

Testimony on HB 2396

Committee on Climate, Energy, and Environment
February 15, 2022
Wesley Ward, Portland

Dear Chair Marsh, Vice Chairs Levy and Levy, and Members of the Committee:

The Climate and Environmental Justice Team of Metropolitan Alliance for Common Good strongly supports HB 2396 and HB 3158, which should be understood as a package. To address this continuing assault on public health and the climate, Oregon must do more to reduce diesel pollution, especially in low income and Black and Brown communities. The City of Portland and Multnomah County have led and innovated, but they have little authority to do more, because the responsibility lies with the Legislature, EQC and DEQ.

HB 3916 will require EQC and DEQ to implement an Indirect Source Rule, which they have the authority to do under the Clean Air Act and existing Oregon statute. Indirect sources include ports, large construction sites, railyards, and shipping centers where diesel equipment is almost entirely unregulated. Such equipment easily lasts twenty years. An effective Indirect Source Rule would also require these sources to monitor and control diesel emissions from diesel trucks and equipment that use these facilities.

Opponents of this bill make it sound draconian, as if DEQ would shut down rail traffic, construction sites, and warehouses, strangling the state's economy. Perhaps the bill needs to be clearer on these points. An Indirect Source rule can be directed to the worst concentrations of Indirect Source pollution and give the owners, such as Union Pacific, reasonable opportunity to devise mitigation solutions that would reduce pollution. For example, operators could require trucks and locomotives to avoid idling, to be equipped with acceptably clean engines, and to monitor their pollution levels 24/7 with automatic devices that stream data to DEQ and the public, and that inform their workers and customers (drivers) of these levels and how they can reduce their individual exposure. Perhaps Union Pacific and other large facility owners would elect to provide affordable financing to driver/owners who wish to replace or retrofit their engines. Everyone in my neighborhood understands that the Union Pacific Railyard performs an essential service. But it has been allowed to function with little regulation since the days of coal-fired locomotives.

For additional context, I offer the following remarks.

Why is this issue still important? Can't we just breath a bit less deeply or install household HVAC systems while we wait for the 2019 diesel bill to take effect over several years, with its glaring loopholes; for long-awaited electric trucks to replace thousands of old diesels; for old construction equipment to be scrapped over the next twenty years; and for the climate to enter a miraculous cooling phase ending the climate crisis?

DEQ's available emissions data from 1996-2021 reveal that particulate emissions in Oregon from all sources have not dropped in twenty-five years and the Portland area maintains its second highest rank nationally in particulate emissions. Unfortunately, EQC denied the 2021 Indirect Source petition submitted by more than twenty organizations and other signatories. Why did EQC/DEQ refuse to take that opportunity to respond with at least a limited trial of a more tightly focused Indirect Source Rule that could be in place by now and be adjusted with experience. You will have to ask the EQC Commissioners and DEQ? Apparently, EQC was persuaded that the problem was simply too big and complicated for DEQ to take on and that not enough Oregon consultants could ever be found to prepare the necessary assessments and permit documentation.

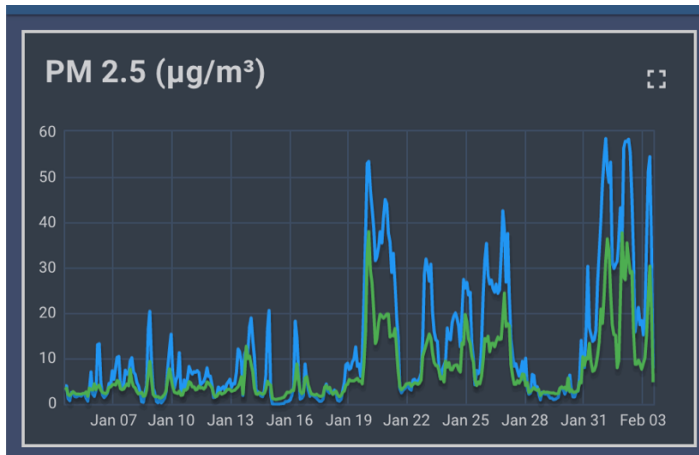
Where am I coming from? My partner and I moved to Portland seven years ago. We live close to the Union Pacific Intermodal Terminal in Brooklyn, 110 acres busy with diesel trucks and equipment and idling locomotives., surrounded by a growing residential neighborhood. About three years ago, I mounted a small diesel monitor on my front porch. It runs 24 hours a day and I've been saving its charts of particulate levels monthly for the past two years, with only a few lapses. The monitor helpfully compares these local particulate levels to the ambient levels tracked by DEQ at its monitoring station at SE 58th and Lafayette, 1.9 miles to the east as the crow flies. My results are consistent with DEQ's reported levels, except that frequent peak levels here are substantially higher than DEQ's monitor indicates for the same periods two miles to the east. A smart Indirect Source process would require suspected sites like the railyards to install automated monitors on or near their sites and make that information public 24/7. [See the January 2023 chart of particulate emissions below.]

I share Members' frustration at not finding clear background information on the issues underlying these bills. The information is scattered on EPA and DEQ websites and can be hard to decipher. For a series of readable reports with citations, I recommend the Portland Clean Air website: <https://portlandcleanair.org/files/pcapubs.html>

Yes, I have a direct personal interest in Portland's and Oregon's exceptionally bad air quality. It really is so bad that thinking about it, and writing testimony is not how I want to spend the limited time we have left in this community. And we know that people who live within 1,500 feet of truck routes and interstates, or near the port, the Albina Railyard, large construction sites, and shipping centers are much worse off than we are. And few of us want to think about what daily exposure to diesel particulates and other toxic pollutants at high levels are doing to their health and that of their children. Please do the right thing and move these HB 2396 and 3158 along.

Thank you for giving this your consideration.

Respectfully,
Wesley Ward, Portland
Member, MACG Climate and Environmental Justice Team
Volunteer with Brooklyn Action Corps, Climate Team



EPA's National Air Quality Standard for 24-hour PM 2.5 on an annual basis has been 12 micrograms per cubic meter for several years. Based on public health research, EPA proposes to reduce that standard to 9.0 – 12 micrograms per

This is my January 2023 Sensorbot monitoring trace (blue), 1,300 feet directly west of Brooklyn Railyard, with DEQ trace (green) from DEQ's station at SE Lafayette and 58th. Note that local average for both tracks from Jan. 3 to Jan 19 is between 5 and 10 with the local track generally higher than the DEQ track (not unexpected given the tendency of small monitors to over-estimate PM 2.5 levels. But note the peaks in both tracks from Jan. 19- Jan 27 and from Jan 32-Feb 3. The local peaks are up to twice as high as the DEQ peaks.