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Cleaner Air Oregon Advisory Committee
Oregon Public Health Association Response to the October 18, 2016 Meeting

Following the Oregon 18 2016 Advisory Committee meeting, the Oregon Public Health Association Representative (Dr. Rohlman) met with the association to discuss recommendations for the DEQ and OHA. Below are comments representative of the Oregon Public Health Association (OPHA) and the Healthy Environments section within OPHA.

Response to the Applicability White Paper

Program Element 1: Include existing sources in program, or not?
The Oregon Public Health Association urges DEQ and OHA to include existing sources in the program along with new and modified sources for the following reasons:

- Existing sources may have older equipment that has a larger contribution to air toxics
- Existing sources are often located within environmental justice communities, placing a higher burden of air pollution on these communities
- From the Technical Workgroup: "Existing facilities are more likely to have older technology and may emit more than newer sources"
- We echo the 'fairness' concern listed by the Technical workgroup. To not include existing sources will also place the burden of regulating air quality on new and growing (requiring modifications) industries
- OPHA agrees with the technical workgroup on the following statement: "Concentrations of toxics present in ambient air are not dependent upon whether the facilities emitting them are new or existing"

In summary, OPHA supports option C: Regulate new/modified/existing sources and provide incentives to reduce air toxic emissions. OPHA recognizes the burden of work this would place on DEQ, and would support a phased approach for existing sources to be brought into compliance.

Program Element 2: Regulating pieces of equipment in a facility versus regulating the whole facility
The Oregon Public Health Association agrees with the Technical Workgroup on the following statements:

- Concentrations of toxics present in ambient air are not dependent upon where emissions originate from, whether the whole facilities are from individual pieces of equipment within the facility. If an air toxics program is being evaluated, one must assess all air toxics from all equipment, in other words, the facility as a whole.
- Prescribing regulations to a piece of equipment does not encourage the facility to look at how best to reduce emissions overall, especially in regard to pollution prevention.
- The impacts from a whole facility can be dramatically different than the impacts from a single piece of equipment because computer modeling takes into account the location of each exhaust stack.

- Health impacts can occur regardless of whether harmful emissions are from individual pieces or the entire facility.
- Oregon's current program permits the whole facility, so using this approach would be in alignment with current practice.

In summary, OPHA supports options B and D: (B) Regulate air toxics from new/modified whole facility and (D) Regulate air toxics from existing whole facility. Furthermore, OPHA does not support an "off-setting" approach, given the concerns raised by the Committee, i.e. that one area of the facility may be lax, knowing that another area is stringently regulated.

Program Element 3: Categorical exemptions
In summary, OPHA supports option B. Use categorical exemptions with on-ramps back into the regulatory program for extenuating circumstances. Here, we would recommend that in addition to computer monitoring of air toxics, an additional assessment be conducted for whole facilities, such as a Health and Environmental Impact Assessment. Such an assessment would help identify impacts to environmental justice communities, and identify additional circumstances, such as proximity to daycares/schools, hospitals, senior care centers, vulnerable environments, etc. This additional information may help identify potential 'on-ramps' to re-evaluate categorical exemptions.

Response to the Pollutant Scope and Setting Concentrations White Paper

Program Element 4: What air toxics should be included in the program?
Of concern- the committee members were not provided a list of current RBCs and the date at which those RBCs were adopted. A comprehensive list of current RBCs from other agencies (national and international) is necessary to provide an informed opinion regarding which pollutants should be regulated, and the applicability of these RBCs to human health.
We request that this program element be revisited once such a list of RBCs can be provided to the Advisory Committee for review.

With the limited information currently available, OPHA recommends the following air toxics be included:

- Hydrogen Sulfide
- Diesel particulate (idling trucks and diesel-powered equipment) can contribute to whole facility emissions
- EPA list of 187 hazardous air pollutants (as recommended by the Technical Workgroup)
- 52 Oregon Ambient Benchmark air toxics
- Air toxics from additional lists with RBCs
- Air toxics monitored by the California Environmental Protection Agency
- (Pending RBCs from additional agencies) Air toxics that are likely:
    - Carcinogens
    - Neurotoxins
    - Endocrine disruptors
    - Irritants (dermal, respiratory, etc.)
        - Such an approach provides an inclusive list of air toxics and allows additional air toxics to be regulated should an RBC become available or necessary

In summary, we support the recommendation made by the Technical Workgroup to have an inclusive list of regulated air toxics, which would allow later regulation of emerging chemicals if they become of potential

concern. For example, the list may include air toxics that currently do not have an RBC. Should such an RBC become available, and it is within a level suggesting regulation, this could then be enforced without having to change the list of regulated air toxics. Furthermore, such an approach recognizes that industry is growing and expanding, and the current list of Oregon Ambient Benchmarks may no longer be applicable. In short, OPHA supports an inclusive list of air toxics that is highly adaptable and flexible to accommodate advances in science without being overly cumbersome to industrial regulation. For example, an air toxic could be on the list, and then upgraded to active regulation should an RBC become available and of concern.

Program Element 5: Method for setting health risk-based concentrations (RBCs).
For values that do not currently have an RBC, surrogate analysis approaches such as QSAR or using approaches such as those used for green screens (http://www.greenscreenchemicals.org/method) may be useful to identify RBCs.

In summary, we support option A for air toxics that currently have no known RBCs, option B and option D. In all cases however, the RBCs should be evaluated to ensure they are appropriate for use in Oregon and are based on the best science available).

Program Element 6: Default toxicity values
We support option B, recognizing that such an approach should only be used as a last resort.

Program Element 7: Risk based concentration averaging times
To fully address the concerns raised by Program Element 7, a more comprehensive evaluation may be necessary. For example, industries located near schools should calculate 8-hour risk-based averaging times, as this is typically the length of a school day. One hour averaging values may also be useful, to account for accidental discharges or equipment failures.

A similar concern from Program Element 4 – without knowing the status of current RBCs for 1 hour, 8 hour, 48 hour and annual time-points, it is difficult to provide guidance. As noted in Program Element 4, a comprehensive list of current RBCs, along with the date such RBCs were set, will be helpful in determining the scientific integrity of the values.

We support developing Chronic Annual and 8 hour concentration averaging times, as well as 1-hr and 24-hr acute exposures, yet suggest that there be a phased approach to allow time for appropriate calculation of these RBCs. We also suggest that such averages only be applied where necessary, as the 8-hr value may not be necessary for some industry.

<u>Final Summary</u>
In summary, we hope this process will be iterative, allowing members of the Committee to revisit program elements as more information is prevented.

Thank you for your consideration of these comments.

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