



To: Co-Chairs Bynum and Manning and Members of the Committee,
Joint Committee on Transparent Policing and Use of Force Reform,
Oregon State Legislature

Subject: HB 4208

July 17, 2020

Oregon Physicians for Social Responsibility is a statewide organization of more than 2000 health professionals and public health advocates working for a healthy, just and peaceful world for present and future generations.

As a health-based organization, we agree with the American Public Health Association's assessment that police violence is a public health crisis.¹ We support House Bill 4208 which prohibits the use of tear gas by law enforcement agencies and declares an emergency. We would like to see the bill strengthened by removing the exemption for use during what police determine to be a "riot." These so-called 'non-lethal' weapons used by police in response to demonstrations are being used inappropriately and are serious threats to the health of the public.

As we have stated previously, tear gas has been banned for warfare since 1925, but it is one of the most extensively used riot control agents. And, it can have serious, long-lasting, life-threatening effects. Police, demonstrators, the press, bystanders, and secondarily exposed health care workers have been harmed by exposure to tear gas.² People living and working in neighborhoods nearby or just passing by have been exposed to tear gas without having been involved in a demonstration. People have been threatened and harmed in their homes and workplaces. More importantly, the use of any projectile cannot be assumed to be non-lethal, as unfortunately demonstrated this past Monday in Portland when a person was shot in the head with a tear-gas projectile, has sustained fractures and brain injuries, and is hospitalized in intensive care. This person was merely holding up a microphone or bullhorn when attacked by law enforcement.

This incident also calls into question the capability of police to make an appropriate judgement of when a riot has occurred. It is possible for police to take the easier route of calling a demonstration a riot and using these dangerous crowd control weapons. The existence of a crowd of citizens unhappy with their civil rights being denied may intimidate police and cause

¹ <https://www.apha.org/news-and-media/news-releases/apha-news-releases/2020/apha-calls-out-police-violence>

² Y Dimitroglou, G Rachiotis, C Hadjichristodoulou, Exposure to the riot control agent CS and potential health effects: a systematic review of the evidence. *Int. J. Environ. Res. Public Health* 2015, 12(2), 1397-1411; <https://doi.org/10.3390/ijerph120201397>

them to escalate the situation rather than de-escalating it. We have seen weeks of sustained non-violent protests that are attacked indiscriminately by police officers using riot control devices and physical force. This is unacceptable! It is apparent that the police cannot make an unbiased judgement that a riot is occurring. This determination would be more accurately made by a non-police designated observer, someone who did not feel personally threatened by the people demonstrating.

Furthermore, using tear gas arbitrarily puts people with varying levels of health or vulnerability, such as asthma, or chronic obstructive pulmonary disease (COPD), at risk of serious life threatening illness. One in ten people in Oregon has asthma, with disproportionate rates among communities of Black, Indigenous and People of Color (BIPOC). During a pandemic of respiratory disease, it is excessively reckless to expose people in a crowd to lung irritants.

We are in a double emergency, a serious, out of control, life threatening pandemic, and an out of control, life and civil liberties threatening police force. We urge you to strengthen HB 4208 by removing the "riot" exemption and pass it immediately. We also urge you to keep up the momentum: do not stop here! Listen to the voices of Black community leaders to fundamentally transform our systems of public safety.

Thank you for your attention to our concerns.

A handwritten signature in black ink, appearing to read 'Theodora Tsongas', written in a cursive style.

Theodora Tsongas, PhD, MS
on behalf of Oregon Physicians for Social Responsibility