

OREGON ENVIRONMENTAL NEWS

Loophole in Oregon's toxic air plan divides environmental groups

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Chris Winter, a local environmental attorney, questioned state officials at a contentious 2016 forum at Cleveland High School about Portland's toxic air. Beth Nakamura/Staff

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By **Rob Davis**, rdavis@oregonian.com

The Oregonian/OregonLive

Many of Oregon's existing air polluters would be allowed to create up to a 200-in-a-million cancer risk under a air plan moving forward in the Legislature, a new analysis by an influential environmental attorney says.

It's enough of a deal-breaker that seven environmental groups say they're opposing the bill.

But Senate Bill 1541, which unanimously passed the key Joint Ways and Means Committee Wednesday, appeal legislative approval after environmental advocates won other concessions this week.

It is an unusual rift: The state's environmental advocates almost always take the same side.

[SB 1541](#) promises new pollution controls on factories, pulp mills and other polluters if their emissions create t than 50 cancer cases in every million people.

However, the bill has a major loophole, according to Chris Winter, an environmental attorney with the nonprofit The bill says polluters can create a 200 in a million cancer risk if they're already complying with federal pollutio the very standards the state set out to improve upon.

A sweeping variety of sectors, including some that have opposed the state's clean air push, like the pulp and p plywood manufacturers, would be allowed the much higher cancer risk as a result.

"This is going to add an existing level of authorization for the pollution coming out of these facilities, except in circumstances," Winter said. "I personally feel like there hasn't been an upfront, objective disclosure of how thi

Winter's findings have prompted seven community groups to officially oppose the legislation, including two -- (Physicians for Social Responsibility -- that participated in the lengthy drafting of Gov. Kate Brown's Cleaner Air

Nine environmental groups, including Neighbors for Clean Air, Beyond Toxics and the Eastside Portland Air Co; the bill this week after industry groups agreed to sunset language that could ratchet down the allowable cance million after 10 years. A provision shielding polluters from lawsuits was also removed.

Winter said the sunset language offers no guarantee of tighter air pollution rules because it is contingent on d whomever is holding office in 2029.

"The sunset is being used to tell half-truths to the public," he said. "The bill as a whole sets risk levels that are i human health."

Mark Riskedahl, the Northwest Environmental Defense Center's executive director, supports the bill. He said it perfect but will give Oregonians far more information about the state's air polluters than they have today. The includes \$2 million to fund Department of Environmental Quality work to reduce toxic air pollution.

"It is pretty remarkable to see a bipartisan effort by Oregon lawmakers to fund and move such a major new reg like this forward," Riskedahl said. "It gets Cleaner Air Oregon off the ground at a time when it was poised to pot in flames."

Floor votes in the House and Senate, the bill's next steps, have not yet been scheduled.

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