

**DEQ/OHA - Cleaner Air Oregon Rules Advisory Committee Meeting
Air Toxics Programs Alignment and Updates Rulemaking
Session 1: November 10, 2020**

Facilitator's Summary of the Work Session

Purpose of Meeting

On November 10, 2020, DEQ/OHA convened a meeting of the Cleaner Air Oregon (CAO) Rules Advisory Committee via Zoom Webinar/Conference.

The purpose of the meeting was to:

- Update the process for setting and revising toxicity values for toxic air contaminants; and
- Align DEQ's Air Toxics Program and the recently established Cleaner Air Oregon Program.

Meeting Attendees

The meeting attendees included members of the CAO Rules Advisory Committee (RAC) (see attachment 1 for RAC members in attendance), staff members from Oregon Department of Environmental Quality (DEQ), Oregon Health Authority (OHA), members of the public, and the facilitation team.

Welcome, Opening Remarks and Introductions

Donna Silverberg, facilitator from DS Consulting, welcomed everyone to the meeting. Donna reviewed the agenda and speakers for the meeting and suggested discussion protocols to support the group's sharing and hearing of diverse viewpoints. RAC committee members introduced themselves.

Jennifer Wigal, the Interim Deputy Director for DEQ (in place for Leah Feldon, who is on leave), thanked the committee members for their time and participation. She noted that both she and Leah Feldon actively support the CAO efforts.

Ali Mirzakhali, DEQ Air Quality Administrator, also welcomed and expressed appreciation for RAC members' time and efforts. He noted that this rulemaking was not typical because it is an effort to integrate the new rules with older existing rules in order to create a consistent unified approach. The goal is to head off inefficiencies and inconsistencies in the future and address a few issues that have arisen during implementation. He noted that DEQ's initial Air Toxics program was adopted in 2003 and played an important role in DEQ's efforts to address air toxics. Several initiatives are a direct result of that work, including those that led to the establishment of CAO. He noted that no health values will be changed during this rulemaking and the agencies are not looking to make fundamental changes to either program. Discussions on next steps regarding the geographic program and potential updates to CAO's values will take place later next year.

Gabriela Goldfarb, OHA Environmental Public Health Section Manager, also welcomed the group. She noted that OHA and DEQ are continuing their strong partnership and the path-breaking effort of informing the regulatory program with health-based approaches that derive from Oregon needs.

Overview of Rulemaking

Keith Johnson, DEQ's CAO Program Manager, provided context for the rulemaking. He noted that prior to establishment of CAO Oregon had one set of rules for air toxics: the Oregon Air Toxics Program under OAR 340-246 ("Division 246"). A moss study and emissions from a local glass factory led to the creation of a separate air toxics program, CAO (OAR 340-245 ("Division 245"). The two programs have different purposes and different lists of air toxics and toxicity values, with different processes to update them.

The Oregon Air Toxics Program rules were adopted in 2003 and were established to address gaps in the federal air toxics program. The Oregon Air Toxics program sets up a framework for assessing air toxics issues, mainly in a non-regulatory, geographic approach. It does this by creating ambient benchmark concentrations (ABCs) that represent health-based airshed goals (not strict regulatory limits). Currently, there are ABCs established for 55 air toxics in the rules. The program then uses these health-based goals to assess problems in geographic areas.

In 2016, the Governor asked DEQ and OHA to create the CAO program. CAO's rules were designed, considered, and adopted in less than three years. CAO solely addresses permitted facilities and established a new reference of health-based values, called toxicity reference values (TRVs), which are used to regulate permitted emissions.

The effect of this is that there are two separate health-based lists of values: ABCs and TRVs. Each has their own process for updating and each requires its own action at the Environmental Quality Commission (EQC) to make changes. To continue to develop both programs, the agencies wish to eliminate potential rule conflicts.

Currently, the list of ABCs informs the list of TRVs and there are no inconsistencies in the values. However, if CAO TRVs were to be updated, which is anticipated in 2021, there is a risk that two different health toxicity values could be created for the same chemical. If that occurred, the Air Toxics Science Advisory Committee (ATSAC) under the Oregon Air Toxics Program would need to be convened to update the ABCs. This is a very resource-intensive and time-consuming process, and ATSAC might not agree with the CAO updated value.

