From:	Marily Badger
To:	INAHARA Jill
Subject:	Proposed Temporary Rules
Date:	Saturday, March 26, 2016 23:19:00

Hello Jill,

After several failed attempts to submit and online statement, I am turning to you for help in getting my comment published. Thank You for your assistance in this very important matter. See statement below.

The Oregon Department of Environmental Quality (DEQ) is proposing a set of sweeping "temporary" regulations that will severely curtail Bullseye Galss Company's production, without clear supporting scientific evidence or an understanding of how they make their glass. The Oregon Health Authority (OHA) and the Multnomah County Health Department have stated that there is no immediate health risk to our community. Nevertheless, DEQ is strongly considering adoption of temporary rules that are technically flawed, discriminate against two small companies unfairly, won't improve Portland's air quality, and aren't necessary in the absence of acute health risks. Bullseye supports new regulations to improve air quality, but the temporary rules will not achieve that goal.

The DEQ's latest statement is "Elevated and possibly unsafe levels of metals have been found in the air around two glass manufacturing facilities in Portland. Further study indicated these businesses were likely the source of metals air emissions.

Yet recent OHA studies found that there was no increased cancer risk in SE Portland attributed to Bullseye's use of these materials. As the OHA states on its website, "it is unlikely that the level of metals detected in the air would cause any immediate health problems for people."[1] OHA also concluded that current data shows "long-term health risks are relatively low."[2]

Further, DEQ found no health concerns due to cadmium, arsenic, total chromium or hexavalent chromium in the soil around Bullseye's factory. Soil samples showed soil levels were generally below naturally occurring or "background" levels of heavy metals. Keith Johnson, manager for the DEQ's Northwest Region Cleanup Program, stated, "[o]ngoing emissions from the Bullseye facility are not resulting in harmful impacts to soils around the facility."[3]

DEQ's and OHA's own statements provide that the rule is not needed to prevent "serious prejudice to the public interest."

I have worked with Bullseye Glass for over 30 years and there is no doubt in my mind that Bullseye understands the public interest and supports stronger environmental standards for our industry. To that effect, the company has already begun the process of installing 99% efficient baghouses on furnaces that melt glasses with chromium. Bullseye Glass and DEQ will test these filtration devices to make certain they operate correctly.

Instead of a hasty and discriminatory temporary rule, DEQ should focus on permanent rules, based on scientific investigation and a thoughtful process to address Portland's air quality issues. Bullseye will support that effort. These rules should give clear directions to businesses

and support the safety of the community. New regulations should cover all businesses, not just target minor specific industries.

With minor changes to correct scientific errors and omissions in the currently proposed rule, Bullseye Glass is willing to sign an agreement that achieves all of DEQ's goals and allows DEQ and Bullseye to respond promptly to new factual information.

The haste to adopt technically flawed temporary rules makes it appear that Oregon is repressive to manufacturing businesses and does not care about jobs.

Oregon agencies should strive for proper and fair treatment of all parties, based on law, rather than responding to public concern resulting from sensational blog posts and test results with partial data and no peer review.

The health and safety of the community can be achieved without forcing these businesses to close.

These unthought out temporary rules that you are proposing for EQC adoption are a prime example of improper use of temporary rule making. The Oregon Environmental Quality Commission should only consider a temporary rule when credible evidence demonstrates a rule is needed to prevent "serious prejudice to the public interest." This is not the case here.

Hastily adopting temporary rules make it appear that agencies are being proactive, but these rules do not protect the public, and makes Bullseye a scapegoat. There is no evidence that emissions from the facility pose any acute health risk nor that Bullseye is fully responsible for the emissions, nor that Bullseye's 42 years of operation have resulted in areas of health concerns in the vicinity of the facility.

If the EQC were to implement this temporary rule, numerous significant sources of toxic air pollution will remain from many unregulated businesses. Thus, the temporary rule would not effectively protect the public.

These newly proposed regulations are based on politics and fear, not science and fact. They come right after DEQ's executive director was forced to resign and the supervisor of the air quality department left the agency.

If Bullseye is not allowed to use Cr (III), they can no longer make green glass. On top of their voluntary suspension of cadmium glass production until their baghouse is in place, this new limitation would eliminate 50% of their product line. It would result in employee layoffs, huge economic impacts to Bullseye and their worldwide customers, and could even drive them and tens of thousands of glass artists around the world of business. I myself could be one of them!

If Bullseye Glass is forced to stop producing 50% of its glass products for 6 months, without regard to ongoing test results or added emission controls, Bullseye's survival is at risk. They have stated that they support an agreement that is similar to the temporary rules, but unlike the temporary rules, also allows DEQ and Bullseye to respond promptly to new factual information.

Bullseye Glass Co. has a payroll of $7.5 million dollars. 130 Portland families and 20 other Bullseye families depend on Bullseye for jobs. Hundreds of Oregon artists and craftspeople

depend upon Bullseye products. Tens of thousands of artists across the United States and the world depend upon Bullseye products.

Bullseye glass has a long history of responsible operation. I stand with Bullseye Glass in its efforts to continue operations as a responsible citizen of the social and business community of Portland, Oregon.

Regulatory decisions must be based on science, not political issues. A leading scientist, Dr. William LaCourse of Alfred University, has said Bullseye's furnaces do not produce toxic chromium. I urge DEQ to rely on science and fact, and not to rush to impose these poorly written and misdirected rules.

Marily Badger

Tropical Fusion Art Glass
www.tropical-fusion-artglass.com

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