
Date: Oct. 25, 2019

To: Environmental Quality Commission

From: Richard Whitman, Director

Subject: Item O: Status of Hazard Index Rulemaking (Informational)
Nov. 14-15, 2019, EQC meeting

Why this is important DEQ will inform the commission on the status of the Cleaner Air Oregon Hazard Index rulemaking.

Prior EQC involvement In March 2018, July 2018 and January 2019, DEQ updated the commission on the development of the CAO Hazard Index rulemaking, including recommendations for Hazard Index Technical Advisory Committee members in July 2018. In September 2019, DEQ staff provided informational briefings to each commissioner on the rulemaking.

Background In April 2018, the Oregon Legislature enacted Senate Bill 1541, which authorized the Cleaner Air Oregon program to set parameters and requirements for future program rules. This included establishing benchmarks, or Risk Action Levels, at which existing permitted facilities must take action to reduce health risks or demonstrate that best available controls are in place.

SB 1541 also allowed DEQ, working with the Oregon Health Authority, to identify a set of pollutants expected to have developmental or other severe human health effects (other than cancer). For these pollutants, EQC may establish a more protective Risk Action Level, or RAL. The RAL for these pollutants may be set at a Hazard Index of as low as 3. For other pollutants, the Hazard Index set by the legislature is at 5. SB 1541 specified that this set of pollutants must be identified in consultation with, and with recommendations from, a technical advisory committee. The technical advisory committee evaluated and gave recommendations regarding non-cancer effects of 182 toxic air contaminants regulated under the Cleaner Air Oregon program.

Based on technical advisory committee, rules advisory committee and fiscal advisory committee input, the proposed Hazard Index rules lower benchmarks for 156 toxic air contaminants identified as having developmental or other severe human health effects from a Risk Action Level of 5 to 3.

DEQ will hold a public comment period from Oct. 25 to Nov. 22, 2019, for the proposed Hazard Index rulemaking and related revisions. DEQ will hold a public hearing Nov. 18, 2019, in Portland, starting at 6 p.m.

**EQC
involvement**

There is no EQC action requested at this time. DEQ intends to bring a rule proposal for the Hazard Index rulemaking for commission action at the January 2020 EQC meeting.

**Supporting
materials**

- A. [Link to draft rules for public comment](#)
- B. [Link to public notice](#)

Report prepared by CAO Hazard Index Rulemaking Team
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