The agencies also want to propose limited adjustments to CAO rules based on their implementation experience. These include fixing administrative errors, clarifying and streamlining a few requirements, and fixing unexpected gaps to meet CAO's health-based goals.

Overview of DEQ's Air Toxics Programs – Division 246

Dr. Meenakshi Rao, the lead air toxics planner and analyst at DEQ, provided an overview of DEQ's Air Toxics Programs and reviewed what the alignment means for the air toxics programs.

She reviewed basic concepts on air toxics and noted that EPA has defined 187 air toxics as Hazardous Air Pollutants (HAPs). EPA regulates the amount of HAPs that can be emitted from stationary sources and provides guidelines about how many HAPs may be present in the air. States may decide: how to regulate HAPs; whether to have regulations from other sources; and whether to set up guidelines for any air toxics not included in the 187 HAPs.

Dr. Rao reviewed Oregon's three programs related to air toxics.

- Division 244 is the Federal HAPs Program. It was adopted in 1993, and is the federally-mandated program that regulates emissions of the 187 HAPs from industrial sources. The limits on emissions are not based on health risk.

- Division 246 is the State Air Toxics Program, adopted in 2003. This program focuses on reducing health risks from ambient concentrations of 55 air toxics. It provides a planning framework (not a regulatory framework).
- Division 245 is the Cleaner Air Oregon program, adopted in 2018. It focuses on reducing health risks from 250+ air toxics. It uses a regulatory framework to reduce emission from industrial sources.

She reviewed key elements of the Oregon Air Toxics Program (Division 246) and noted that this program establishes and uses ABCs to assess health risks. Using these ABCs, geographic areas are selected and risks are assessed using modeling. Once a health risk has been identified in a geographic area by comparing ambient concentrations of air toxics to benchmarks, reduction actions can be implemented for source categories of air toxics (e.g. woodstoves) to reduce concentrations.

DEQ depends on the Air Toxics Science Advisory Committee (ATSAC) to review and provide input on the ABCs. The ATSAC may also be called on to advise on implementing the Safety Net Program, and overall program progress. Division 246 has three other mechanisms by which it can address health risks, each using different approaches: 1) the source category rules may be used if certain non-regulated source categories (such as construction or residential woodburning) are creating an unacceptable health risk from air toxic emissions; 2) the geographic program provides a means to assess air toxic risk in geographic areas and work with communities to develop reduction plans (for example, Portland Air Toxics Solutions effort); and 3) the Safety Net Program, which was originally envisioned to address emissions from facilities that could pose an undue health risk; It has never been implemented nor put into action.

She reviewed an example of how ABCs are used to identify health risks and noted that once areas of greatest health risk from air toxics are identified, Division 246 provides a framework for engaging with the community around a plan for reducing the health risk.

She noted that this current rule-making effort is focused on the ABCs, ATSAC, and the Air Toxics Safety Net Program. No changes are envisioned for the source category rules or the geographic program during this rulemaking.

Dr. Rao identified three areas of alignment the agencies are seeking through this rulemaking between Division 246 and CAO:

1. ATSAC. ATSAC's key role has been to provide review and input on ABCs. ATSAC could also be called upon to advise on the Safety Net program, evaluate program progress, and provide scientific expertise as requested by DEQ on issues that might arise. To date, ATSAC has only reviewed and provided input regarding the ABCs. ATSAC is a standing committee with a three-year term. The last ATSAC was in 2017-2019. Currently, there is no standing ATSAC.
2. The Safety Net Program. This program predates CAO and was designed to address rare cases of risk from stationary sources creating a health risk that are not addressed by other air toxic programs. This program has never been implemented. The actions required by this program, such as risk assessment, are now covered by CAO. This rulemaking is seeking feedback from the RAC members on removing the Safety Net Program.

3. Process. The third area for alignment seeks to align the 55 ABCs and ATSAC process with the 250+ TRVs/Triennial review established by CAO.

Dr. Rao and other agency staff members responded to clarifying questions and comments from RAC members:

- **What is the membership/background of ATSAC committee members and how are members are chosen?**

The rules specify the background/expertise of ATSAC members. DEQ proposes members for appointment (5-7 appointees) and EQC appoints the final members.

→ DEQ will provide more information on the history of ATSAC as a follow-up to this meeting.

