

# Proposed Rule Discussion – Session 2 of 2

## RAC Meeting #3 – May 21, 2026

# Zoom Webinar

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- Only panelists have ability to speak
- We are recording, will be available on AT SAC website
- Closed captioning available
- Chat disabled, Q&A disabled
- Brief Introductions- Name/Title and Affiliation

# Meeting Guidelines

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- Honor the agenda and stay on topic: there will be focused questions and space for open discussion
- Speak one at a time and balance speaking time;
- Listen to learn and understand;
- Encourage respectful, candid, and constructive discussions;
- Address issues and questions, not people or organizations;
- Seek to resolve differences and find common ground

# Introductions

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- Facilitators: Kearns & West
- Agency Staff: DEQ & OHA
- Committee Members

# Agenda

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- Introductions
- Continuation of Discussion Items from Meeting 2
- Risk-Based Concentrations
- Proposed Language Changes
- Final Roundtable Discussion
- Public Input
- Conclude Meeting

# TRV Roundtable

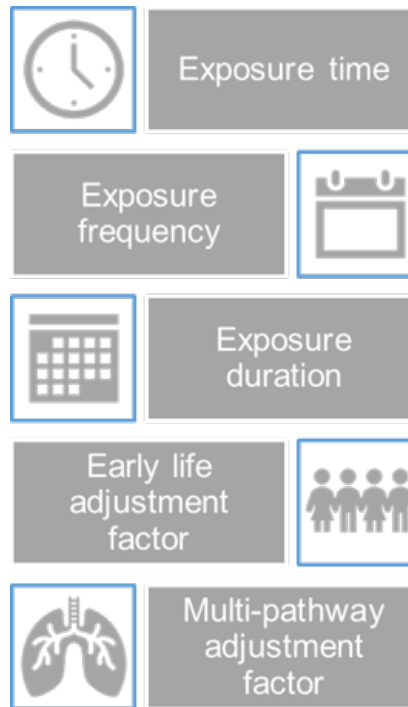
Please submit any further comments in writing to [caotr.2026@deq.oregon.gov](mailto:caotr.2026@deq.oregon.gov)

# Risk-Based Concentration (RBC) Updates



**Toxicity Reference Values**

The block contains logos for the United States Environmental Protection Agency (EPA), the California Office of Environmental Health Hazard Assessment (OEHHA), the State of Oregon Department of Environmental Quality (DEQ), and the Agency for Toxic Substances and Disease Registry (ATSDR). Below the logos is a white box with the text "Toxicity Reference Values".



**Exposure time** (clock icon)

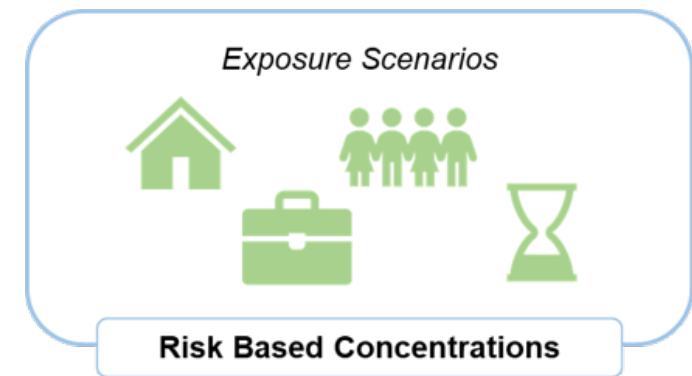
**Exposure frequency** (calendar icon)

**Exposure duration** (calendar icon)

**Early life adjustment factor** (family icon)

**Multi-pathway adjustment factor** (lungs icon)

A vertical list of six grey boxes, each with a white icon and a label. The icons are: a clock, a calendar, a calendar, a family of four, and a pair of lungs.



