



# Fact Sheet

## DEQ is Accepting Petitions to Update Regulated Toxic Air Contaminants

As DEQ learns more about air emissions in Oregon and as risk assessment and toxicological sciences advance, it is important that Toxicity Reference Values (TRVs) and priority toxic air contaminants continue to reflect the latest practices and science. Every three years, DEQ in consultation with OHA conducts a review of the Priority Air Toxics Contaminants List and TRVs. Interested parties can petition to add, remove, or revise chemicals on the reporting lists.

### Petitions can include requests to:

#### Add a chemical to the Priority Toxic Air Contaminant List (OAR 340-247-8010 Table 1)

A request to ADD a chemical to the Priority Toxic Air Contaminant List must include evidence that:

- The chemical is toxic
- The chemical is emitted in the state of Oregon at a rate of at least one pound per year

#### Remove a chemical from the Priority Toxic Air Contaminant List (OAR 340-247-8010 Table 1)

A request to REMOVE a toxic air contaminant from the Priority Toxic Air Contaminant List must demonstrate:

- The chemical is emitted in the state of Oregon at a rate less than one pound per year

#### Remove a chemical from the TRV list (OAR 340-247-8020 Table 2)

A request to REMOVE a toxic air contaminant from the TRV list must demonstrate

- All authoritative sources listed in OAR 340-247-0030 have rescinded TRVs for that toxic air contaminant without providing a replacement

#### Revise or add a chemical from the TRV list (OAR 340-247-8020 Table 2)

If the request to ADD or REVISE a TRV applies to a toxic air contaminant that has toxicity information available from one or more of the authoritative sources, then only petitions to select a TRV from one of those sources will be considered.

If there are no TRVs established by any of the authoritative sources, then a petitioner may request to add TRVs. The request must include one or more of the following, in order of preference:

- (i) Inhalation Toxicity Reference Values established by a federal agency or by another state;
- (ii) Publicly available and peer-reviewed toxicity information for the toxic air contaminant that demonstrates a quantitative dose-response relationship in human or animal studies from which Toxicity Reference Values could be calculated; and

- (iii) Publicly available and peer-reviewed new approach methodologies for inferring toxicity information from a well-studied toxic air contaminant to a structurally similar, but less-studied toxic air contaminant on the Priority Toxic Air Contaminants List

If a toxic air contaminant being requested has no available toxicity information established by any authoritative source and is emitted at a rate of at least one pound per year in the state of Oregon, then DEQ will put the chemical on a formal Wait List to be held until toxicity information for that toxic air contaminant becomes available

Petitions can be submitted on our [Petitions for Air Toxics Review page](#) or mailed to:  
**Cleaner Air Oregon**  
**Oregon Department of Environmental Quality**  
**700 Multnomah St. Suite 600**  
**Portland, OR 97230.**

## **Petitions are due by Nov. 2, 2022 at 5 p.m. Pacific Time**

If DEQ receives a petition after the deadline, the petition will be reviewed during the next triennial review period.

## **Questions?**

If you have any issues submitting your petition, please contact Apollonia Goeckner, Cleaner Air Oregon Program Coordinator, [apollonia.goeckner@deq.oregon.gov](mailto:apollonia.goeckner@deq.oregon.gov).

## **Alternate formats**

DEQ can provide documents in an alternate format or in a language other than English upon request. Call DEQ at 800-452-4011 or email [deqinfo@deq.oregon.gov](mailto:deqinfo@deq.oregon.gov).

**Appendix A.** Petition criteria, as required by OAR 340-247-0040.

Petition Request	Recommended Evidence		Review Process
<b>Add</b> a chemical to the reporting list ( <b>OAR 340-247-8010 Table 1</b> )	DEQ will only consider petitions that (a) provide evidence that at least one pound of the chemical is emitted in the state of Oregon per year <b>and</b> (b) document that the chemical is toxic.		If DEQ/OHA, determines that revisions are warranted as a result of a petition, DEQ will propose revisions during the rulemaking process.
<b>Remove</b> a chemical from the reporting list <b>OAR 340-247-8010 Table 1</b> )	A request to remove a toxic air contaminant from the Priority Toxic Air Contaminant List in OAR 340-0247-8010 Table 1, must demonstrate that less than one pound of the chemical is emitted per year across the state of Oregon.		
<b>Remove</b> a chemical from the TRV and RBC list ( <b>OAR 340-247-8020 Table 2</b> )	DEQ will only consider petitions for chemicals where all authoritative sources detailed in <b>OAR 340-247-0030</b> have rescinded the chemical's toxicity reference value without providing a replacement.		
<b>Revise</b> or <b>add</b> a TRV and RBC ( <b>OAR 340-247-8020 Table 2</b> )	Chemical has toxicity reference values in CAO authoritative sources.	DEQ will only consider petitions to select a TRV from one of the authoritative sources.	<p><b>Late Petitions</b> If DEQ receives a late petition request the request will be reviewed during the following triennial review in section.</p>
	Chemical does not have toxicity information in CAO authoritative sources, but toxicity reference values are available elsewhere.	DEQ will only consider petitions that include one or more of the following, in order of preference: (a) inhalation toxicity reference values established by a federal agency or by another state; (b) publicly available and peer-reviewed toxicity information for the chemical that demonstrates a quantitative dose-response relationship in human or animal studies from which toxicity reference values could be calculated; or (c) publicly available and peer-reviewed new approach methodologies for inferring toxicity information from a well-studied toxic air contaminant to a structurally similar, but less-studied toxic air contaminant on the Priority Toxic Air Contaminants List.	
	Chemical does not have any applicable toxicity reference values and more than one pound is emitted per year in state of Oregon.	DEQ will put this chemical on a formal waiting list until toxicity information becomes available.	