- **How will the Safety Net program be satisfied in Division 245?**

Keith noted that the Safety Net program is now covered by CAO rules. It was not designed as a rapid response program and is no longer needed.

- **Are ABCs for the inhalation pathway only?**

Yes, both ABCs and TRVs are specific to inhalation risk. In CAO, TRVs are further adjusted to risk-based concentrations that are used in the actual risk assessments. A subset of toxic air contaminants that are regulated under CAO, those that are persistent or bio-accumulative, have an added multi-pathway adjustment factor that is added to account for other pathways of exposure.

- **Will DEQ be examining rules governing the Safety Net Program when making a determination to align with CAO?**

Staff have reviewed the provisions regarding the Safety Net Program and have not identified any provisions, outside of what is covered in CAO, that need to remain in the program.

A RAC member observed that the Air Toxics Program (Division 246) is a geographic program that can evaluate all sources of air toxics and the Safety Net program would address these source categories. However, the CAO is specific to industrial programs and would not address the same source categories.

Dr. Rao noted that Division 246 and CAO are complimentary programs and provide different approaches for addressing health risks. Division 246 looks at ambient concentrations and can provide a goal-based planning framework for reductions, once a health risk has been identified. CAO is a regulatory approach.

- **How does Risk and Technology Review (RTR) factor into the bigger picture?**

Keith noted that RTR is a review process at the federal level of the National Emission Standards for Hazardous Air Pollutants (NESHAPs, some of which are part of the CAO program.

→ DEQ will follow-up with more information on this question.

Background on Toxicity Values

Dr. Holly Dixon, OHA toxicologist, reviewed for the RAC how DEQ and OHA set and update inhalation toxicity values in Oregon. She noted that the air toxics programs at DEQ use toxicity

values to determine health risk from breathing in a chemical. There currently are two separate lists of toxicity values: CAO has a list of Toxicity Reference Values (TRVs); and the Oregon Air Toxics program have ABCs. The health risk of a chemical exposure is a combination of how harmful a chemical is (toxicity) and how long and in what ways a person has been in contact with a chemical (exposure). Assessing risk is a combination of both toxicity and exposure information. Toxicity values such as TRVs and ABCs provide toxicity information to risk assessors to evaluate the risk.

TRVs and ABCs have the same definition: both represent the amount of the chemical in air that may cause health problems when inhaled. However, TRVs and ABCs have different purposes in Oregon: DEQ uses TRVs to evaluate potential health risk from facility emissions in CAO, which is a regulatory program; and DEQ uses ABCs to identify, evaluate, and address toxic air contaminants from all sources. ABCs were intended for reference purposes, not regulatory.

TRVs and ABCs have different histories. TRVs were established in 2018 and DEQ reviews them every 3 years (the first triennial review will take place in 2021). ABCs were established before CAO: The first set was adopted in 2006 and the last set was adopted in 2018.

TRVs can have up to three different toxicity values per contaminant, depending on the type of health affect (cancer or noncancer) and whether exposure is chronic or acute. ABCs have one toxicity value per contaminant; an ABC is either a cancer or noncancer chronic value, whichever is the lower of the two (i.e. whichever is most health protective).

Both TRVs and ABCs originate from the same authoritative scientific sources (e.g. federal and state agencies with teams of toxicologists that review data on a chemical to develop values, such as the US EPA, or the US Agency for Toxic Substances and Disease Registry). While both TRVs and ABCs originate from authoritative sources, they have different routes to adoption. The TRVs are reviewed and developed by DEQ/OHA designated staff. The ABCs are recommended by ATSAC, a volunteer committee.

The values also have different time periods for adoption. For CAO, 482 TRVs for 259 contaminants were established in a two-year period. The 55 ABCs were recommended by ATSAC over the course of 3-4 sessions in a 12-year period.

The contaminants with toxicity values on the ABC list are also contaminants on the TRV list. To make an update to the value of a contaminant listed on both lists, two separate rule-making sessions would need to occur (one for each list). Holly noted that ABCs are one of the five authoritative sources that DEQ/OHA look at to establish TRVs.

She also noted that one of the questions this rulemaking considers is: how can the state best keep both TRVs and ABCs up-to-date?

