



**Containing toxic dust during demolitions – Deputy Ombudsman Remarks  
City Council, February 1, 2018**

Good afternoon, Mayor and Commissioners. For the record, my name is Tony Green. I'm the Deputy Ombudsman with the Office of the Ombudsman, a division of the City Auditor's Office.

I'd like to thank Commissioner Eudaly for inviting me to speak today, and for your office's early and sustained leadership on this matter. My goal is to explain the involvement of the Ombudsman's Office and provide some additional perspective on the ordinance before you today.

Fourteen months ago, our office received a complaint about an impending demolition in Northeast Portland. The complaint offered a wide-ranging critique of the health risks posed by demolitions and the lack of regulations in place to protect the public – especially children – from the known hazards of exposure to toxic dust. In the last 5 years, about 1,300 homes have been demolished in Portland. If they were built before 1978, more than likely they contained lead paint. And certainly they were torn down without any requirement to prevent toxic dust from contaminating neighboring properties.

Prior to the ordinance before you, the City did take a step towards curbing the health risks posed by demolitions. Two years ago, City Council adopted an ordinance that requires houses built before 1917 be deconstructed and most of the building materials salvaged for re-use. The deconstruction ordinance was primarily designed to keep construction debris out of the landfill and reduce carbon emissions. But deconstructing a house provides an additional benefit: it reduces the spread of toxic dust to neighboring properties.

But for now, the ordinance only applies to houses built before 1917. That year was chosen for practical reasons. It covers the oldest housing with the most valuable building materials. It also was selected to limit the number of deconstruction projects. The Bureau of Planning and Sustainability was concerned that choosing a later date at the launch of the program might overwhelm the fledgling deconstruction industry. Choosing 1917, however, had an unintended consequence: it resulted in geographically disparate community benefits. I'll try to explain this point using the [map](#) that should be showing up on your screen shortly.

This map shows the age of housing in Portland. The darkest purple is housing built before 1917 and currently covered by the deconstruction ordinance.

The lighter shade of purple is housing built from 1917 to 1930, which isn't covered now, but is expected to be as the deconstruction program expands.



The housing in the green areas was built since 1941. The green areas are not likely to be covered by the deconstruction ordinance in the foreseeable future. That's primarily because the quality of building materials dropped off after World War II. The deconstruction business model relies on the resale of materials, so it isn't currently economically feasible to dismantle most post-war homes.

As a result, we're likely to see deconstruction occurring in the purple areas of the map; and demolition occurring in the green areas. As I mentioned earlier, lead paint was banned in housing in 1978. So any house on this map – purple or green – more than likely contains lead if it were built before 1978. But only the families and children in the purple areas get protection from the deconstruction ordinance, and – as you can see – they fall overwhelmingly in affluent and gentrifying neighborhoods.

By contrast, families and children living in that big green area east of Interstate 205 will continue to be exposed to toxic dust stirred up by demolitions.

When our office discovered this disparity last spring, we recommended that the City adopt regulations to contain dust during demolitions. All families and all children should be protected from exposure to lead.

