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Senators,

My name is Sal Peralta. I am testifying on behalf of the Independent Party of Oregon on SB 1541A. Our party has identified improving Oregon's regulatory framework related to industrial emissions as a priority for 2018.

I am writing this testimony in modest support of the bill -- we would have preferred stronger legislation emerge from this legislative session -- but in opposition to the -13 amendment that is under consideration today. The amendment modifies the benchmarks set for adverse public health effects from existing industrial polluters. Under the provisions supported by our party and recommended in numerous testimony to the policy committees by health care professionals, acceptable cancer rates should be no greater than 25 per million. Industry prefers a rate of 50 per million.

The -13 amendment provides that DEQ cannot seek to regulate the level of cancers caused by emissions at a level below 25 per million and sets no upper limit that the agency can set.

We do not see this as an acceptable compromise. Given DEQ's track record, we believe this is too much latitude for the agency. A 2016 review by THE OREGONIAN of the state's handling of toxic air quality in Portland found that the agency was "timid, leaderless and consistently influenced by industry interests," and the thinking behind that evaluation seems justified in light of recent actions by the agency.

For example, just last week, the agency took public testimony on proposed changes to the permit at the PGE natural gas-fired plant at Boardman. When it learned that the Boardman plant emissions will exceed permitted emissions, rather than seek to enforce the permit, the agency instead has proposed to change the permit to allow 300% greater carbon emissions and 800% more smog.

That sort of approach strongly recommends against giving the agency additional latitude to set acceptable public health risk levels. The agency combines that industry-friendly approach with a lack of resources to allow for appropriate enforcement. We note a 2017 audit by the Oregon Secretary of State, which found that the agency lacks sufficient resources to complete its mission.

A fair reading of the current policy situation calls for less discretion for the agency, not more. We recommend that the -13 amendment be defeated and the legislature set a maximum level of allowable cancer caused by these emissions at 25 per million (Yes, Senators, you really are debating how much cancer is acceptable for Oregonians to get as a result of these industrial activities).

Respectfully,

Sal Peralta  
Independent Party of Oregon