Dr. Dixon and other agency staff members responded to clarifying questions and comments from RAC members:

- **Out of the 55 ABCS, how many are not represented in a TRV?**
All 55 ABCs are represented in the TRV list. At the time the TRVs were adopted, the ABCs were the most recently published authoritative source.
- **Describe the original process for the determination of the 55 ABCs and how that differs from development of the TRVs?**

In the past, ATSAC would consider the question: could a toxicity value be developed for this chemical? These questions were based on what chemicals were thought to be most abundant in the air and how likely they would be driving risk. Once the committee came to a consensus on an ABC, it went to a rulemaking process and adoption by the EQC.

For CAO, DEQ and OHA started with a list of 600 chemicals for which other states required reporting. For each chemical on that reporting list, agency staff considered whether there was a value for the chemical from any authoritative sources, including if there was an ABC. If so, then a TRV was set.

A RAC member noted that that the ATSAC process allowed for careful analysis and consideration of the science and that DEQ also proposed the chemicals for ATSAC to consider. Additionally, it was noted that the rules provided that the purpose of the ATSAC was to review the highest priority chemicals for the state (not all 600).

- **When was the last ATSAC meeting and has DEQ kept the ATSAC working as designed by the current rule? Why has DEQ not called another meeting of ATSAC?**

The last ATSAC meeting was in 2017. There was a final EQC meeting in 2018 to adopt recommendations on ABCs. The term of ATSAC members is three years. There are no active current members. By rule, ATSAC is to meet every five years. DEQ has focused on establishing CAO and is seeking to align the rules to bring both programs together, so as not to do redundant work.

- **Is ATSAC is still funded within Air Quality program?**

Yes, however, there has been a contraction in funding for ATSAC.

- **Was ATSAC brought in to establish the TRVs?**

Some TRVs are based on the ABCs that were developed by ATSAC.

Rulemaking Goals for Toxicity Values

Dr. Dixon presented on the rulemaking goals for the toxicity values. She noted that, in addition to the challenge of how to keep TRVs and ABCs up-to date, DEQ has identified 4 additional challenges to updating toxicity values and has identified proposals to resolve these challenges. The need for this rulemaking was identified during planning for the first triennial review of the TRVs (this is to be done every three years to see whether TRVs need to be added, removed or updated to keep up with current accurate science).

→ DEQ is seeking RAC members' input concerning these challenges and will bring recommendations, with red-lined rules, back to the RAC in January 2021.

Dr. Dixon then provided a high-level review of the work effort required for the triennial review and the challenges staff have identified:

1. DEQ and OHA need to check authoritative sources and update TRVs;

Challenge #1: Two of the five authoritative sources for TRVs are not currently being updated and will become outdated over time.

Dr. Dixon noted that 3 of the 5 sources are government agencies. The other two sources are static lists that may become outdated. One of these is the list of DEQ/OHA short term guideline concentrations. This list was developed as part of a rapid response process

relating to emissions of metals by an art glass manufacturer. It was not anticipated to be updated. DEQ and OHA propose that this list be removed as an authoritative source since it is no longer necessary.

The second source is the list of ABCs. She noted that the process for updating the ABCs is inefficient (and redundant with the CAO process for updating TRVs). DEQ and OHA are proposing to remove the ABCs from the authoritative source list. DEQ would then propose TRVs and consult with a rescoped ATSAC. Dr. Dixon noted that these proposed changes would not result in any automatic changes to TRVs; the current TRVs would remain as is until the triennial review is completed.

→ Proposal: Refine authoritative source list by removing sources that will be not be updated and will not reflect the best available science. Add in “DEQ in consultation with the ATSAC” on the authoritative source list.

- 2. Petition Process: Dr. Dixon noted that people can petition to remove, add or change TRVs. Challenge #2:** Some of the petition instructions in rule are confusing and do not match our original intent. DEQ would like to make this process clear so more people can get involved.

→ The changes to the petition instructions in the rule will be provided in red-lined rule language when the RAC meets in January 2021.

- 3. Develop additional TRVs for emerging high priority contaminants.**

Challenge #3: There is not an efficient way for DEQ to try to find or develop TRVs for additional contaminants.

