

Oregon Environmental Quality Commission

Resolution Regarding Adoption of a Toxic Chemical and Pollutant Reduction Strategy by the Department of Environmental Quality

THE ENVIRONMENTAL QUALITY COMMISSION FINDS, that toxic chemicals and pollutants pose an increasing threat to human health and the environment. More than 80,000 chemicals are registered under the United States Toxic Substances Control Act of 1976; many other chemicals are not registered; and many more chemicals are being developed every year. These chemicals are used in consumer products, agricultural, commercial, and manufacturing process, and for other purposes, or were used for those purposes in the past. For the majority of these chemicals, the public and government lack reliable information regarding their basic physical and chemical properties, and their potential for toxic effects on human health or the environment. Without such information, the public and government are not able to properly assess the threats posed to human health and the environment, or to develop appropriate strategies to reduce toxic chemicals and pollutants.

THE COMMISSION FURTHER FINDS, that toxic chemicals and pollutants are often difficult to manage. Many are persistent, bioaccumulative, or widely present throughout the environment. Once released, these substances readily move between air, water, sediment, and land, presenting unique threats in each media. And because environmental laws are typically focused on a single media, agency programs and policies are often segmented and do not provide comprehensive, integrated management across all environmental media.

THEREFORE, to address these concerns and in the exercise of the authority in Oregon Revised Statutes 468.015 to establish policies for the operation of the Department of Environmental Quality (“DEQ”), the commission directs DEQ to develop an agency-wide Toxic Chemical and Pollutant Reduction Strategy (“the Strategy” or “this Strategy”) to reduce the threats that toxic chemicals and pollutants may pose for human health and the environment.

The commission recognizes that DEQ has been developing a comprehensive approach to assess and reduce toxic chemicals and pollutants. The commission expects that in further developing and implementing this Strategy, which is intended to build upon existing efforts, DEQ will undertake the actions described below and, further recognizing the scientific uncertainties relating to the assessment of toxic chemicals and pollutants, DEQ will exercise best professional judgment and consider all readily available, credible information.

A. Identify Toxic Chemicals and Pollutants

The commission directs DEQ to use a systematic process consistent with this resolution to collect and evaluate physical, chemical, health and environmental information relating to toxic chemicals and pollutants. Using this information, DEQ should develop a priority list that identifies toxic chemicals and pollutants considering their importance to governmental programs, whether they exceed accepted environmental standards or benchmarks, and based on any other appropriate considerations. This priority list should be the primary focus of DEQ’s proposed reduction actions recommended in the Strategy. The commission directs DEQ to periodically revise and update this list.

B. Identify Sources and Pathways and Characterize Listed Toxic Chemicals and Pollutants

Using best available scientific information, the commission directs DEQ to:

- Identify those sources that generate, use or release priority toxic chemicals and pollutants;
- Describe how toxic chemicals and pollutants from a given source result in potential exposure to human health and the environment, and,
- Where possible, determine the relative contribution of each source.

The department should review and characterize the priority toxic chemicals and pollutants based on their potential to threaten human health and the environment and the relative magnitude of potential exposure in Oregon. This characterization will inform DEQ's selection of appropriate reduction actions.

The commission intends for DEQ to assess the quality of information and data available as being verifiable, scientifically sound, and technically accurate and, where information is limited or not available, identify additional information or data needed.

C. Evaluate Existing Programs

The commission directs DEQ to ensure the Strategy encompasses all toxic reduction programs and activities within DEQ and addresses all environmental media to provide a comprehensive and integrated approach. To achieve this objective, DEQ should review and evaluate current programs and activities to assess their effectiveness and to identify opportunities to improve DEQ's reduction efforts.

D. Identify, Evaluate, and Select Recommended Reduction Actions

The commission directs DEQ to identify, evaluate, and select reduction actions for priority toxic chemicals and pollutants. For those actions that DEQ determines could reduce toxic chemicals and pollutants beyond the levels achieved by current department or other programs and efforts, the department should evaluate those potential reduction actions based the following considerations:

1. Are likely to achieve reliable and measurable reductions in toxic chemicals and pollutants;
2. Can be reasonably implemented;
3. Will address multiple toxic chemicals and pollutants or achieve multiple health or environmental objectives;
4. Relationship between public and private costs of implementing the reduction action and the expected public health or environmental benefits;
5. Utilize existing effective governmental and private efforts to address priority toxic chemicals and pollutants, where practicable; and
6. Any other factors DEQ considers appropriate for evaluating potential reduction actions.

The commission also recognizes that often the most effective and efficient means to reduce many toxic chemicals and pollutants are at their sources, rather than at or after the point of release to the environment. Therefore, the commission directs DEQ to identify and place greater weight on actions that reduce or eliminate toxic chemicals and pollutants as early in the life cycle of a chemical or pollutant as practicable.

E. Implementation Plan

For those recommended reduction actions, the commission directs DEQ to develop an initial implementation plan that should at a minimum include the following elements:

1. Lead program within DEQ, or other lead agencies or entities;
2. A description of the necessary scope of work;
3. Timeline for implementation;
4. Method for measuring the effectiveness of the selected reduction action;
5. Budget and funding mechanisms; and
6. Process for engaging the public and other stakeholders.

This plan is intended to provide a high-level description of how selected reduction actions will be implemented. As directed by this resolution, the commission expects DEQ to further develop this initial implementation plan and submit a final document according to the schedule described in Section G of this resolution.

F. Engage Other Agencies and Entities

The Strategy also should, as appropriate and to the extent practical, evaluate, draw upon, and engage programs, initiatives, and efforts implemented by other agencies and interested parties to achieve reduction of toxic chemicals and pollutants. The commission intends that the Strategy will lead to better integration and focus of multiple governmental programs so that effective reductions can be achieved as efficiently as possible.

G. Schedule

No later than June 2011, DEQ shall submit to the commission a Strategy consistent with this resolution that, at a minimum, identifies priority toxic chemicals and pollutants, identifies sources, evaluates and recommends specific reduction actions, including any modifications of department programs necessary to achieve reductions. The Strategy should include a summary of the information used, including a discussion of information and data limitations as appropriate. Finally, the Strategy should summarize the process used to develop the strategy, including opportunities for public involvement.

No later than December 2011, DEQ shall submit to the commission a final plan for implementing selected reduction actions.

In December 2012, and annually thereafter, DEQ shall report to the commission on the progress made in implementing the final Strategy.

No later than June 2014, and every three years thereafter, DEQ shall submit an assessment to the commission of the Strategy, including recommendations for appropriate changes.

This resolution expires on June 30, 2017 unless it is extended by the Commission prior to that date.

Finally, because of the importance of this effort, the commission expects DEQ to prioritize resources to the extent feasible to adequately fund and support this Strategy. At the same time, the commission recognizes

7-19-10 Draft

that DEQ has other priority work and will likely face significant budget shortfalls, and expects DEQ to undertake this Strategy along with its other high priority work.

Dated August ____, 2010

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