

# Health Department

---

February 12, 2018

House Committee on Energy and Environment  
900 Court St. NE- HR F  
Salem, Oregon 97301

Chair Helm, Vice-Chairs Power and Reschke, and members of the committee, I am Dr. Jae Douglas, Environmental Health Director for Multnomah County Health Department. Thank you for the opportunity to testify before you today in strong support of HB 4002.

In summer of 2016, the Department of Environmental Quality embarked on a regulatory overhaul of the existing stationary source air permitting program, dubbed by Governor Brown as “Cleaner Air Oregon”. The launch of this program came in the wake of revelations of health threatening heavy metal emissions associated with uncontrolled industrial processes. Emergency rules were rapidly drafted to address a number of facilities in the Portland metropolitan area that were understood to be the source of high concentrations of metals used for glass pigmentation, in neighborhoods of Southeast, Northeast and North Portland.

This incident happened because Oregon abides by minimum federal air quality standards. These standards are designed to be protective of an entire airshed, and do not account for individual characteristics such as how close people live to facilities, and how many. Before 2016 DEQ lacked, (and still lacks) the resources to carry out its core mission, which is to be the state’s leading agency responsible for restoring, maintaining and enhancing the quality of our air, land and water. DEQ can and must fulfill its mission by integrating health protective measures in industrial stationary source operating permits - common sense process and pollution control measures that are used in programs across the country.

I want to take a moment to speak to the strength, inclusivity and thoroughness of the Cleaner Air Oregon rulemaking process that’s taken place over the last 18 months. DEQ and the Oregon Health Authority began an extensive process to address Oregon’s insufficient health protective permitting system, first by assembling a technical advisory group comprised of experts in air quality programs across the nation to discuss Oregon’s regulatory structure. The group identified the tools needed and available to fix the shortcomings that allow for excessive industrial pollutant concentrations in many areas of our state. DEQ and OHA then assembled a Rules Advisory Committee (RAC); a group made up of a diverse representation of stakeholders including large and small businesses, industry advocates, local government, public interest groups and environmental justice advocates to participate in eight full day work sessions held from June 2016 through August 2017. RAC members, their associates and members of the public committed thousands of hours to preparing for and participating in the meetings, and then

# Health Department

---

preparing written comments aimed at enumerating and improving highly technical and complex material associated with the science of toxicity and process of air permitting. Dr. Paul Lewis Tri-county Health Officer for Multnomah, Washington and Clackamas counties was selected as a RAC member; I served as his alternate. Paul and I both experienced the RAC as a place where many different voices and perspectives were heard and respected. It was here that DEQ and OHA spent many hours both educating the committee about the complex world of industrial air regulation, the permitting process, risk assessment and the range of options that have been implemented around the nation to best protect public health while supporting strong economic growth through industrial manufacturing. It was here that the committee reviewed, in scrupulous detail, proposed changes to DEQ's rules for industrial permitting. And it was here that DEQ and OHA were held to their commitment to an open and transparent process that balanced the needs of industry with the needs of communities.

After the RAC completed its work, DEQ and OHA held scores of public meetings and input sessions around the state, where countless individuals volunteered their time to weigh in on the process. Multnomah County wants to acknowledge DEQ and OHA for their role in the Cleaner Air Oregon rulemaking process; it was nothing short of an extraordinary and intentional effort to meaningfully engage a broad representation of the public.

The process yielded not only a more educated and informed public, but also a balanced approach to addressing both public health protections and economic vitality, and reasonable recommendations to reform the system. We strongly urge you to pass HB 4002 and in so doing acknowledge, accept and endorse the findings and recommendations resulting from that impressive investment of time and capacity. The modest fee increases proposed by this bill are commensurate with fees assessed in other programs around the country.<sup>1</sup> The revenue will enable the agency we hold accountable for environmental stewardship to carry out the health based permitting program that Governor Brown promised.

The Portland metropolitan area is home to many of the industries that would be regulated under the proposed Cleaner Air Oregon rules which is, in part, the reason we as a county have committed significant staff, leadership and contractor resources to addressing the air quality issues and regulatory gaps that were exposed in early 2016. Our elected leaders at the City of Portland and Multnomah County have endorsed this commitment of resources to address industrial pollution concerns, and are eager to see DEQ supported in carrying out the reforms promised by Cleaner Air Oregon. We at the county are also quite aware that the conditions that gave rise to the situation that necessitated Cleaner Air Oregon are still operating, so the City and County co-commissioned a study to explore the options available to local jurisdictions to

---

<sup>1</sup> Summary of Six Air Toxics Health-Risk Based Permitting Programs + Oregon by Program Element. Oregon Department of Environmental Quality and Oregon Health Authority (2017). Accessed at: <http://www.oregon.gov/deq/Rulemaking%20Docs/caosummarysix.pdf>

# Health Department

---

address pollution created in local airsheds. The results of that investigation are expected at the end of this month, but to date we are considering one option of creating a local air authority should DEQ be unable to carry out its mission.

Multnomah County, and specifically the Health Department recognize that industry is good for Oregon. Industry provides good paying jobs and is an essential driver of a productive and economically competitive society. As with any enterprise, there is always a cost to doing business. Often this cost includes things such as materials, labor and insurance. However, there is one cost that is rarely considered - that being the externalized cost of industrial pollutants emitted unfettered into the air we breathe. In this instance, the cost is borne by the individuals and families that live in our state through increased healthcare costs, lost work and school days, and loss in quality and length of life associated with the detrimental effects of industrial air pollution.

HB 4002 allows for the assessment of reasonable fees on industrial emitters that will allow for the implementation of Cleaner Air Oregon. The request is reasonable and the resources are essential in honoring the commitment that the Governor made to the people of Oregon. We encourage you, in the strongest terms possible to support this important legislation.

Thank you for the opportunity to testify today.

Dr. Jae Douglas, PhD, MSW  
Environmental Health Services Director  
Multnomah County Health Department