

State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY

**Relationship to Federal Requirements**

**Rules Establishing Trigger Levels for Pollutants on the Priority Persistent  
Pollutant List**

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*Answers to the following questions identify how the proposed rulemaking relates to federal requirements and the justification for differing from, or adding to, federal requirements. This statement is required by OAR 340-011-0029(1).*

**1. Is the proposed rulemaking different from, or in addition to, applicable federal requirements? If so, what are the differences or additions?**

The proposed rulemaking is different from applicable federal requirements. This proposed new rule does not have a current counterpart or contemporary rule in federal regulations or requirements. It is most closely associated with federal toxics reduction programs that occur across multiple programs at the federal level.

**2. If the proposal differs from, or is in addition to, applicable federal requirements, explain the reasons for the difference or addition (including as appropriate, the public health, environmental, scientific, economic, technological, administrative or other reasons).**

The proposed rulemaking differs from federal requirements because the 2007 Oregon Legislature passed a state law addressing this issue in the absence of federal action. The Oregon legislature passed this legislation in response to citizen concerns for human health and the aquatic environment. Persistent toxic pollutants are a priority for the State and this rulemaking and subsequent application of the trigger levels is a unique process. There are no federal examples to draw from in terms of references.

**3. If the proposal differs from, or is in addition to, applicable federal requirements, did DEQ consider alternatives to the difference or addition? If so, describe the alternatives and the reason(s) they were not pursued.**

This rule has been mandated by the 2007 Oregon Legislature, per Senate Bill 737. DEQ did not have any other options or alternatives to consider as the new state law does not provide for alternatives. The law is specific that certain actions will occur on a designated time line. The timing for this rulemaking establishing trigger levels is non-negotiable. No other alternatives were legally available for consideration by DEQ.