

**From:** Jessica  
**To:** [SENR Exhibits](#)  
**Subject:** Support of SB 1508 / Opposition to SB 1541  
**Date:** Monday, February 12, 2018 7:17:14 AM

---

Chair Dembrow, members of the committee, thank you for inviting testimony on SB 1508 and SB 1541.

I attended all the Technical Workgroup meetings and served on the the Rules Advisory Committee for Cleaner Air Oregon. I am also a member of Eastside Portland Air Coalition and a member of a STATEWIDE coalition other groups in support of health based air quality regulation.

We support the hard work of the rules advisory committee and our state protective agencies, DEQ and OHA, and are here today **in support of SB 1508 and in opposition to SB 1541.**

Please pass SB 1508 to allow full funding for the implementation of Cleaner Air Oregon.

Cleaner Air Oregon is modeled on existing air quality programs and IT IS TIME FOR OREGON TO JOIN THE REST OF THE 31 STATES WHO HAVE HEALTH-BASED AIR TOXIC REGULATIONS...Thirty-one states whose economies have not collapsed because of their air quality programs, including IDAHO, WHICH PASSED HEALTH BASED AIR TOXICS REGULATIONS IN THE 1980's!

THE RULES ARE REASONABLE AND HAVE BEEN WELL-VETTED over many months BY A WIDE VARIETY OF EXPERTS AND STAKEHOLDERS INCLUDING representatives of the REGULATED INDUSTRIES.

People need to know what is in the air they are breathing. They have a fundamental right to know. THE RULES PROVIDE THE PUBLIC INFORMATION ABOUT WHAT PEOPLE ARE BREATHING.

Eastside Portland Air Coaliton does not support a different set of risk-based standards for new and existing facilities. However, we appreciate that THE RULES RESPECT THE NEED FOR FLEXIBILITY FOR EXISTING SOURCES TO COME ON BOARD.

THE RULES PROVIDE PREDICTABILITY AND REGULATORY CERTAINTY TO INDUSTRY PROTECTING THEM FROM POTENTIAL LITIGATION.

Please approve the requested funding for this important and long-overdue program by passing SB 1508.

SB 1541 is an attempt to weaken the health-based standards set by Cleaner Air Oregon. It is an attempt to subvert 18 months of dedicated hard work by technical, scientific and public health experts, and extensive input from public stakeholders including industry. This bill is an attempt to substantially rewrite the Cleaner Air Oregon rules to make them more palatable for certain industries and their legal counsel. This bill attempts to undo and then redo all the devoted work that has already gone into the CAO rule making. And it contains an unsavory clause on page 3 that bars the public from using public information to seek redress of grievances thru litigation.

The legislature should not be regulating health risk by statute. Risk levels written into statute do not allow for the flexible, iterative process discussed many times during both the Technical Workgroup and the RAC. DEQ and OHA must have the authority to update Risk Action Levels and adapt the rules as new science emerges about the risks to human health from industrial air pollution.

As for the Hazard Index for non-cancer health impacts mentioned in this this bill: a HI of 10 is not ever protective of human health. During the RAC, a member who was very knowledgeable in pollution prevention and mitigation said, and I'm quoting, " To be truly health protective, you must use a Hazard Index of 1." The CAO rules are written with some leeway to accommodate the different impacts of different chemicals.

(See page 8, Alternative Non-cancer Risk Action Levels <http://www.oregon.gov/deq/Rulemaking%20Docs/cao-pn-rulesGuide.pdf>). But you must build the foundation on the most protective standard. In any case, it is not the purview of the legislature to determine complex risk assessment procedures and protocols. That is the job of the DEQ, the OHA, and again, after many months of expert and stakeholder input.

Please pass SB 1508 to allow full funding for the implementation of Cleaner Air Oregon so that our months of hard work was not for nothing and so that the health of all Oregonians will be protected from hazardous air pollution. Please OPPOSE SB 1541.

Thank you,

Jessica Applegate  
Eastside Portland Air Coalition  
503-381-8407