Dr. Dixon noted that developing a TRV is very resource intensive and there are chemicals emitted in Oregon for which there are no TRVs developed. There may be rare instances where DEQ would want to explore developing a new TRV to protect Oregon’s health. This would only be done if none of the other authoritative sources have a toxicity value **AND** DEQ thinks the chemical has a high likelihood of harming public health in Oregon **AND** there is adequate scientific information available. Developing a TRV would require a very large amount of toxicology resources. It is possible that DEQ would not develop any new TRVs during several different triennial review periods.

DEQ proposes to find and develop new TRVs as appropriate and then consult with a re-scoped ATSAC. Using a newly proposed process will be quicker and more efficient and any proposed TRVs would then be brought forward for rulemaking.

→ Proposal: Efficiently develop new TRVs during the review process, as appropriate.

- 4. Rules advisory committee feedback and public comment period;**

Challenge #4 – There is no technical community with which to consult.

Dr. Dixon noted that the current TRV review process requires that DEQ consult a policy committee, but does not include external scientific review. DEQ is proposing to involve a scientific committee (ATSAC) to ensure the processes that are used and values that are adopted are externally, technically reviewed. Additionally, DEQ proposes that ATSAC’s technical role be re-scoped.

Previously, ATSAC has been a consensus-based, volunteer committee whose members analyzed authoritative sources outside their full-time jobs. The original scope of ATSAC's technical role included the following roles:

- Review ABCs for the state air toxics program;
- Advise on questions requiring scientific expertise as requested;
- Advise DEQ on developing risk assessment methodology in the Safety Net Program;
- Evaluate the overall process for reducing emissions/exposures to air toxics;
- Advise DEQ on selecting sources for the Safety Net Program.

As part of this rulemaking, DEQ proposes to re-scope ATSAC's technical role as follows:

- Review and provide feedback on any updated TRVs proposed by DEQ and OHA in the TRV review process.

DEQ proposes that DEQ and OHA staff would do research and bring proposals on toxicity values to the committee; which would remain an external volunteer-based committee. In this proposal, DEQ would consider each member's recommendation (i.e. the committee would not formally vote on a value) and ATSAC would address questions such as:

- Do the toxicity values DEQ and OHA selected and developed look right?
- Does the process used to develop these values make sense?

Additionally, DEQ proposes to revise the disciplines that are represented on the revised ATSAC. DEQ proposes to add the disciplines of Environmental and/or Atmospheric Chemistry and remove the following disciplines: Environmental Science or Engineering; Medicine (physician) with training or experience in public health; and Air Pollution Modeling, Monitoring, Meteorology or Engineering to better align with a revised scope of work for the committee.

→ Proposal: Repurpose and rescope the ATSAC to allow for technical consultation during the TRV review process.

5. Challenge #5: ABCs are currently being generated at a pace that does not reflect current science.

Keith noted that ABCs are important in Oregon to determine which air toxics are posing potential health risks for planning and prioritization. Yet, it takes a long time to generate those values under the current process. If action is not taken, the ABCs will likely become outdated and there could be two different sets of rules and lists. DEQ seeks to simplify the process and avoid duplication of work.

In this proposal, DEQ and OHA would lead the review process. The agencies would consult with ATSAC for technical assistance during the TRV review. DEQ envisions a future integrated-state where TRVs are the basis for ABCs under Division 246. This would mean that the number of ABCs would increase; ABCs for 259 contaminants would be developed (however, the ways ABCs are currently used would not be changed). These additional ABCs would be new tools (not requirements) for DEQ's geographic program. Keith noted that this rulemaking does not propose changes to the policy goals for ABCs established in the Oregon Air Toxics Program and would not change any TRVs or existing ABCs. Any changes to TRVs would happen at the upcoming TRV review.

→ Proposal: Revise so that TRVs become the basis of ABCs.

Dr. Dixon and staff members responded to the following clarifying questions and comments from RAC members:

→ **What process do other states use to stay updated with authoritative sources?**

Most states that have this type of program do a similar process and use an agency toxicologist to pull information from authoritative sources. California also has an external scientific advisory committee. States vary on how they conduct scientific peer reviews. Other states' methods were considered when developing Oregon's CAO Rules.

→ **Were the original DEQ/OHA TRV deliberations/discussions and determinations open to the public?**

Both the ABC and the TRV rulemaking process include the opportunity for the public to provide input. The TRV values were established as part of an open rule-making process, including technical committees, which were all public meetings. The TRVs were also part of the rule package that went out for public comment, and DEQ received comments on the TRVs.

