



**GREEN ENERGY  
INSTITUTE**  
Lewis & Clark Law School

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April 3, 2025

Oregon State Legislature  
House Committee On Emergency Management, General Government, and Veterans  
900 Court St. NE  
Salem, Oregon 97301

**RE: Comment in Support of House Bill 3062**

Dear Chair Tran and Committee Members,

The Green Energy Institute at Lewis & Clark Law School (GEI) is a nonprofit energy and climate law and policy institute within Lewis & Clark Law School's top-ranked environmental, natural resources, and energy law program. GEI urges you to support HB 3062 with the -3 amendments and the protections it will offer, helping Oregon communities reduce harmful diesel pollution. GEI has a history of working on pathways to reducing Oregon's diesel pollution, including publishing a report on policy solutions to limit diesel emissions, *Deconstructing Diesel: A Law & Policy Roadmap for Reducing Diesel Emissions in the Portland Metropolitan Area*.<sup>1</sup> This report recommended various possible policy solutions, including state regulation of indirect sources—such as warehouses and distribution centers—to mitigate diesel pollution near population centers where public health risks are highest.<sup>2</sup>

We support HB 3062 as an efficient and effective way to leverage existing Department of Environmental Quality (DEQ) authority and expertise to protect communities from the worst harms of increased diesel emissions stemming from a rapidly expanding warehousing and distribution center industry. Over the last five years, the prevalence of warehouses in our communities has grown dramatically, spurred by increases in e-commerce stemming from the impacts of the COVID-19 pandemic.<sup>3</sup> Meanwhile, health experts are uncovering more harms and

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<sup>1</sup> Amelia Schlusser et al., Green Energy Inst., *Deconstructing Diesel: A Law & Policy Roadmap for Reducing Diesel Emissions in the Portland Metropolitan Area* (July 2019), <https://law.lclark.edu/live/files/28596-deconstructing-diesel-roadmap>.

<sup>2</sup> *Id.* at xii, 42–44.

<sup>3</sup> Gaige Hunter Kerr et al., *Air pollution impacts from warehousing in the United States uncovered with satellite data*, 15 *Nature Comms.* art. no. 6006 (2024), <https://www.nature.com/articles/s41467-024-50000-0> (“Warehouse construction accelerated in the 2010s as the U.S. economy recovered from the 2007-2008 financial crisis with an 117% increase in the total number of warehouses built between 2021 and 2010. New warehouses built during this period were significantly larger in size.... Among the most dramatic changes between

health risks associated with warehouses and distribution centers, particularly when located near population centers.<sup>4</sup> To respond to growing e-commerce demand, more and larger distribution centers are being built closer to population centers, often having the largest negative health implications for black and brown frontline communities.<sup>5</sup> And reporting shows that these facilities are not trade-exposed, due to a need to locate near consumers to respond to commerce demand.<sup>6</sup>

HB 3062 and the -3 amendments do not prohibit warehouses and distribution centers from coming to our communities; rather this bill will tap into existing resources to mitigate human health risks from a ballooning industry. Instead of requiring new modeling, these -3 amendments would leverage existing DEQ and local government expertise by requiring (1) a Cleaner Air Oregon (CAO) level 1 risk assessment for such facilities, and (2) an assessment as to the facilities' consistency with local laws. Like under CAO, local governments could condition a permit on certain criteria to protect communities. For example, a government could require infrastructure for electrification, reduced idling time, or construction of entrances further from nearby schools. By tapping into existing agency resources and expertise, this law would support efficient pathways to reducing significant human health harms while efficiently using state and local resources. We urge you to support HB 3062 -3 to protect our communities from the negative harms associated with warehouses and distribution centers, such as diesel emissions.

Respectfully submitted,

*/s/Jamie Johnson*

Jamie Johnson, Staff Attorney

Green Energy Institute at Lewis & Clark Law School

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2010 and 2021 was the 400% increase in the median number of loading docks at new warehouses.”).

<sup>4</sup> Kerr et al., *supra* note 3.

<sup>5</sup> *Id.*

<sup>6</sup> See Mike Rogoway, *Oregon Spends Millions to Attract Warehouses that Couldn't go Anywhere Else*, *Oregonian* (Feb. 22, 2023), <https://www.oregonlive.com/business/2022/12/oregon-spends-millions-to-attract-warehouses-that-couldnt-go-anywhere-else.html>.