

Oregon Eyes Linking Toxic Air Pollution Permits to Health Risks

By Paul Shukovsky

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- Rule adopts health risks as triggers to reduce toxic emissions
- Proposed allowable cancer risk arrived at by legislative compromise

Oregon regulators plan to enact new rules in November that tie air emission permits to the potential health risks of toxic pollutants contained in those emissions.

Nearly 2,500 companies that need the permits will have to report on the presence in their emissions of about 600 chemicals, from acetaldehyde to zinc under the draft rules released June 25. They then will have to calculate the health risk of their emissions for the approximately 250 chemicals for which sufficient toxicity data exists for state regulators to set a health-based standard. Companies can be required to take steps to reduce such health risks.

At least one large company said it backs the rules.

“The current regs we are operating under haven’t changed in 20 years, and we feel it’s appropriate to update them,” Alan Sprott, vice president for environmental affairs at shipbuilder and steel fabricator Vigor Industrial LLC in Portland, told Bloomberg Environment.

“Most of the costs are going to be associated with the analysis that goes into getting your permit,” said Sprott, whose company has facilities in Oregon, Washington, and Alaska. “We think that’s going to be about a quarter of a million dollars” for consultants to identify toxic pollution, plug it into a model, and see if it triggers health risks.

“That’s when we look to a product substitution,” he said, adding that in Vigor’s case, it likely will mean swapping one paint product for another that doesn’t present such a risk.

Boeing Seeks to Work With State

The Boeing Co., which has manufacturing facilities in the state, declined to take a position. It said it wants to ensure the rules balance protecting health and environment while allowing for economic growth.

“We look forward to teaming with our industrial partners to work with the Oregon Department of Environmental Quality on rulemaking that follows the intent of the Oregon Legislature in enacting SB 1541,” Boeing spokeswoman Holly Braithwaite wrote in reference to the law signed in April funding implementation of the rule and specifying some of its elements.

Oregon’s largest manufacturer, Intel Corp., declined comment June 27 and referred Bloomberg Environment to Oregon Business & Industry, a statewide association leading business response to the proposed rule. The association also declined to comment.

Several other companies, an industry association and an attorney representing business interests on a rulemaking advisory committee either declined comment or didn’t respond to Bloomberg Environment’s requests for comment.

Environmentalism’s Criticism

Lisa Arkin, executive director of Beyond Toxics, an environmental group with offices in Eugene and Phoenix, Ore., said the bill funding the implementation of the rule didn’t achieve health-based standards.

The law “allows an existing polluter to emit four times over the health benchmark for excess lifetime cancer risk or double the health benchmark for excess non-cancer risk before an industrial facility is required to reduce their toxic air emissions,” Arkin said in a June 27 email to Bloomberg Environment.

The result is that the law “is magnitudes higher than the health risks allowed by any other state that has updated their air toxics rules,” she said.

Excess Cancers in Play

The draft rules are intended to fill such gaps in the state and follow 24 other states that have adopted health-based air toxics regulations, Robb Cowie, a spokesman for the Oregon Health Authority, told Bloomberg Environment.

The law mandates certain elements to the proposed rule, with the most pivotal being that the rule could not require facilities to reduce health risks if they were below 10 excess lifetime cancers in 1 million people for new facilities or 50 excess cancers in 1 million for existing facilities.

That level is less protective of health than what the department originally proposed.

“One key change was in the risk action level at which an existing facility would have to either reduce risk, or demonstrate that they already have the best available control technology for air toxics,” Cleaner Air Oregon program coordinator Joe Westersund said in a June 27 email.

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