→ **Has DEQ received any petitions to date?**

DEQ has not received any formal petitions; however, it has received input from parties seeking changes.

→ **Do keeping the ABCs provide something that the TRVs don't cover in terms of the ambient benchmark concentration?**

ABCs and TRVs have the same definition: they are the same in terms of amount of chemical in the air and the health problems when inhaled. They are both derived from the same authoritative sources. Yet, they are used for different purposes: in the CAO rules, TRVs are used to evaluate potential health risks in facility emissions; while ABCs under the Air Toxics programs are used to address and evaluate toxic chemicals in our airshed from all sources.

→ **Can TRVs be used as ABCs are currently being used?**

The goal of the rulemaking is to have a uniform foundation for air toxic values and each program will have its own policy goals on how the values are used.

→ **Is there ever a case where a facility would be issued an ACDP permit where an individual air toxic chemical can be emitted from a smokestack at higher levels than the ABC? Is this currently the case for some permits? What will happen for those committed amounts if that is true? Is the same true for TRV values?**

ABC's are set at an advisory level, which was not intended to be applied to facility emissions. In CAO, there are different risk scenarios and different action levels that are set depending on if it is a new/existing facility or a business next door. The possibility exists that there could be higher emissions of an ABC; in CAO, a risk assessment is run on many more chemicals than ABCs cover.

Additionally, the risk assessment under CAO involves assessing risk based on where people are living and working. A stack emission would be measured where people are exposed to it. TRV values are set at a residential level and then get converted into risk-based concentrations. These risk-based concentrations could be equivalent to a TRV for a resident or higher for a business. The rules allow action levels set at higher levels.

Facilities are evaluated based on the total risk from that facility from all the different chemicals the facility emits. TRVs are used as the basis to calculate the total risk. The total risk action levels are then compared against the risk action levels, which are the health standards.

→ **Does the petition process result in mid-cycle evaluation of TRVs or every three years as part of the normal review cycle?**

Under the current rules, review of petitions occur with the triennial review process so they can be evaluated within the TRV review process.

→ **Can the ABCs be re-purposed to look at near-dangerous levels/action levels? Are there areas where a more detailed risk assessment could be done?**

Keith noted that this current rulemaking is not looking at repurposing or changing how ABCs are used. Instead, DEQ will be looking at these questions in 2021.

→ **What is the rationale for the changes in discipline that would be represented on the re-scoped ATSAC?**

Risk assessment is a combination of exposure and inherent toxicity. TRVs are focused on the inherent toxicity side. Consequently, the expertise needed for developing TRVs is expertise in toxicology, epidemiology, and atmospheric chemistry. Regarding the disciplines being removed: it was noted that the disciplines of dispersion modeling and engineering relate to evaluating exposure, and basic medical training does not generally include training in toxicology. Potential members would not be excluded if they have cross-training in other areas. DEQ is also considering the difficulties of recruiting members to the committee and does not want to create requirements that make it more difficult to recruit members.

→ **Could the proposed alignment skew TRVs and risk assessment toward industrial sources only? What is the impact to ambient concentrations in non-industrial sources?**

TRVs and ABCs essentially have the same definitions: they are two different terms for the same concept in two different programs. Aligning the two programs would not affect the operations of either program. Instead, it would expand the toolbox of approaches and increase the number of air toxics that could be considered in both programs.

RAC members provided comments regarding the original ATSAC process and the proposed rescoping of its role.

- A RAC member noted that DEQ has only convened ATSAC twice since 2016 and chose not to convene it after 2017. The rules specify that DEQ proposes the ABCs to the ATSAC and ATSAC reviews them and recommends them to the EQC for approval. Dr.

David Farrer, OHA toxicologist, who was a member of ATSAC, noted that in practice, DEQ asked the committee to find a number for the chemical, which was time-consuming and hard to do as a volunteer.