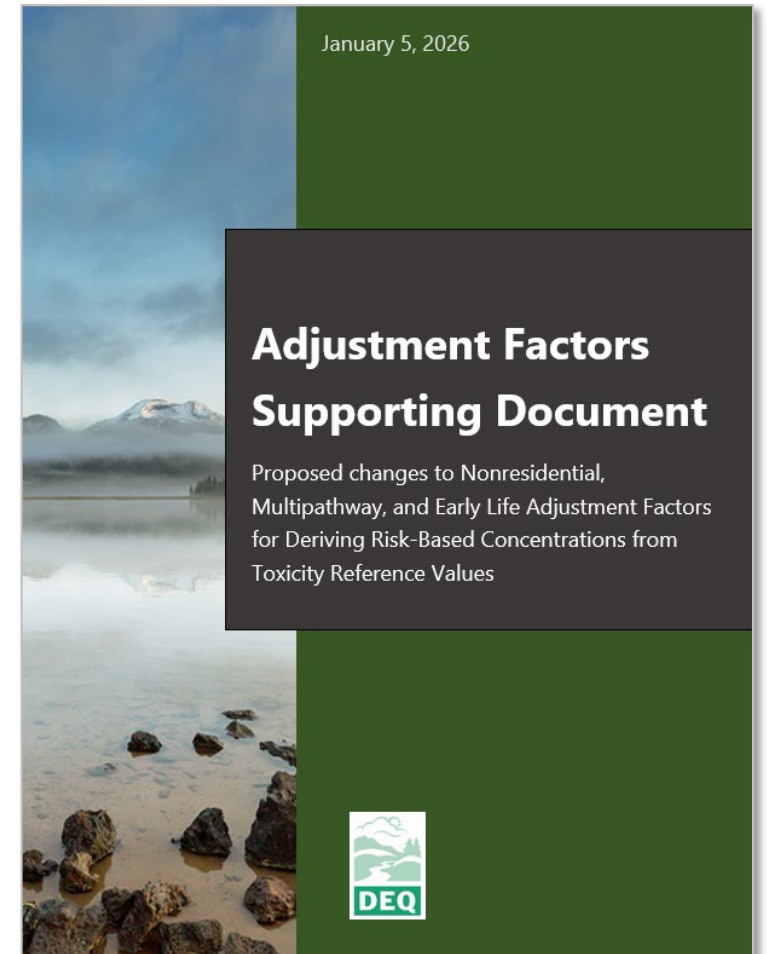
**Exposure Scenarios**

**Risk Based Concentrations**

The block contains icons for a house, a briefcase, a family of four, and an hourglass. Below these icons is a white box with the text "Risk Based Concentrations".

# RBC Supplemental Resources

- Supporting memo for ELAF/MPAF updates [Adjustment Factors Supporting Document](#)
  - Documents revisions, sources of values
- MPAF spreadsheet tool [MPAF Tool](#)
  - Developed by ERG
  - Used by DEQ to calculate MPAFs
  - Documents equations and parameter values
  - Can be used for site-specific calculations



# Discussion

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Do you have information the agencies should consider regarding **toxicity modifications**?



LUNGS



STOMACH



SKIN

# Discussion

Do you have information the agencies should consider regarding **incidental soil ingestion rates**?



# Discussion

Do you have information the agencies should consider regarding **gastrointestinal factors**?



**Residential Cancer Calculations: 7440-38-2 | Arsenic**

C <sub>air</sub>				
Parameter	Symbol	Value	Units	Notes
Contaminant air concentration	C <sub>air</sub>	1	µg/m <sup>3</sup>	Unit emission rate used for convenience in calculating MPAs

C <sub>soil</sub>				
Parameter	Symbol	Value	Units	Notes
Chemical specific soil half life	t <sub>1/2</sub>	100000000	d	
Soil elimination constant	K <sub>s</sub>	6.93147E-09	d <sup>-1</sup>	OEHHA (2015) Equation 5.3.2.D: K <sub>s</sub> = ln(2) / t <sub>1/2</sub>
Beginning of soil accumulation evaluation period	T <sub>0</sub>	0	d	Start period of soil exposure
End of soil accumulation evaluation period	T <sub>r</sub>	25550	d	End period of soil exposure (70 years default)
Total days of soil exposure	T <sub>t</sub>	25550	d	T <sub>t</sub> = T <sub>r</sub> - T <sub>0</sub>
Integral function for soil accumulation	X	2.262307516	d	OEHHA (2015) Equation 5.3.2.C: X = [(e <sup>-K<sub>s</sub> × T<sub>t</sub></sup> - e <sup>-K<sub>s</sub> × T<sub>0</sub></sup> ) / K <sub>s</sub> ] + T <sub>t</sub>
Vertical rate of deposition	Dep-rate	0.02	m/sec	SCAQMD default for treated emissions
Deposition on the affected soil area per day	Dep	1728	µg/m <sup>2</sup> ·d	OEHHA (2015) Equation 5.3.2.B: Dep = C <sub>air</sub> × Dep-rate × [86400 sec/d]
Soil bulk density	BD	1333	kg/m <sup>3</sup>	
Soil mixing depth			m	
Playground setting	SD <sub>playground</sub>	0.01		
Agricultural setting	SD <sub>agricultural</sub>	0.15		
<b>Average soil concentration</b>			µg/kg	<b>OEHHA (2015) Equation 5.3.2.A:</b> C <sub>soil</sub> = Dep × X / (K <sub>s</sub> × SD × BD × T <sub>t</sub> )
<b>Playground setting</b>	C <sub>soil (playground)</sub>	1655956.261		
<b>Agricultural setting</b>	C <sub>soil (agricultural)</sub>	110397.0841		

