



Cleaner Air Oregon Toxic Air Contaminant Review and Update Advisory Committee Charter

Rulemaking Contact: Apollonia Riberdy

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Objectives and scope

Policy objectives

DEQ is conducting a rulemaking to update the following items that DEQ uses for requiring the reporting and assessing of potential public health effects and risks from exposure to toxic air contaminant emissions in Oregon:

- Priority Toxic Air Contaminant List [OAR 340-247-8010 Table 1]
- Toxicity Reference Values (TRVs) [OAR 340-247-8010 Table 2]
- Risk Based Concentrations (RBCs) [OAR 340-245-8010 Table 3]
- Specific rule language changes:
 - Updating the frequency of this review process under OAR 340-247-0030?
 - Allowing flexibility for modifying specific assumptions to RBCs where applicable without requiring a Level 4 Risk Assessment

OAR 340 Division 247, Health Risk-Based Air Quality Standards for Toxic Air contaminants, lists Toxic Air Contaminants that must be reported by emitting facilities in Oregon, lists health risk-based standards for toxic air contaminants in Oregon, and establishes the process for setting and updating associated TRVs (OAR 340-247-0010). As risk assessment and toxicological sciences advance, it is important that TRVs and other reportable toxic air contaminants continue to reflect the latest science (OAR 340-247-0040(1)(a)). Every three years starting from November 16, 2018, or as necessary, DEQ, in consultation with Oregon Health Authority (OHA), will begin review of the toxic air contaminants and TRVs published by authoritative sources since the last review (OAR 340-247-0040(3)).

As part of this process, DEQ and OHA established an Air Toxics Science Advisory Committee. The Air Toxics Science Advisory Committee (ATSAC) met with and advised DEQ and OHA on the development of TRVs to be recommended to the Commission for use in the state's Toxic Air Contaminant Program. (OAR 340-247-0050(1)). After the final ATSAC meeting in May 2025, DEQ and OHA have drafted their proposed updates to the TRVs and Priority Contaminant List, which will be reviewed by this Rulemaking Action Committee.

Fiscal, economic and racial equity impacts

ORS 183.333 requires that the Oregon Department of Environmental Quality ask the committee to consider the fiscal and economic impact of the proposed rules including:

- Whether the rules will have a fiscal impact, and if so, what the extent of that impact will be.
- Whether the rules will have a significant adverse impact on small businesses, and if so, how DEQ can reduce the rules' negative fiscal impact on small businesses.

ORS 183.333 (a)(F) requires agencies to provide a statement identifying how adoption of the rule(s) will affect racial equity in Oregon. To aide in crafting this statement DEQ will ask the committee to provide input on this question.

Roles

DEQ facilitator

For this rulemaking DEQ will be contracting a third-party facilitator, Kearns & West. The facilitator:

- Encourages open, candid and robust dialogue;
- Starts and ends the meetings and agenda items on time;
- Encourages innovation by listening to all ideas;
- Tries not to lose good ideas to the consensus process; and
- Recognizes when the discussion is outside the scope of the meeting and steers the discussion back to the focus of the meeting.

Committee members

Advisory committee members must attend each meeting to ensure continuity throughout the process. An alternate may be assigned if needed. However, it is each committee member's responsibility to fully brief their alternate on all relevant issues and prior committee discussions in order to meet the meeting objectives and keep the project on schedule. The primary and alternate members of the committee cannot participate in the same meeting. If a member's absence is unavoidable, please notify the DEQ project manager.

The committee member:

- Prepares for and sets aside time for the meetings, which includes reviewing all materials provided by DEQ prior to each meeting;
- Provides DEQ staff with copies of relevant research and documentation cited during the meeting;
- Stays focused on the specific agenda topics for each meeting;
- Comments constructively and in good faith;
- Consults regularly with constituencies to inform them on the process and gather their input;
- Treats everyone and his or her opinions with respect;
- Allows one person to speak at a time;
- Is courteous by not engaging in sidebar discussions; and
- Avoids representing to the public or media the views of any other committee member or the committee as a whole.

Non-committee member attendees

Those who attend the committee meetings, but are not members of the committee are there primarily to observe and not to actively participate. Non-committee members are invited to attend the meetings. There will be opportunity for non-committee members to provide public input during the RAC and FAC meetings. DEQ will provide a formal public comment period for members of the public to provide comments on this rule.