- The current rules do not require ATSAC to reach consensus; if consensus is not possible, decisions will be made by a majority vote with a quorum present. It was noted that it can be difficult to get consensus in a scientific group. Dr. Farrer noted that, under the re-scoped role, the outcome of the ATSAC meeting would be documented in meeting minutes, not a formal vote. The meeting minutes would document each member's individual input for the agencies and EQC to consider.
- RAC members sought to clarify the ATSAC appointment process and how the agency ensures impartiality: Dr. Farrer said the agency would look for people who were willing to participate on the committee. Once people have committed, the EQC would vote to formally appoint members. The committee is volunteer based and all members are subject to the Oregon administrative rules relating to conflict of interest.
- A RAC member asked whether there was a choice for a paid position that would have more oversight. DEQ staff clarified that they are proposing for agency staff to review the authoritative sources and then have an independent panel of experts review and give input on staff recommendations.

→ **What does having TRVs for geographic programs mean and how will they be used?**

The policy goals of the geographic program remain the same; there would be a larger number of ABCs to choose from, and an ability to choose which ones are most relevant. The program can look at ABCs from all sources and provide feedback to communities. Once this rulemaking is done, DEQ will be looking at what updates might be needed for the geographic program in Division 246.

RAC Roundtable Discussion

Each RAC member was given an opportunity to make individual comments on what they had heard so far. They also asked additional questions about the rulemaking:

→ **Are there any provisions for non-industrial sources?**

Keith noted that DEQ will be taking a fresh look at the geographic program and goals, and whether changes need to be made in the Oregon Air Toxics program, in 2021.

→ **What impact will these proposed changes have on stationary sources (i.e. how would the addition of 200+ ABCs and proposed changes to stationary sources be implemented and would this increase compliance burdens?)**

Keith noted that adding a number of chemicals to the ABCs would expand the program's ability to assess impacts; however, it would not have additional impacts to stationary sources because those values already apply to stationary sources.

→ **Are Authoritative Sources written into statute? Are the World Health Organization and worldwide sources considered Authoritative Sources?**

There are five sources identified in the CAO rules. Rather than add additional sources, 'DEQ, in consultation with ATSAC', could be added as an additional source. DEQ could then consider and filter values from other states and international agencies.

RAC members made the following requests for additional information:

- Provide an example of using an ABC developed through the TRV process;
- Provide a real-life example of how rulemaking would affect a facility;
- Provide the current, specific proposed rule changes, as soon as possible;
- Provide documentation that details the FTE/Funding for original ATSAC process and the future funding contemplated under the re-scoped ATSAC and whether this funding is fungible (i.e. is legislative action needed to shift funding?);
- Clarify how the petition process will work;
- Identify the process and timeline for development of ABCs.

Wrap Up and Next Steps.

Keith thanked the RAC members and indicated that DEQ will review the information that RAC members requested and try to provide as much information as is possible by next Tuesday's meeting. At the November 17, 2020 meeting, DEQ will revisit a portion of the discussion from today and also present on the third rulemaking objective, which seeks to clarify certain CAO requirements for facilities and address inefficiencies in the risk assessment process. Keith noted that DEQ is requesting written feedback by Friday, December 4, 2020*.

Gabriella, Keith and Donna thanked the group for their participation this process.

With that, Donna adjourned the meeting.

This summary is respectfully submitted by impartial facilitation team from DS Consulting. Suggested edits are welcome and may be sent to Nancy Pionk (nancy@dsconsult.co)

**NOTE: DEQ has extended the deadline for comments to December 7, 2020.*

Attachment 1

Cleaner Air Oregon Rules Advisory Committee Members in Attendance for all or part of 11/10/2020 Rules Advisory Committee Meeting	
Steven Anderson	City of Salem Neighborhood Associations
Jessica Applegate	Eastside Portland Air Coalition
Lisa Arkin	Executive Director, Beyond Toxics
George Conway	Conference of Health Officials; Deschutes County
Chad Darby	Maul, Foster and Alongi
Linda George	Professor of Environmental Science, PSU
Kathleen Johnson	Washington County
Christine Kendrick	Air Quality Lead/Smart Cities Coordinator, City of Portland
Daniel Lee	Cascade Steel Rolling Mills
Sharla Moffett	Director, Energy, Environment, Natural Resources, and Infrastructures at Oregon Business & Industry
Mary Peveto	President, Neighbors for Clean Air
Mark Riskedahl	Northwest Environmental Defense Center, Oregon Environmental Justice Task force/Vulnerable Communities representation
Diana Rohlman	Oregon Public Health Association
Kathryn VanNatta	Northwest Pulp and Paper Association
Thomas Wood	Co-Chair Air and Energy Committee, Oregon Business & Industry