



Emma Pokon, Regional Administrator, EPA Region 10  
Leah Feldon, Director, Oregon Department of Environmental Quality

June 4, 2026

Re: Comments on the Draft 2027-2028 Performance Partnership Agreement (PPA) between EPA and DEQ

Dear Administrator Pokon and Director Feldon,

On behalf of the undersigned organizations representing Oregon's agriculture and natural resource industries, we appreciate the opportunity to comment on the Draft 2026-2028 Performance Partnership Agreement. Our members are both primary stakeholders in the protection of Oregon's environment, and primary entities regulated under the programs described in this agreement.

We support the overall goals of this agreement. However, we have significant concerns regarding how the Oregon Department of Environmental Quality (DEQ) implements the delegated programs referenced in the PPA. Our concerns relate largely to issues such as scientific rigor, transparency, and accountability. Below we include several points that express our concerns in more detail.

### **Scientific Rigor (Appendix D)**

The draft PPA refers to commitments around science-based decision making, including a robust scientific foundation for shaping environmental policies and actions. The draft also introduces Appendix D: Gold Standard Science, which commits both agencies to "honest investigation, open discussion, objectivity and firm commitment to ethical standards." Our experience with DEQ includes a consistent lack of adherence to these principles, particularly with respect to scientific justification for decision-making, and data analysis and interpretation.

We request that for any significant regulatory action, such as a new TMDLs, water quality standards, benchmarks, or other actions, DEQ be required to provide to stakeholders with the raw data, modeling code, analysis methods, and the peer-reviewed, third party science used to guide decision-making, in order to increase accountability and ensure their science is truly "reproducible." We request that DEQ not be allowed to use "DEQ" or any internal, unpublished work by the agency as a reference or justification for any scientific decisions.

The PPA also mentions quarterly meetings for "information exchange to discuss scientific integrity". We aren't aware of such meetings taking place, but these should include a formal

stakeholder briefing component where stakeholders can flag concerns regarding data quality before they are codified into regulation.

The PPA identifies the "safe management and reduction of toxics" as a shared priority. However, in the implementation of the Pesticide Stewardship Partnership (PSP) program, one of Oregon's primary voluntary efforts to comply with federal water quality standards, DEQ has made so many errors with data analysis and interpretation that it is now impossible to produce meaningful results that are derived from the data collected.

Another important consideration related to gold standard science includes a willingness to accept and support innovation – such as remediation of groundwater pollution through science-based aquifer recharge efforts.

Finally, a major aspect of scientific rigor is listening and responding to feedback. Despite numerous valid scientific concerns being flagged for DEQ, no significant changes are made or even planned. The ability to be transparent, receive feedback, and respond appropriately to valid criticism is key to accountability, and is an area where DEQ is currently deficient.

### **Ensuring Transparency in TMDL and Other Modeling**

Appendix C, Element 2.1, outlines the development of TMDLs for several major basins, including the John Day, Rogue, and Snake Rivers. These allocations rely on "statistical analysis, and mathematical modeling." However, for this and other efforts, DEQ often relies on speculative modeling rather than statistically significant field data. We ask that the PPA explicitly require "robust Reasonable Assurance documentation" to be based on observed data rather than theoretical models. Further, the PPA should include a provision allowing for full transparency and independent peer review of the models used in the upcoming 2026-2028 TMDL cycle, as well as any other models used to develop benchmarks, standards, or permit-related activities.

### **Defining Sideboards on Agency Authority (Appendix C, Element 8)**

We are concerned by DEQ's tendency to overstep its authority regarding the Agricultural Water Quality program. Element 8.8 states that DEQ "advises ODA of any changes or additions necessary to achieve water quality standards". However, DEQ's "advice" often crosses into prescribing specific agricultural practices, which is the sole jurisdiction of the Oregon Department of Agriculture (ODA). The PPA should clarify that DEQ's role is strictly limited to identifying water quality outcomes and that it lacks the authority to dictate the "how" of agricultural or forest management practices.

### **Accountability**

The PPA introduces a "Green/Yellow/Red" status indicator for tracking progress. We suggest that any program or TMDL, benchmark, or standard development that faces a formal scientific challenge from a regulated stakeholder group be automatically flagged as "Yellow" (Issue being managed) in reports to EPA. This ensures that the EPA Regional Administrator is alerted when DEQ's "Gold Standard Science" is in dispute.

Per the "Guiding Principle" to resolve conflicts at the lowest appropriate level, we request a more transparent and responsive grievance process for stakeholders when DEQ fails to meet the transparency goals outlined in its own strategic priorities and fails to respond to formal scientific challenges.

**Including a Risk-benefit balance in decision-making**

EPA weighs risks and benefits by weighing risk assessment outcomes with risk management decisions, which include considerations for compliance and mitigation costs. We request that for regulatory decisions, DEQ be required to do the same. This would likely help avoid both the implementation of unreasonable standards, and requirements for compliance that are economically unfeasible. Additionally, we request transparency around DEQ's process and assumptions related to enforcement and compliance measures by the Agency.

We appreciate your consideration of these concerns and comments. DEQ should be held to the same high scientific standards it demands of others. We look forward to seeing these protections and processes incorporated into the final agreement.

Sincerely,

Oregon Association of Nurseries  
Oregon Cattlemen's Association  
Oregon Dairy Farmers Association  
Oregon Farm Bureau  
Oregon Seed Council  
Oregon Water Resources Congress  
Oregonians for Food and Shelter