

February 15, 2023

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

Re: HB 2396 - Relating to indirect sources of air pollution.

Chair Marsh, Vice-Chairs Levy and Levy, and members of the Committee, Multnomah County asks for your support of HB 2396. This legislation would protect public health through improvements to air quality by directing the Oregon Environmental Quality Commission (EQC) to establish indirect source rulemaking and program development with the Department of Environmental Quality (DEQ). Indirect source rules would regulate air contaminants produced by sources like rail yards, construction sites, and freight handling facilities- sources not currently under air permitting regulation.

**Assuring healthy air quality is central to public health and environmental justice principles.**

We cannot choose the air we breathe. Multnomah County Air Quality Resolution (No. 2022-010) resolves that all people who live, work or visit Multnomah County should be able to breathe clean air, everywhere at all times and states that it is the policy of Multnomah County to prioritize reducing the cumulative burden of air pollution in environmental justice communities.

All Multnomah County residents are exposed to air pollution and dangerous levels of diesel pollution. In some areas, however, such as near transportation corridors or rail yards (a type of indirect source), levels of diesel pollution can be 10 times health benchmarks.<sup>1</sup> As the local public health authority, we are acutely aware of the burden of air pollution on our community's health. Air pollution causes or contributes to many of the leading causes of death in Multnomah County, including cancer, heart disease, stroke, Chronic Lower Respiratory Disease, Alzheimer's disease, and diabetes. Air pollution impacts health across the lifecourse, affecting everything from birth weight to asthma rates.

These health impacts are unequally distributed in our community. As just a few examples of the disparities we see in Multnomah County for health conditions related to air pollution- we see a death rate from cancer among the Black population that is about 30% higher than that for the white population, and a death rate from diabetes was

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<sup>1</sup> Oregon Department of Environmental Quality. *Portland Area Pollutant Summary Sheets/Maps for Air Toxics*. Portland 2012.

nearly three times higher than that of the white population.<sup>2</sup> The death rate from Alzheimer's disease among American Indians and Alaska Natives is nearly two and a half times that of white residents.<sup>3</sup> Adults living at or below the poverty line in Multnomah County are more than twice as likely to report living with diabetes, and 50% more likely to report an asthma diagnosis.<sup>4</sup> Unequal exposure contributes to these disparities; the Portland Air Toxics Solutions<sup>5</sup> study found that modeled (on-road mobile and non-road mobile) pollutants within the Portland Metro region are higher in census block groups with a higher proportion of low-income households and people of color.

**Indirect source rules, like HB2396, have the potential to decrease diesel hotspots, noise pollution, and have positive neighborhood level impacts through emission reductions.**

While it is not clear how many indirect sources are located in Multnomah County, according to the Oregon Department of Environmental Quality, in the Portland Metro region over 70% of diesel emissions come from marine, rail, and other non-road indirect sources<sup>6</sup>. DEQ has also stated that despite their rejection of a 2019 community petition with strong community organization support for indirect source rules, "DEQ shares petitioner concerns that mobile source emissions induced by indirect sources harm public health, particularly for people living near facilities, roads and projects that attract mobile emissions and pollutants."<sup>7</sup> The petition received 255 comments supporting regulations and 75 opposed.

We would like to encourage the committee to explore a new tool developed in 2022 by researchers at PSU, NCA, and DEQ. This tool, currently called the "Diesel Maps Tool" models how different neighborhoods in the Portland metro area are impacted by diesel and offers modeled scenarios that can assist agencies, communities, and decision makers with understanding of the implications of changing policy scenarios in response to diesel pollution (like fleet electrification and clean construction).

**Indirect Source permitting would be another tool in the toolbox to ensure Multnomah County and other Oregon counties stay in attainment.**

A 2020 policy assessment conducted by the Environmental Protection Agency concluded that the scientific evidence and information support revising the level of the

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<sup>2</sup> Oregon Death Certificates, 2007-2016

<sup>3</sup> Oregon Death Certificates, 2012-2016

<sup>4</sup> Oregon Behavioral Risk Factor Surveillance System 2012-2015

<sup>5</sup><https://www.oregon.gov/deq/air-toxics/Pages/PATS.aspx>

<sup>6</sup> Oregon Department of Environmental Quality. *Portland Area Pollutant Summary Sheets/Maps for Air Toxics*. Portland 2012.

<sup>7</sup> DEQ Report in response to petition:

[https://www.oregon.gov/deq/EQCdocs/03182020\\_Item1\\_PetitionAction.pdf](https://www.oregon.gov/deq/EQCdocs/03182020_Item1_PetitionAction.pdf)

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annual standard for the Particulate Matter National Ambient Air Quality Standard to below the current level of 12 micrograms per cubic meter. Rulemaking is expected to occur this summer with public comment currently open through March. When new standards are adopted, new state level permitting complications may arise for Oregon across the board to identify new nonattainment areas and the measures needed to reach attainment in those areas. EPA estimates some Oregon counties are expected to not meet revised standards (for example, Klamath County). This bill creates an additional strategy to protect human health and reduce climate impacts from air pollution and carbon emissions.

It is our goal at Multnomah County Health Department to protect and promote the health of our community. Toward that end we work to assure that individuals, families and communities gain greater control over the factors that influence their health. We stand with the long list of community organizations representing diverse groups on this important legislation.

In good health,

**Andrea Hamberg**  
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Multnomah County Health Department

**John Wasiutynski**  
Office of Sustainability Director  
Multnomah County