



**NORTHWEST ENVIROMENTAL DEFENSE CENTER**  
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**Testimony before the Portland City Council**

**March 30, 2016**

*by*

*Mark Riskedahl, NEDC Executive Director*

Portland's Toxic Hot Spots: What Now?

Major flaws in Oregon's air quality regulatory system have recently sparked significant controversy. Last month, the federal Congressional delegation representing the Portland metro area even declared with a unified voice that Portland is in the midst of a "public health emergency". Portland's air, it turns out, is filled with toxic 'hot spots'. Moving forward out of this morass will require meaningful reductions in pollution associated with harmful diesel particulate and residential wood burning, but it will also, importantly, require reductions in Hazardous Air Pollutant emissions from industrial sources.

The Oregon state legislature expressly mandated that "the program for the control of air pollution in this state shall be undertaken in a *progressive* manner". Oregon's lawmakers clearly did not intend for us to get mired in outmoded, ineffective, gap-filled air quality oversight. The all-too-frequently recurring loop of inadequate regulatory oversight by the Oregon Department of Environmental Quality (DEQ), significant emerging air pollution problems, finger-pointing at DEQ, demanding that the agency fix the problem, and then hearing the agency respond that it doesn't have the resources and is unable to muster the will to address the problem, is simply broken. The agency's recent vague commitment to embark on a time-intensive formal Toxic Hot Spot rule-making at some indeterminate point in the future in which industry inevitably dominates the conversation and pre-determines the outcome, or to simply revisit the agency's multi-year multi-million dollar Portland Air Toxics Solutions geographic program, a program that utterly failed to identify and craft *solutions* last time around to the problems that have garnered recent headlines, are not enough.

DEQ has pre-existing legal authority under Oregon's state air toxics program to immediately establish and implement aggressive toxic hot spot assessment and control strategies, particularly for specific source categories such as glass-manufacturing, yet it lacks the regulatory will to implement those strategies. The Oregon Legislature and the Oregon Environmental Quality Commission have pressed Oregon DEQ for years to do more to reduce the threats of harm to public health and the environment posed by air toxics, and have provided the agency with ample authority and regulatory discretion to do just that. Yet the agency has failed and continues to fail to act.

It is time for a new path forward. If Oregon DEQ continues to fail to adequately respond, a growing chorus of concerned citizens and voices within Portland local government has recently expressed the interest and intent to assert local control over Portland's air pollution problem. In furtherance of that objective, the state legislature has already provided a clear avenue for the creation of regional air quality control authorities. ORS 468A.105.

Old guard industrial polluters will, of course, kick and scream that more government isn't the solution. But we're not just talking about simply adding another superfluous layer of government. We're talking about crafting a local solution to a local problem. Air quality regulation of, by and for Portlanders. The concept of a local air district or local air pollution control authority is well-established in other states. Even just between our west coast neighbors, there are 35 air districts in California and 10 in Washington.

Polluters, especially the vocal trade associations speaking out on their behalf, will inevitably resist change and reach back yet again for the tired and worn jobs vs. the environment false dichotomy. However, one of the more exciting things about industrial air pollution control is that in addition to providing dramatic long-term public health benefits, it also requires human involvement every step of the way. The design, engineering, manufacture, construction, operation and day-to-day maintenance of air pollution control technology all involve humans, using innovation and performing jobs. There is serious economic upside associated with retrofitting local industrial operations in order to reduce emissions of toxic air pollutants.

The process of toxic hot spot identification and reduction is well-established elsewhere. In fact, California has been implementing a successful toxic hot spot program for decades. That state's air board claims that over the last 25 years, California has reduced statewide emissions and related health impacts from exposures to air toxics by over 75 percent. During this same period the economy, as measured by the California Gross Domestic Product grew by 83 percent and the number of residents and vehicles increased by approximately 30 percent each, roughly 9 million and 8 million, respectively. <http://www.arb.ca.gov/toxics/rma/rmgssat.pdf>.

There are many reasons to believe that a Portland metro area regional air authority would be much more effective than Oregon DEQ at protecting public health. First and foremost, a regional authority would be directly accountable to regional leaders and the citizens who are most affected by Portland's unique air quality problems. We would have the opportunity to start fresh and to imbue this local air authority with regulatory confidence, a culture that keeps industry at arm's length, and truly listens to the concerns of the public. While there remain important specifics to resolve related to funding mechanisms and the structure and composition of a regional authority, those details should not stand in the way of giving citizens in the Portland metro area more say over their own wellbeing. With strong local leadership, we can solve this pressing problem. Thank you.

**Parsons, Susan**

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**From:** riskedahl@gmail.com on behalf of Mark Riskedahl <msr@nedc.org>  
**Sent:** Wednesday, February 24, 2016 8:56 AM  
**To:** Parsons, Susan  
**Subject:** 3/30 Public Testimony

Sue:

Could you sign me up for public testimony regarding Portland air toxics on 3/30? Thank you!

Mark

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Request of Mark Riskedahl to address Council regarding Portland air toxics  
(Communication)

MAR 30 2016

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**MARY HULL CABALLERO**  
Auditor of the City of Portland

By  Deputy

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1. Fritz		
2. Fish		
3. Saltzman		
4. Novick		
Hales		