

Please show up to testify for clean air in Eugene. If you prefer not to testify, just be a body in the room. This is the FINAL public comment period for this long haul of Cleaner Air Oregon rulemaking.

**WHEN: Wednesday, August 1, 2018, 5:30 p.m. – 7:30p.m.**

**WHERE: Lane Community College - Mary Spilde Downtown Center  
Rooms 112 through 114 | 101 W. 10th Ave., Eugene, Oregon 97401**

### **Driving Instructions**

**You can also participate in the public hearing by phone! Webinar information:**

**Meeting Call-In Number: 888-278-0296 | Participant Code: 8040259**

**Webinar Address <https://connect9.uc.att.com/service32/meet/?ExEventID=88040259>**

### **Webinar instructions**

Even if you testify in person or by phone, it is always best to submit written comments so that your comments are on the official record. [Submit comments online.](#)

**Deadline for all comments is August 6th, 2018.**

### **Background:**

Cleaner Air Oregon is rulemaking that changes Oregon's air quality laws so that protecting public health is a priority over the outdated technology of "controlling" industrial source air pollution. The final rules are being solidified and we need final public comment. Lisa Arkin, Beyond Toxics, Executive Director, sat on the rule making committee for over a year. Beyond Toxics offers these suggested comments to guide and inform your testimony at the public hearing. Don't forget to [submit comments online](#) as well.

**Please use these talking points to help you form your own comments and share widely:**

The DEQ declared in their Public Notice of Proposed Rule Making (6/25/2018) that the new Cleaner Air Oregon law, SB 1541 adopted by the State Legislature in 2018:

"set benchmarks for excess lifetime cancer risk and non-cancer risk in statute at levels higher than what DEQ and OHA originally proposed. Based on those higher risk levels, there will be potentially less fiscal impact on regulated businesses and potentially greater costs related to public health since not as much risk reduction will be realized."

**Bottom line:** Polluters should not be able to contaminate our air at the expense of public health! Thus, it is critical that the rules adopted by the Environmental Quality Commission be strongly health-based, follow the Precautionary Principle, uphold principles of Environmental Justice to protect vulnerable communities, and establish standards to reduce the environmental burden on the health of Oregon's children.

The following critiques are described and solutions should be incorporated into the Cleaner Air Oregon Rules:

1. **CRITIQUE: The proposed draft rules fail to include guidance, standards or best practices for protecting vulnerable populations.**

- SOLUTION: **Identify, address and take action to protect the health of the most vulnerable, front-line community members who currently bear the greatest burden of exposure to air toxics.** The DEQ must require community engagement meetings if for new, reconstructed and existing sources if the owner or operator requests Source Risk Limits greater than any of the Community Engagement Levels (in Section 2(a) change the word “may” to “shall”). The EQC must ensure that protocols are put into place so that the “robust community engagement” is guided by impacted and overburdened communities?
2. CRITIQUE: Setting stringent levels for the Toxics Reference Values and the Risk Based Concentrations are the lynchpins to achieving health-based regulations. However, the DEQ has not yet committed to use the lowest protective benchmarks to determine what constitutes compliance with a health-based regulation.
 

SOLUTION: The EQC should immediately adopt Oregon’s health benchmarks to become effective in 2029. Let’s not put this off until 2028!

The public needs assurance that Oregon will adopt mechanisms to achieve public health goals that reduce cancer and disease risk. Oregon must establish a **Cancer Index** of no greater than 10 in 1 million and a **Hazard Index** (non-cancerous diseases) of no greater than HI-1. Where scientific uncertainty applies, health protective regulations must err on the side of caution. .
  3. CRITIQUE: Cleaner Air Oregon’s focus need not be solely on the control of air toxics; requirements can also include eliminating hazardous materials brought onsite and used in manufacturing. That kind of “downstream” thinking means we are never solving the problem at its source – we are only mitigating the harmful effects of pollution.
 

SOLUTION: The solution is implementing Toxics Use Reduction strategies. Under Oregon’s [Toxics Use and Hazardous Waste Reduction Act \(TUHWRA\)](#), the EQC could mandate requirements for industrial polluters to implement an “upstream” toxic use reduction strategy in addition to “downstream” control technology. The DEQ should adequately fund and use the TURWRA program for its purpose of reducing toxics before they get into our air and lungs!
  4. CRITIQUE: Under OAR **340-245-0130 (6)** the DEQ has allowed too much latitude for facilities to implement their Risk Reduction Plans. There is a potential for a polluter to be granted as long as 5 years to implement their Risk Reduction Plan. Meanwhile a community breathing the air will continue to bear the overburden of exposure to air toxics.
 

SOLUTION: The EQC should limit delay to no more than two years, and no more. This strict timeline will benefit industry and public concern by providing clear expectations, requirements and timelines. Communities should not have to wait half-a-decade or more to see industries held accountable for reducing up their pollution. We need firm deadlines and compliance schedules, not off-ramps and opportunities for delay when it comes to making sure our air is safe to breathe.