

Testimony on HB 4208

As a physician, I worked at Virginia Garcia Memorial Health Center, a community health center serving a vulnerable, low income and minority population. I heard my patients' many accounts of being targeted by police based on their race or ethnicity.

The tragic police killing of George Floyd has finally awakened mainstream America to the public health issues of racism and police violence. We have a unique opportunity to enact anti-racist policies and laws. I applaud the Oregon Legislature for its work to pass legislation to reduce unnecessary police violence.

HB 4208 limits the use of tear gas but currently allows for an exemption in the case of "riots." This bill must be strengthened to ban the use of tear gas **under any circumstance by law enforcement.**

International law, the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods of Warfare, usually called the Geneva Protocol, is a treaty prohibiting the use of chemical and biological weapons in international armed conflicts, enacted in 1925. Despite the prohibition of tear gas in warfare, this gas continues to be used by police in Oregon.

Tear gas or CS gas (*o*-Chlorobenzylidene malononitrile) was banned from use in war because of its many harmful health effects. The CDC notes the following effects:

Immediate signs and symptoms of exposure to a riot control agent

People exposed to riot control agents may experience some or all of the following symptoms immediately after exposure:

- Eyes: excessive tearing, burning, blurred vision, redness
- Nose: runny nose, burning, swelling
- Mouth: burning, irritation, difficulty swallowing, drooling
- Lungs: chest tightness, coughing, choking sensation, noisy breathing (wheezing), shortness of breath
- Skin: burns, rash
- Other: nausea and vomiting

Long-lasting exposure or exposure to a large dose of riot control agent, especially in a closed setting, may cause severe effects such as the following:

- Blindness
- Glaucoma (a serious eye condition that can lead to blindness)
- Immediate death due to severe chemical burns to the throat and lungs
- Respiratory failure possibly resulting in death

These potential health effects, especially during a pandemic in which the virus causes pneumonia and respiratory failure, make the use of this agent unconscionable. It is well known that those with respiratory illnesses are more likely to die from COVID-19. Many in our community have asthma, and a disproportionate number in the BIPOC (Black, Indigenous, and People of Color) community suffer from

this disorder. Tear gas is likely to provoke and/or exacerbate asthma, and could result in hospitalization or even death.

Therefore, the exemption that tear gas may be used to control a “riot” **must be removed**. We have already seen tear gas used by police in Portland, declaring a riot when there is violence by a few during a mostly peaceful protest. This gives police the authority to declare any gathering or protest a “riot.” This jeopardizes the safety and health of the many exercising their first amendment rights of peaceful protest. International law should be followed, prohibiting the use of tear gas under any circumstance.

As a physician concerned about racial injustice and the health and safety of all Oregonians, I urge you to ban the use of tear gas without exception.

Thank you for work to promote racial equity and curb police violence.

Sincerely,

Ann Turner, MD