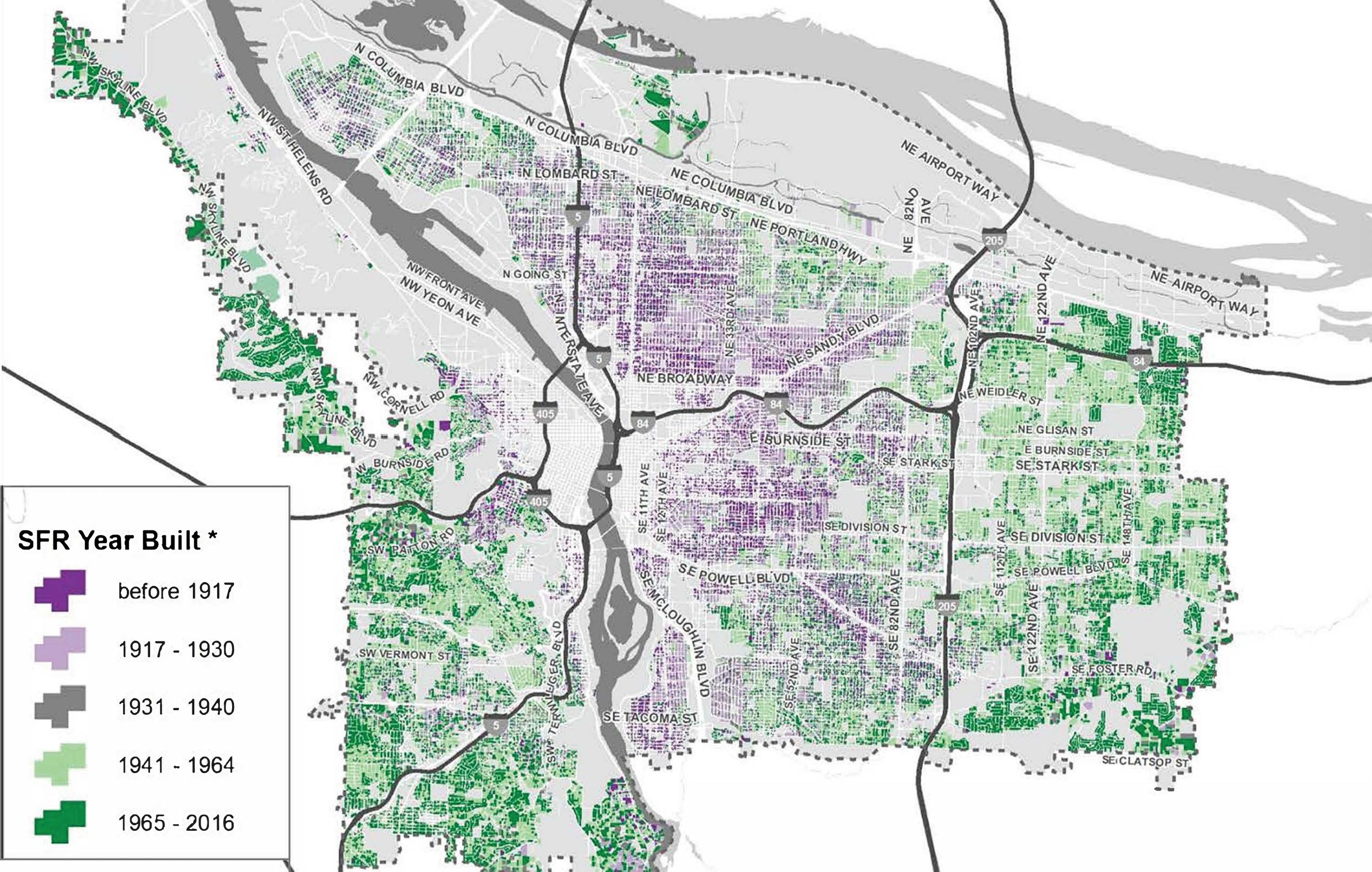
Of course, this is much easier said than done. At least 9 federal, state and local agencies have some jurisdiction over demolitions and/or lead. Each brings a different focus, but none comprehensively addresses the release of toxic dust during residential demolitions.

To make matters more challenging, very few jurisdictions around the country have even attempted to address toxic dust suppression during demolitions. There was no model ordinance to borrow and easily adapt to the pattern and volume of demolitions in Portland.

To overcome the regulatory and governance gap, our office recommended that the Bureau of Development Services and the Multnomah County Health Department jointly tackle the problem. The ordinance before you today is the result of the cooperative effort of City and County staff, leadership and commitment to health equity from Commissioner Eudaly's office, as well as SB 871 directing the Oregon Health Authority to develop best practices for containing lead dust during demolitions.

This ordinance is a vital step in protecting all children and neighborhoods from the toxic and potentially devastating consequences of lead exposure. It is also a model that other cities – in Oregon and beyond – can look to.

Thank you for the opportunity to testify. I'd like to turn it over now to Perry Cabot with the Multnomah County Health Department.



**SFR Year Built \***

-  before 1917
-  1917 - 1930
-  1931 - 1940
-  1941 - 1964
-  1965 - 2016