



**HOUSE OF REPRESENTATIVES**

**To: Members of the House Committee on Climate, Energy, and Environment**

**Date: February 15, 2023**

**Subject: Support HB 2396**

Chair Marsh, Vice Chairs Levy and Levy, and members of the committee,

For the record, my name is Dr. Maxine Dexter and I'm honored to serve as the State Representative for House District 33 - Downtown and NW Portland, Linnton and Cathedral Park. I am grateful for today's opportunity to request your strong support for House Bill 2396 and the -1, the Clean Air, Healthily Communities Bill.

I bring this policy to you as both the state representative for some of the communities with the worst air quality in our state who has been raising my children knowing their health and the health of my neighbors is compromised by air pollution as well as in my capacity as a critical care and lung doctor who cares for people with both chronic lung disease and acute strokes and heart attacks that are all critically exacerbated by diesel air pollution.

According to the DEQ's 2012 Portland Air Toxics Solution Report, nonroad engines, which are often concentrated within "indirect sources" such as construction sites, rail yards, and port facilities, account for 74% of all diesel particulate matter emissions in the Portland Metro Area<sup>1</sup>. Additionally, according to the EPA, nonroad equipment accounts for 30% of diesel particulate matter emissions across our state<sup>2</sup>. Old diesel engines emit up to 400 times more black carbon and soot than gasoline engines and are central contributors to smog and ground-level ozone. Diesel particulate pollution has significant long-term and short-term impacts on health and increased exposure is associated with premature death for people with lung and heart disease. Diesel pollution contains carcinogenic compounds which lead to increased rates of cancer and chronic exposure contributes to decreased lung function and increased rates of lung disease like asthma and bronchitis. Even short exposures lead to dramatic increases in heart attacks, strokes and acute exacerbations of chronic lung diseases. Disease risk is increased with higher levels of exposure as well as duration of exposure. People who live in areas with sustained increased levels of air pollution like along highways, near train stations are at high risk as are workers who chronically are exposed to diesel pollution.

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<sup>1</sup> OR. DEPT. OF ENV'T'L QUALITY, FACT SHEET: AIR QUALITY IN PORTLAND, PORTLAND AIR TOXICS SOLUTIONS REPORT AND RECOMMENDATIONS 4 (2012), <https://www.oregon.gov/deq/FilterDocs/12aq035patsReport.pdf> [hereinafter PATS FACT SHEET].

<sup>2</sup> US EPA 2017 National Emissions Inventory and Oregon DEQ 2017 Nonroad Engine Emissions Inventory.

Unsurprisingly, Multnomah County areas with the highest concentrations of diesel exhaust have estimated cancer risks of 542-in-1,000,000<sup>3</sup>, which is more than 500 times the additional cancer risk associated with the DEQ's benchmarks. Indeed, though the DEQ has established diesel emissions as one of the leading public health risks all-across the Portland metropolitan area, the issue is particularly alarming in how disproportionately it impacts our communities of color, as shown back in 2014 in Multnomah County's Report Card on Racial and Ethnic Disparities<sup>4</sup>.

HB 2396 would direct the Environmental Quality Commission--the DEQ's rulemaking board--to implement an indirect source review program to control indirect pollution sources. DEQ already has the ability to regulate indirect sources through prior state and federal legislation but hasn't taken effective action. This policy intends to underline the legislature's desire for the agency to use its already-present authority, making a path for strong regulation. It's also important to note that this bill and the -1 amendment would not establish the rules outlined as an example by petitioners of the indirect source review program in 2019 or prescribe any other rules. Instead, it would authorize the Environmental Quality Commission to start a public rulemaking process to find what rules would best work for our communities, cities, and businesses. The bill will do the following:

- First, require DEQ to establish a methodology for quantifying air contaminants.
- Secondly, establish ongoing monitoring and reporting requirements for warehouse operators
- Thirdly, ensure that all medium and heavy-duty vehicles that park at an indirect source shall have access to electric charging infrastructure, if an indirect source is located in an area exceeding ambient benchmark concentrations for diesel particulate matter.
  - Construction projects are exempt from this requirement.
- Fourthly, ensure that all indirect sources adopt an emissions mitigation plan that will reduce emissions consistent with air quality standards established pursuant to ORS chapter 468A, and ambient benchmark concentrations for toxic air contaminants described in OAR 340-246-0010
- Lastly, allow DEQ to establish reasonable fees to cover the direct and indirect costs of the Department of Environmental Quality and the Environmental Quality Commission in developing and implementing an indirect source review program.

This bill is a response to a robust body of research from our state and federal agencies, as well as researchers, including Professor George at Portland State and Professor Fry at Reed College. This bill would also not be possible without the work of Neighbors for Clean Air and Mary Peveto who organized today's diesel day. As mentioned, this bill doesn't itself establish hard-rules, but it does ask us to stop looking the other way and to welcome the public into a process to begin the cleanup of diesel emissions in Oregon. I know my constituents want this policy - in fact, there were over 20 students from my local high school, Lincoln, here in the capitol today advocating that we take action and I direct your attention to their very compelling testimony. HB 2396 and the -1

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<sup>3</sup> MULTNOMAH COUNTY, ENSURING HEALTHY AIR 23 (June 2018), [http://multnomah.granicus.com/MetaViewer.php?view\\_id=3&event\\_id=1198&meta\\_id=125609](http://multnomah.granicus.com/MetaViewer.php?view_id=3&event_id=1198&meta_id=125609).

<sup>4</sup> MULTNOMAH COUNTY HEALTH DEPT., 2014 REPORT CARD ON RACIAL AND ETHNIC DISPARITIES 31 (2014), <https://multco.us/file/37530/download>.

amendment build upon existing work DEQ has done and provides the legitimacy necessary for the agency to act with immediate and long-term benefits.

Of note, the -1 amendment clarifies what would not be considered an indirect source:

- Street parking
- Residential properties
- Shops (including restaurants, hair salons, stores, etc.)
- Properties at which total aggregate emissions from all mobile source activity associated with the facility is below one (1.0) ton per year of either PM2.5, NOx, or any other air contaminant; and below 2,500 metric tons per year CO2e of any regulated greenhouse gas.
- Agricultural operations included within the activities identified in ORS 468A.020

I very much hope you will join me in strong support of HB 2396.

Sincerely,

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

Representative Maxine Dexter, M.D.  
House District 33 (NW Portland and NE Washington County)