



To: Members of the House Committee on Energy and Environment
From: State Representative Maxine Dexter, M.D., House District 33

Date: March 1st, 2021

Subject: HB 2814

Chair Marsh, Vice-Chairs Helm, and Brock-Smith, and Members of the Committee,

For the record, my name is Maxine Dexter, M.D., State Representative for House District 33. I am grateful for today's opportunity to request your full support for House Bill 2814.

According to the DEQ's Portland Air Toxics Solution Report, nonroad engines, often concentrated within indirect sources such as construction sites, rail yards, and port facilities account for 74% of all diesel particulate matter emissions in the Portland Metro Area¹. Additionally, according to the EPA, nonroad equipment accounts for 30% of diesel particulate matter emissions across our state². As a pulmonologist and person who cares deeply about our environment, I'm concerned about old diesel engines that emit up to 400 times more black carbon and soot than gasoline engines and are central contributors to smog and ground-level ozone. As someone who cares about people and their health, and diagnoses people with lung cancer, I'm also keenly aware of diesel's carcinogenic compounds as well as their contribution to respiratory disorders and cardiovascular disease. The workers at these sites are at the greatest risk and wearing respiratory protection when working near diesel fumes is not standard practice. It should be.

Unsurprisingly, Multnomah County areas with the highest concentrations of diesel exhaust have estimated cancer risks of 542-in-1,000,000³, which is more than 500 times the additional cancer risk associated with the DEQ's benchmarks. Indeed, though the DEQ has established diesel emissions as one of the leading public health risks all-across the Portland metropolitan area, the issue is particularly alarming in how disproportionately it impacts our communities of color, as shown back in 2014 in Multnomah County's

¹ OR. DEPT. OF ENV'T'L QUALITY, FACT SHEET: AIR QUALITY IN PORTLAND, PORTLAND AIR TOXICS SOLUTIONS REPORT AND RECOMMENDATIONS 4 (2012), <https://www.oregon.gov/deq/FilterDocs/12aq035patsReport.pdf> [hereinafter PATS FACT SHEET].

² US EPA 2017 National Emissions Inventory and Oregon DEQ 2017 Nonroad Engine Emissions Inventory.

³ MULTNOMAH COUNTY, ENSURING HEALTHY AIR 23 (June 2018),

http://multnomah.granicus.com/MetaViewer.php?view_id=3&event_id=1198&meta_id=125609.

Report Card on Racial and Ethnic Disparities⁴. Today we will hear from a North Portland resident who knows this all too well.

HB 2814 would direct the Environmental Quality Commission--the DEQ's rulemaking board--to implement an indirect source review program to control indirect pollution sources. It's important to note that this bill would not establish the rules outlined as an example by petitioners of the indirect source review program in 2019 or prescribe any other rules. Instead, it would authorize the Environmental Quality Commission to start a public rulemaking process to find what rules would best work for our communities, cities, and businesses. The types of rules that this bill would authorize are the following:

- First, that DEQ issue permits to indirect sources of contamination
 - Throughout this permitting process, DEQ could, for example, either assign a reduction target, but also allow the operator of an indirect source to make a mitigation payment into an Indirect Sources Mitigation Fund. These mitigation payments would be sufficient to provide DEQ with the resources to implement this program and to offset the public health risks caused by indirect sources that exceed future standards.
- Secondly, DEQ may require that an indirect source operator notify the affected communities of the public health risks involved with its activities.

This bill is a response to a robust body of research from our state and federal agencies, as well as researchers, including Professor George at Portland State and Professor Fry at Reed College who have submitted valuable written testimony today. As mentioned, this bill doesn't itself establish hard-rules, but it does ask us to stop looking the other way and to welcome the public into a process to begin the cleanup of diesel emissions in Oregon. We hope you can join us in support of HB 2814.

Sincerely,



Representative Maxine Dexter, M.D.
House District 33 (NW Portland and NE Washington County)

⁴ MULTNOMAH COUNTY HEALTH DEPT., 2014 REPORT CARD ON RACIAL AND ETHNIC DISPARITIES 31 (2014), <https://multco.us/file/37530/download>.