

## **RESOLUTION No. 37387 As Amended**

Direct Procurement Services and the Bureau of Planning and Sustainability, to develop a program framework and identify the necessary resources to require contractors working on City construction projects to use equipment that controls diesel exhaust to protect public health (Resolution)

WHEREAS, diesel exhaust is 100 times more toxic than gasoline exhaust, and includes fine sooty particles layered in heavy metals and toxic gases.

WHEREAS, Portland residents face increased exposure risks to diesel exhaust due to development and transportation hub activities and high population density near such activities.

WHEREAS, exposure to diesel exhaust can cause several health effects, including the exacerbation of asthma symptoms, increased incidence of heart disease, cancer, and nervous system effects.

WHEREAS, children are especially vulnerable to the negative health effects of diesel particulate pollution because their lungs are still in the developmental phase and they are exposed to greater pollution levels than adults because they breathe more air per pound of body weight.

WHEREAS, environmental justice communities, including communities of color and low-income populations, experience a disproportionate burden of exposure to diesel pollution because they often live and work in areas with higher pollution levels.

WHEREAS, the Portland Air Toxics Solution (PATs) Study shows North Portland has the highest levels of diesel particulate pollution in the State of Oregon, nearly 20 times the health benchmark.

WHEREAS, the PATs Study shows average diesel particulate matter levels need to be reduced by 86 percent across the Portland Metro area to meet the State's adopted health benchmark.

WHEREAS, 65 percent of diesel particulate matter in the Portland-area is emitted from non-road equipment, such as construction equipment.

WHEREAS, according to the U.S. Environmental Protection Agency's Diesel Emissions Quantifier Health Module, reducing diesel particulate pollution in Multnomah County would yield approximately a 10:1 return in human health benefits per dollar invested in off-road engines, such as construction vehicles.

WHEREAS, new diesel engines and older diesel engines retrofitted with particulate filters can reduce diesel particulates by up to 95 percent as compared to older diesel engines that are not retrofitted.

WHEREAS, diesel engines are long lasting, which means the turnover rate of older diesel engines is too slow to adequately curb emissions in a timely manner to protect public health.

WHEREAS, the 2015 Climate Action Plan (City Resolution No. 37135) includes an action (7F – Black carbon) to pursue strategies at the local and state level to reduce the climate forcing and air quality impacts from black carbon sources such as diesel engines and wood stoves, with a prioritization of reducing diesel particulate matter from projects near sensitive populations.

WHEREAS, to improve air quality and address adverse human health impacts, between 2006 and 2011 the City replaced or retrofitted most of the high-polluting diesel vehicles and construction equipment in the City's fleet with diesel emission controls, using federal grants totaling \$2.3 million.

WHEREAS, from 2009 to 2011 the City and Multnomah County piloted voluntary clean diesel contracting standards on the Balch Creek sewer replacement, a sidewalk improvement project and the East County Courthouse. The City and County also piloted program compliance on the downtown Multnomah County Courthouse to better understand administrative and enforcement costs associated with program implementation.

WHEREAS, construction contracting industry associations provided feedback that the City and County should pursue a regional strategy that would ensure a consistent approach across Portland Metro area public agencies.

WHEREAS, for more than two years, the City has been collaborating with Multnomah County, Clackamas County, Washington County, Port of Portland, Metro and the Oregon Department of Environmental Quality to build a regional strategy to reduce diesel particulate pollution on public construction projects, as outlined in Exhibit A.

WHEREAS, the City's State Legislative Agenda from 2015 to 2018 included regulation of diesel emissions to improve air quality for Oregonians as a policy priority, without any resulting action at the state level.

WHEREAS, the Bureau of Planning and Sustainability has proposed to the Office of Government Relations that the City of Portland 2019 State Legislative Agenda advocate for allocation of Oregon Volkswagen diesel settlement funds to assist DMWESB certified firms retrofitting, repowering, or replacing diesel vehicles and equipment in compliance with public clean air construction standards.