# Discussion

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Do you have information the agencies should consider regarding **plant uptake and plant ingestion rates?**



# Discussion

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Do you have information the agencies should consider regarding **separating child and worker MPAFs?**



Nonresidential Child



Nonresidential Adult

# Discussion

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Do you have information the agencies should consider regarding **the use of Early Life Adjustment Factors (ELAFs)**?



# Roundtable Discussion on RBCs and Adjustment Factors

Please submit any further comments in writing to [caotrv.2026@deq.oregon.gov](mailto:caotrv.2026@deq.oregon.gov)

# Rule Language Updates

# Update Frequency of Review

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The rules providing the schedule for updating both the Priority List and TRVs are in OAR 340-247-0040

- Proposed update from every 3 years to every 5 years
- Additionally include “...or as necessary...” for Priority List to align with the current TRV language

# Update Frequency – Priority List

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## OAR 340-247-0040(2)(b):

(b) Every five ~~three~~ years starting from November 16, 2018\*, **or as necessary**, DEQ, in consultation with OHA, will begin review of the four lists in subsection (a) for changes and may propose rule amendments to update the Priority Toxic Air Contaminants List in OAR 340-247-8010 Table 1 to capture changes in any of those four lists since the last review.

\*This date will change to the date this rule is adopted

# Update Frequency – TRVs

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## OAR 340-247-0040(3):

(3) OAR 340-247-8020 Table 2, Toxicity Reference Values. Every **five** **three** years starting from November 16, 2018\*, or as necessary, DEQ, in consultation with OHA, will begin review of the toxic air contaminants and Toxicity Reference Values published by the authoritative sources listed in OAR 340-247-0030 for changes since the last review. DEQ will propose rule amendments to implement one or more of the following actions, as appropriate:

\*This date will change to the date this rule is adopted

# MPAF Adjustments and Level 4 Assessments

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The rules providing regulations around Level 4 Risk Assessments are in OAR 340-247-0040

- Currently, only way to modify exposure assumptions used in MPAFs is by performing a Level 4 Risk Assessment
- Proposed language would allow updates to MPAF exposure assumptions for specific scenarios without a Level 4 assessment
  - Schools with no day care can adjust soil ingestion age range

# MPAF Adjustments and Level 4 Assessments

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Proposal to add subsection (g) under OAR 340-245-0210(2)

(g) DEQ may allow modifications to the default soil exposure assumptions at nonresidential child exposure locations to correspond with the actual ages exposed at those locations, without requiring a Level 4 Risk Assessment.

# Discussion – Proposed Language Updates

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Do you have information the agencies should consider regarding the proposed updates to the rule language?

# Final Roundtable Discussion

Please submit any further comments in writing to [caotr.v.2026@deq.oregon.gov](mailto:caotr.v.2026@deq.oregon.gov)

# Public Input

Opportunity for the public to offer informal comments.

# Next Steps

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- Fiscal Advisory Committee Meeting #4
  - June 30, 9 am to 12 pm
- Proposed implementation of rulemaking
- Fiscal and economic impacts
- Submit any further comments in writing to:  
[caotr.2026@deq.oregon.gov](mailto:caotr.2026@deq.oregon.gov)

# Title VI and alternative formats

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