



Cleaner Air Oregon: Public Comment Guidance

Proposed health-based regulations for industrial air pollution in Oregon

ANNOUNCEMENT! Public comment period extended thru January 22nd @ 4PM

BEYOND TOXICS RECOMMENDS FULL SUPPORT OF THE CLEANER AIR OREGON RULES!
Don't let polluters kill Oregon's first health-based air quality laws!

In 2016, a number of uncontrolled industrial air toxics emissions were discovered in Oregon from The Dalles to Portland to Corvallis ... and beyond. Many of these turned out to be either illegal, violating federal and state air quality rules, or slipping through large regulatory gaps in Oregon's air quality laws. Governor Kate Brown responded by calling on Oregon's Department of Environmental Quality (DEQ) to draft **health-based regulatory protections** for all stationary air pollution sources in Oregon. **Cleaner Air Oregon** was launched to create these new rules. Beyond Toxics served as appointed member of the Oregon Rules Advisory Committee.

Oregon currently has no regulations to protect people from the health effects of toxic industrial air pollution. DEQ regulates according to the EPA's Clean Air Act which applies to the largest polluters. Dangerous air toxics are not regulated individually, but instead are lumped together as Hazardous Air Pollutants (HAP). Industries can emit 10 tons/year for a single HAP or 25 tons/year for any combination of HAP. That is a gross scale to measure toxic chemicals that cause cancer, brain damage and birth defects!

Oregon's air permitting regulations are based on writing permits for technology, not health protection. Many times, permits are given to allow old technology to keep running (and polluting), which stymies innovation and poisons our air. Since Cleaner Air Oregon began, the public has learned that polluters all over the state are operating under expired permits, or allowed to use outdated pollution control equipment, or refusing to report their air toxic emissions!

Protecting Public Health: Anticipating Industry Backlash

The new Cleaner Air Oregon rules will face a tough battle in the 2018 legislative session for the proposed funding structure. Industry lobbyists have launched a frontal attack, using tactics that range from arguing the new rules will cost too much to filing a lawsuit against Governor Brown and the DEQ!

A thriving economy and regulations that protect human health are not at odds. Both the EPA and the World Health Organization have shown that **every dollar spent on pollution prevention and control renders a thirty dollar savings for the economy.** In fact, the prestigious *Lancet Journal* recently published an analysis of pollution's severe role in disease. Pollution-triggered diseases cause 16% of all deaths worldwide— 15 times more than from all wars and other forms of violence.

Industry lobbyists are arguing they will go out of business or leave Oregon. **This is a myth.** Benefits to public health costs and business innovation far exceed the costs of cleaning up their pollution.

Industry lobbyists in opposition to CAO also claim it has elements that are "unprecedented" and too severe. **False!** Other states are already doing much more than Oregon! **Oregonians deserve what California, Washington, New York, Kentucky, New Jersey and other states have** - regulation that allows thriving industries and protection for human health.

What we like about the Cleaner Air Oregon draft proposal:

- ***Cleaner Air Oregon aims to protect people and the environment from the health impacts of most toxic industrial air pollution.***
- Is based on Human Health, and not old technological fixes.
- Applies statewide.
- Requires reporting of 660 air toxics from ALL commercial and industrial facilities that emit air toxics.
- Includes existing, modified, and new facilities. It is very important not to grandfather-in older plants under old rules.
- Sets health- risk based permitting procedures for 260 air toxics and defines clear procedures for compliance.
- Considers the cumulative health risks from multiple sources within a geographic area. Applies an "area cap" on the amount of pollution that can be released into communities based on the cumulative health risks (cancer and other diseases) from multiple sources within a geographic area.
- Sets health-based benchmarks for 24- hour and annual exposures for carcinogens, and both chronic and acute non-cancer health impacts of air toxics.
- Includes a Polluter Pays fee structure.
- DEQ consulted with Oregon's Environmental Justice Task Force and has worked to include their information and advice.
- The rules include a strong environmental justice component! Requires the polluter and the regulatory agency to hold community meetings and give the impacted community a "seat at the table" for the permitting process.

What needs to be strengthened in the Cleaner Air Oregon proposal:

- Employ no greater than a Cancer Index of 50 in one million and a Hazard Index (non-cancerous health impacts) of 1 at all risk levels. Where scientific uncertainty or a lack of research applies, health protective regulations must err on the side of caution.
- Modify the Directors' Consultation to focus on input from the impacted community and the science-based regulatory process.
- Include risk-based concentration averaging after 1-hour of exposure to a toxic. In some cases the 24-hour risk action trigger may be too late.
- Do not offer an "opt-out" for small businesses (defined in statutes as less than 50 employees). Small businesses, like art glass or creosote plants, have a small employee base but pollute a lot! Instead, offer a loan program for smaller companies who may be financially challenged by compliance.
- Include a Citizen Enforcement Clause in the event that DEQ is unable or unwilling to enforce the rules.
- Do not accept "estimates" for toxics reporting, and make the Toxics Emissions Inventory available to the public in a user-friendly data base. The Toxics Emissions Inventory should show how many pounds of chemicals are brought onsite and how many pounds leave the site as pollution or waste – this helps guarantee increased toxics reporting accuracy.

Conclusion: Every Oregonian, especially kids and the elderly, breathes in a body burden of toxic chemicals known to cause chronic disease and cancer. Polluters should not use our lungs and our air as their dump site for hazardous chemicals. Air pollution regulations help workers too – exposure to air toxics can contribute to lost job productivity and increased incidence of illness. Toxic chemicals are rarely found to be "safer" than originally thought. The more we learn, the more science proves there are increasing risks from single and cumulative toxic exposure that society never anticipated. **Thus, our regulatory agencies must err on the side of caution.**

Read the proposed rules, summaries and all related material at cleanerair.oregon.gov

PLEASE SUPPORT CLEANER AIR OREGON!

Submit written comments by January 22 at 4PM

by web form:

oregon.gov/deq/Regulations/rulemaking/Pages/ccleanerair2017.aspx

by email:

westersund.joe@deq.state.or.us
[subject heading - "CAO Draft Rules Comment"]

****Tell Your Story in a Letter to the Editor!**

What pollution has impacted your life or your family's lives? [JH Baxter? Lumber Mill? Biomass Plant? Oil Refinery? Fiber Glass Plants? Georgia Pacific? Pulp and Paper mills?]

Questions?

Joe Westersund: westersund.joe@deq.state.or.us
503-229-6403

Keith Johnson: johnson.keith@deq.state.or.us
503-229-6431

Help from Community Organizations:

Beyond Toxics – info@beyondtoxics.org
541-465-8860
[Facebook.com/beyondtoxics](https://www.facebook.com/beyondtoxics)

Eastside Portland Air Coalition
[Facebook.com/ eastsideportlandaircoalition](https://www.facebook.com/eastsideportlandaircoalition)