IT'S BROKEN! RE: groundwater pollution

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Before the Senate Rules Committee

In support of SJR 28-1

Hearing of March 26, 2025

Greetings Chair Jama and members and staff of the committee

I worked for 37 years as a senior economist/policy analyst for Oregon Dept. of Energy and as staff to the Public Utility Commission. I received a Ph. D. in Natural Resource and Utility Economics from John Hopkins U. in 1978. My graduate work and teaching/research at Dartmouth College in 1978-1980 focused on water pollution and municipal supply. I'm currently a co-coordinator of 350 Salem Oregon and am the Communications Team leader for the Oregon Coalition for an Environmental Rights Amendment (OCERA).

The state of Oregon is <u>doing a lousy job</u> protecting people from serious environmental threats to health and safety.

The staff, members and leaders of the Legislature, Executive Branch and the Courts are almost without exception hardworking and focused on doing their best for the people of Oregon. What is broken is the 19th Century structure for dealing with environmental threats.

In the 18th and 19th Centuries when the U.S. and Oregon constitutions were largely written, environmental problems were industrial smells, smelly pig farms and water pollution from tanneries and city sewers. It was later learned the sewers contained harmful bacteria and other pathogens, but pollution was not seen as a serious threat to health and safety <u>at the time.</u>

In Oregon today we are threatened by chemical toxins in our air and water that were unknown or ignored until recently. Two examples are nitrates and PFAS[1] (forever chemicals) in groundwater.

[1] perfluoroalkyl and polyfluoroalkyl substances, a family of chemicals

NITRATES:
Nitrates have been known to be toxic and in rural groundwater for over 30 years. Yet only in the last couple of years has the state attempted to fully understand the scope of the problem. It has done almost nothing to stop the pollution of groundwater by nitrates from agricultural operations.[2]

PFAS
The Environmental Protection Agency (EPA) is requiring larger municipal systems to reduce the level of some of these chemicals by 2029.[3]

In June 2022, EPA issued a health advisory level 0.02 ppt (parts per trillion) for PFOS and 0.004 ppt for PFOA (two components of PFAS).[4]

A federal study estimates that 19 percent of Oregon households are at risk of having excessive levels of PFAS chemicals in their drinking water (About 19% of Oregonians at risk for PFAS groundwater contamination - OPB). Most of these households get their water from personal wells or wells of smaller municipal systems that have fewer regulations for toxics.

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[2] Ground and surface water Issues

[3] In April 2024

> *EPA [took] a signature step to protect public health by establishing legally enforceable levels for several PFAS known to occur individually and as mixtures in drinking water. This rule sets limits for five individual PFAS: PFOA, PFOS, PFNA, PFHxS, and HFPO-DA (also known as "GenX Chemicals"). The rule also sets a limit for mixtures of any two or more of four PFAS: PFNA, PFHxS, PFBS, and "GenX chemicals." By reducing exposure to PFAS, this final rule will prevent thousands of premature deaths, tens of thousands of serious illnesses, including certain cancers and liver and heart impacts in adults, and immune and developmental impacts to infants and children.* *https://www.epa.gov/newsreleases/biden-harris-administration-finalizes-first-ever-national-drinking-water-standard*

[4] EPA establishes limits on PFAS chemicals in U.S. drinking water supplies | Silent Spring Institute

Concerns about PFAS chemicals go back to the 1950s. Federal regulatory action began in the 1990s[5]. Yet virtually nothing has been done in Oregon to reduce the use of these chemicals or understand how they are getting into our groundwater.

Yet despite a clear threat, the Legislature has refused to even assess this major source of potential PFAS groundwater contamination. In the past two legislative sessions bills that would require municipal treatment plants to test for PFAS levels before selling sewage sludge to agriculture. These bills failed to pass. There is a similar bill in this legislative session (House Bill 2947). See: https://www.opb.org/article/2025/02/10/oregon-legislators-wantHB2947 2025 Regular Session - Oregon Legislative Information System-to-understand-harms-of-forever-chemicals-from-treated-sewage-on-farms/#:~:text=If%20this%20current%20bill%20is,to%20help%20inform%20mitigation%20efforts.

The structural problem is that state agencies cannot even study potential environmental threats to health and safety until directed to do so by the Legislature.

And for the Legislature to act there has to be enough of a political hubbub for a bill to get a committee hearing, floor votes and be signed by the Governor. All of which require public lobbying. Only then can an agency have direction and funding to study an environmental health and safety problem.

When a problem, such as nitrate pollution is identified, it can be decades before agencies are directed to regulate the sources of the pollutants. Both studies and actions should occur based on scientific evidence, overseen by the courts, not the whims of politics.

This process is like driving a car without headlights at night. The current system won't deal with a health threat until serious problems are already happening – serious enough for citizens (non-experts largely) to lobby their legislators into action.

Citizens have been assigned the roles of:

1. Identifying emerging public health problems from toxics
2. Building a political coalition to:
    - study and
    - address the problem

– All without public funding.

[5] Our Current Understanding of the Human Health and Environmental Risks of PFAS | US EPA

This is a crazy way to address and protect Oregonians from the many emerging health threats from pollutants.

These threats include carcinogens, endocrine disruptors[6], mutagens, and other toxic chemicals. Except for the intentional addition of chemicals to food, very few chemicals are tested in the U.S. before they are widely distributed.[7] And this is only for carcinogens and mutagens.

Once toxic chemicals are in groundwater, they are extremely difficult and expensive to remove.

SUMMARY

State Agencies should be charged with identifying serious health threats from pollutants BEFORE people die from toxic pollution. SJR 28-1 will do this.

SJR-1 will force state agencies to protect the health and safety of Oregonians from toxic pollution without having the Legislature direct them to study or regulate specific pollutants. If an agency fails to act, this constitutional amendment would allow the right of private action to get the courts to examine if the threat is real and serious based on scientific evidence brought before the court.

Thank you for the opportunity to testify.

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[6] Endocrine disruptors are chemicals that interfere with the body's hormones, which regulate a variety of functions like metabolism, growth, development, and sleep. Pharmaceuticals, dioxin and dioxin-like compounds, polychlorinated biphenyls, DDT and other pesticides, and plasticizers such as bisphenol A (BPA) are endocrine disruptors. Endocrine disruptors can be found in many common products.
https://environmentalhealth.ucdavis.edu/communities/endocrine-disruptor-chemicals#:~:text=Pharmaceuticals%2C%20dioxin%20and%20dioxin%2Dlike,(BPA)%20are%20endocrine%20disruptors.

[7] The Delaney Clause, incorporated into the Federal Food, Drug and Cosmetic Act by the Food Additives Amendment of 1958, requires the Food and Drug Administration (FDA) to ban food additives which are found to cause or induce cancer in humans or animals as indicated by testing.
Regulation of Cancer-CausingRegulation of Cancer-Causing Food Additives--Time for a Change | U.S. GAO Food Additives--Time for a Change | U.S. GAO