best serve Oregon if we continue to task our state's best toxicologists, epidemiologists and other experts with defining risk and risk action levels in the rulemaking process, rather than through rigid legislation.

SB 1541 eclipses the public process with its over-reach related to policy implementation. For instance, the restrictions that SB1541 imposes on considering more than one air contaminant source at a time is contrary to emerging science and public process.

In a lengthy public process with a variety of stakeholders, Cleaner Air Oregon staff heard a lot about the importance of better understanding and addressing cumulative risk from multiple air contaminants. This concept is a hallmark of 21st century public health and is of particular important to marginalized communities that bear a greater health and environmental burden. What's more, from its inception, Cleaner Air Oregon was designed to think about the human experience of pollution and its health impacts, rather than to think in terms of facility-by-facility responsibilities.

SB 1541 undermines a critical state agency by coupling funding to rigid program rules. Our state is best served if our agencies have the expertise and resources to carry out their mission. When properly funded, agencies are far better designed to conduct health and risk assessments and cumulative assessments in a dynamic ways. However, SB 1541 not only proposes to usurp responsibility for science, but also to tie funding directly to that decision. We must fund our state agencies to perform their critical duties and responsibilities. We must not make that funding contingent upon agreement on the details of risk assessment, which is duly complex.

IT is DEQ's responsibility and authority to work cooperatively with federal authorities to regulate air quality. The DEQ Air Quality Program must be funded adequately in order to fulfill their responsibility. The rules and rulemaking, as they have proceeded, fall squarely within the responsibility designated to the state agency.

On behalf of Oregon Environmental Council staff, board and members across the state, we respectfully ask you to oppose Senate Bill 1541.