WHEREAS, in July 2018, the City and County received the findings of a jointly-funded air quality feasibility study titled "Ensuring Healthy Air, Local Collaborative and Regulatory Options in the Portland Metro Area" prepared by consultants Good Company and Eastern Research Group. The report identified the top strategies the City should pursue to improve air quality, including diesel engine specifications for public construction projects.

NOW, THEREFORE, BE IT RESOLVED, that the City Council and Mayor direct Procurement Services and the Bureau of Planning and Sustainability to introduce a clean air construction standard to reduce diesel particulate pollution from construction equipment on City-contracted or funded construction projects no later than Dec 13, 2018, that substantially meets the intent of the framework outlined in Exhibit A.

BE IT FURTHER RESOLVED, that the City Council and Mayor direct Procurement Services and the Bureau of Planning and Sustainability to work with regional partners to ensure a consistent regional clean air construction strategy, including options for contractor technical assistance and compliance enforcement at a regional level.

BE IT FURTHER RESOLVED, that the City Council and Mayor direct Procurement Services and the Bureau of Planning and Sustainability to ensure the City is achieving its climate action goals through a clean air construction standard that also creates opportunities for workforce equity and diversity, including through reducing barriers to economic opportunity for minority-owned and women-owned companies.

BE IT FURTHER RESOLVED, that the City Council and Mayor direct Procurement Services to identify funding resources to mitigate the impact of a clean air construction standard on Certified Disadvantaged, Minority, Women and Emerging Small Businesses (DMWESB) firms.

BE IT FURTHER RESOLVED, that the City Council and Mayor direct Procurement Services and the Bureau of Planning and Sustainability to identify annual General Fund costs and resources required for a clean air construction program starting in FY19-20, upon which implementation of any clean air construction standard would be contingent.

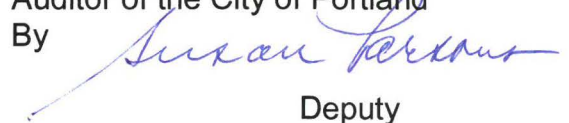
Adopted by the Council: SEP 20 2018

Mayor Ted Wheeler  
Prepared by: Kyle Diesner  
Date Prepared: September 11, 2018

**Mary Hull Caballero**

Auditor of the City of Portland

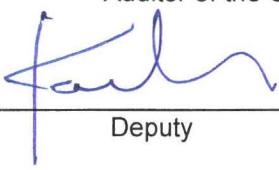

By



Deputy

Agenda No. **37387** As Amended  
**RESOLUTION NO.**  
 Title

Direct Procurement Services and the Bureau of Planning and Sustainability to develop a program framework and identify the necessary resources to require contractors working on City construction projects to use equipment that controls diesel exhaust to protect public health (Resolution)

INTRODUCED BY Commissioner/Auditor: <b>Mayor Wheeler</b>	CLERK USE: DATE FILED <u>SEP 11 2018</u>
<b>COMMISSIONER APPROVAL</b> Mayor—Finance & Administration – Wheeler Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Eudaly	Mary Hull Caballero Auditor of the City of Portland By:  Deputy
<b>BUREAU APPROVAL</b> Bureau: Planning and Sustainability Bureau Head: Susan Anderson	<b>ACTION TAKEN:</b>
Prepared by: Kyle Diesner Date Prepared: September 11, 2018	
Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<b>City Auditor Office Approval:</b> required for Code Ordinances	
<b>City Attorney Approval:</b> required for contract, code, easement, franchise, charter, Comp Plan 	
Council Meeting Date <b>September 20, 2018</b>	

<b>AGENDA</b> <b>TIME CERTAIN</b> <input checked="" type="checkbox"/> <b>Start time: 2:00</b> <b>Total amount of time needed: 45 Min</b> (for presentation, testimony and discussion)
<b>CONSENT</b> <input type="checkbox"/>
<b>REGULAR</b> <input type="checkbox"/> <b>Total amount of time needed:</b> _____ (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	<input checked="" type="checkbox"/>	
2. Fish	2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman	<input checked="" type="checkbox"/>	
4. Eudaly	4. Eudaly	<input checked="" type="checkbox"/>	
Wheeler	Wheeler	<input checked="" type="checkbox"/>	