DEQ staff

DEQ is committed to making the most effective use of committee member's time by:

- Establishing clear committee goals, meeting objectives and agendas;
- Providing supplemental materials for review by committee members;
- Giving committee members reasonable access to staff;
- Encouraging all members to take part in discussions; and
- Providing a clear description of members' roles, the committee timeline, the level of agreement expected and feedback on how members' input is used.

DEQ support and website

DEQ will post agenda and meeting materials on the advisory committee website at least one week in advance. DEQ administrative staff will provide meeting summaries that highlight committee discussions, different perspectives and input of committee members. DEQ will not prepare a formal committee report. DEQ will send draft meeting summaries to the advisory committee for review and input. Final meeting minutes will be posted to the advisory committee website and will be part of the public record.

The advisory committee charter, a full roster of the committee, meeting agendas and minutes, and background materials will all be located on the advisory committee web page:

Committee meetings

1. All committee meetings will be:
 - open to the public
 - advertised on DEQ's webpage calendar two weeks before the meeting at: [DEQ Event Calendar](#)
 - noticed by email to the [Cleaner Air Oregon GovDelivery list](#)
 - accessible via a call-in number or webinar
2. The committee is expected to meet 4 times virtually for approximately 90-120 minutes.
3. Meeting materials and agenda will be posted to the advisory committee webpage

Decision making

The committee's discussions will be used by DEQ in forming its draft rule, which will then be proposed for broader public review and comment as part of DEQ's rulemaking process.

When DEQ shares information with the group, DEQ will allow a reasonable timeframe for comments.

Membership

In convening this committee, DEQ selected members that reflect the range of stakeholders the proposed rules affect, both directly and indirectly. Representatives should be able to consider the policy, fiscal and economic impact of the proposed standard on the business or organization they represent.

Advisory Committee Membership Committee Members

Name	Title	Affiliation
Travis Quarles	Environmental Consultant	Bridgewater
Sharla Moffett	Director for Energy, Environment, Natural Resources and Infrastructure Policy	Oregon Business and Industry
Deborah Proctor (alternate)	Chief Business Development Officer Managing Principal Scientist	ToxStrategies
Geoffrey Tichenor	Environmental permitting, compliance & enforcement attorney, partner	Stoel-Rives
Jim Spahr	EHS Director	Cascade Steel Rolling Mills
Cassandra Jackson	Manager Environmental Air Quality & Energy	Port of Portland
Crystal Weston	Environmental Health Director	Oregon Environmental Council
Jonah Sanford	Executive Director	Northwest Environmental Defense Center
Xitlali Torres	Air Quality and Climate Coordinator	Verde
Molly Kile	PHD Professor	Oregon State University
Mary Peveto	Co-Executive Director	Neighbors for Clean Air
Nadège Dubuisson	Program Supervisor/Office of Sustainability Director	Multnomah County Health
Kathleen Johnson	Senior Program Coordinator	Washington County Health
Dr Patricia Kullberg	Healthy Action Climate Team	Dr Patricia Kullberg
Ryan Ramage	Owner	Valley Environmental LLC
Beth Ryder	Principal Consultant, Data Center Lead	Trinity Consultants
John Bird, P.E.	Environmental Permitting, Compliance, and QA Manager	Roseburg Forest Products

Public records and confidentiality

Committee communications and records, such as formal documents, discussion drafts, meeting summaries and exhibits are public records and are available for public inspection and copying. DEQ does not assume responsibility for protecting proprietary or confidential business information shared during committee or subcommittee meetings. However, the private documents of individual committee members generally are not considered public records if DEQ does not have copies.

Information exchange

Committee members will provide information as much in advance as possible of the meeting at which such information is used. The members will also share all relevant information with DEQ to the maximum extent possible which DEQ will then share with the rest of the committee members where appropriate. If a member believes the relevant information is proprietary in nature, the member will provide a general description of the information and the reason for not providing it. Committee members should only send emails (and other communications) to DEQ and not the committee because including all members on an email could constitute a violation of Oregon's Public Meetings Law.

Public involvement

All meetings will be open to the public. DEQ may set aside time for the public to speak.

Once the committee process is complete, DEQ will develop draft rules and conduct a public rulemaking process. That process will include a specified period during which the public can submit comments on the proposed rules. DEQ will also hold a public hearing during which any member of the public can submit written or verbal comments. Individual committee members may provide comments to DEQ on the full draft rule at this time. DEQ may modify the final proposed rules based on public comment. DEQ intends to take a final proposed rule to the EQC for consideration at its meeting.

DEQ contacts

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