

TESTIMONY ON HB 2814 REGARDING INDIRECT SOURCES OF DIESEL POLLUTION

Honorable Chair Pam Marsh  
Honorable Vice-Chair Ken Helm  
Honorable Vice-Chair David Brock-Smith  
Honorable Members of the Energy and Environment Committee

RE: HB 2814

I have introduced myself in earlier written testimony and I wish to clarify my previous testimony already on record. Contrary to opposition testimony, I want to emphasize that the bill before you, HB 2814, does not prescribe any particular geographic scope, threshold pollution levels, performance standards, requirements, or regulations. As I understand the bill, its intent is solely to direct DEQ to begin a rule-making process under DEQ's established procedures, including public hearings, to determine whether there is a need for Indirect Source Regulations and what such regulations, if needed, would entail.

Testimony on the record from industry representatives seems to be referring to the Indirect Source Petition denied by the Environmental Quality Commission in early 2020. I was at the EQC meeting at which that Petition was presented and I heard its industry opponents make nearly identical objections over a year ago. But, as you certainly know, HB 2814 is not an Indirect Source Petition but a bill that has a single purpose: to direct DEQ to initiate a full public process that may or may not result in adoption of regulations under existing state law. It is not true that DEQ has conducted such a process under its procedures. The DEQ representative, Matthew Davis, made clear that DEQ in 2020 was responding directly to the highly specific Indirect Source Petition submitted to EQC and not to the entirely different bill before this Committee.

I believe that an Indirect Source rule-making process is necessary, finally, to obtain a fair and complete hearing from proponents and opponents regarding the level and type of pollution from indirect sources and their health effects and economic costs as well as the economic and other benefits to the community of the largely unregulated indirect sources of diesel pollution. I personally hope that proponents and DEQ in such a process will concentrate on the most troublesome indirect source facilities in the Portland metropolitan area and other cities with similar levels of PM 2.5 emissions affecting their populations, especially low-income and BIPOC residents.

Given such a fair and thorough public process, I believe the results will be clear to everyone – that indirect but concentrated sources of diesel pollution, at least in certain definable areas of Oregon, constitute a grave public health risk to large populations (with annual costs in the many millions if not billions of dollars as is already known to DEQ) and a threat to our climate; and that existing regulation is insufficient to deal with those risks, costs, and threats in a timely manner. I believe that DEQ will then determine that reasonable, focused, and entirely legal regulation under existing Oregon and federal law is necessary to complement HB 2007 enacted in 2019 and other regulations and programs. We owe that much to the citizens of Oregon who, through no fault of their own, continue to suffer from diesel pollution at much higher levels than are burdening average American communities.

Respectfully submitted,

Wesley T. Ward, Portland