

# House Bill 3257

Sponsored by COMMITTEE ON ENERGY, ENVIRONMENT AND WATER

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Establishes Oregon Interagency Toxic Chemicals Reduction Team. Requires team to develop toxic chemicals reduction strategy. Specifies elements of strategy. Requires team to evaluate list of toxic chemicals of concern every four years. Requires team to report to Legislative Assembly on implementation of strategy.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

Relating to toxic chemicals; and declaring an emergency.

**Be It Enacted by the People of the State of Oregon:**

## DEFINITIONS

### **SECTION 1. As used in sections 1 to 4 of this 2011 Act:**

(1) **"Biomonitoring"** means the process by which chemicals and their metabolites are identified and measured within biological specimens.

(2) **"Green chemistry"** means chemistry that prevents waste, maximizes the conversion efficiency in chemical reactions, designs syntheses to use and generate substances with little or no toxicity, designs safer chemicals and products, uses safe solvents, increases energy efficiency, uses renewable raw materials, avoids chemical derivatives, uses catalysts instead of stoichiometric reagents, designs chemicals and products to degrade after use, includes real-time monitoring to prevent pollution and minimizes the potential for accidents.

(3) **"State government"** has the meaning given that term in ORS 174.111.

(4) **"Toxic chemical"** means any substance, other than a radioactive substance, that has the capacity to produce injury or illness to humans or wildlife through ingestion, inhalation or absorption through any body surface subsequent to acute or chronic exposure.

(5) **"Toxic chemicals of concern"** means toxic chemicals on the list developed by the Oregon Interagency Toxic Chemicals Reduction Team under section 3 of this 2011 Act.

(6) **"Vulnerable populations"** means populations in this state that may suffer disproportionate impacts of toxic chemicals of concern, workers with high workplace exposure to toxic chemicals of concern and individuals whose burden from toxic chemicals disproportionately exceeds that of the general community.

## OREGON INTERAGENCY TOXIC CHEMICALS REDUCTION TEAM

**SECTION 2. (1) The Oregon Interagency Toxic Chemicals Reduction Team is established to improve the coordination of toxic chemicals reduction across state agencies through the**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 establishment of statewide, integrated toxic chemicals reduction efforts that are related to  
 2 the operation, policies and external programs of the agencies. The Governor shall appoint to  
 3 the team one representative from each of the following agencies:

- 4 (a) The Department of Environmental Quality;
- 5 (b) The Oregon Health Authority;
- 6 (c) The State Department of Agriculture;
- 7 (d) The State Forestry Department;
- 8 (e) The Department of Transportation;
- 9 (f) The Oregon Department of Administrative Services;
- 10 (g) The State Department of Fish and Wildlife;
- 11 (h) The State Parks and Recreation Department;
- 12 (i) The Department of State Lands;
- 13 (j) The office of the State Fire Marshal;
- 14 (k) The Department of Education;
- 15 (L) The Department of Corrections;
- 16 (m) The Oregon University System; and
- 17 (n) The Oregon State University Extension Service.

18 (2) In addition to the members described in subsection (1) of this section, the Governor  
 19 shall appoint to the Oregon Interagency Toxic Chemicals Reduction Team one representative  
 20 each from any other state agency determined appropriate by the Governor.

21 (3) The chairperson of the Oregon Interagency Toxic Chemicals Reduction Team may  
 22 invite stakeholders that are not state agencies to participate in a nonvoting advisory capac-  
 23 ity for the team.

24 (4) A majority of the members of the Oregon Interagency Toxic Chemicals Reduction  
 25 Team specified in subsections (1) and (2) of this section constitutes a quorum for the trans-  
 26 action of business.

27 (5) Official action by the Oregon Interagency Toxic Chemicals Reduction Team requires  
 28 the approval of a majority of the members of the team specified in subsections (1) and (2)  
 29 of this section.

30 (6) If there is a vacancy for any cause of a representative specified in subsections (1) and  
 31 (2) of this section, the Governor shall make an appointment to become immediately effective.

32 (7) The members of the Oregon Interagency Toxic Chemicals Reduction Team specified  
 33 in subsections (1) and (2) of this section shall elect one of the members to serve as chair-  
 34 person. The team shall meet at the times and places specified by the call of the chairperson  
 35 or of a majority of the members of the team specified in subsections (1) and (2) of this sec-  
 36 tion.

37 (8) The members of the Oregon Interagency Toxic Chemicals Reduction Team specified  
 38 in subsections (1) and (2) of this section may adopt rules necessary for the operation of the  
 39 team.

40 (9) The Department of Environmental Quality shall provide staff support to the Oregon  
 41 Interagency Toxic Chemicals Reduction Team.

42 (10) All agencies of state government, as defined in ORS 174.111, are directed to assist  
 43 the Oregon Interagency Toxic Chemicals Reduction Team in the performance of its duties  
 44 and, to the extent permitted by laws relating to confidentiality, to furnish such information  
 45 and advice as the members of the team consider necessary to perform their duties.

1 (11) The Oregon Interagency Toxic Chemicals Reduction Team shall work to provide an  
2 integrated approach to implementing the toxic chemicals reduction strategy described in  
3 section 3 of this 2011 Act.

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5 **TOXIC CHEMICALS REDUCTION STRATEGY**  
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7 **SECTION 3.** (1) The Oregon Interagency Toxic Chemicals Reduction Team shall develop  
8 a toxic chemicals reduction strategy for Oregon. The toxic chemicals reduction strategy  
9 must:

10 (a) Include a list of toxic chemicals of concern. The list must include the toxic chemicals  
11 listed as of the effective date of this 2011 Act on the Department of Environmental Quality's  
12 priority toxics focus list.

13 (b) Identify the sources of toxic chemicals of concern.

14 (c) Identify how the state agencies listed in section 2 (1) of this 2011 Act may implement  
15 the toxic chemicals reduction strategy as it relates to the operations, policies and external  
16 programs of the agencies in a way that improves the efficiency and minimizes redundancies  
17 in the operation of state government.

18 (d) Outline a strategy for reducing releases of, and exposures to, toxic chemicals of  
19 concern, and identify specific actions this state may take to protect human health and the  
20 environment, including but not limited to:

21 (A) Identifying upstream reduction opportunities to reduce the entry of toxic chemicals  
22 of concern into the environment;

23 (B) Encouraging assessment, development and use of less toxic or nontoxic alternatives,  
24 including utilizing green chemistry, to eliminate or reduce the use or generation of hazard-  
25 ous substances in the design, manufacture and application of chemical products within this  
26 state;

27 (C) Reducing the use and movement of toxic chemicals of concern through pathways of  
28 exposure to humans and the environment; and

29 (D) Incorporating goals and actions related to toxic chemicals of concern into the oper-  
30 ations of state government.

31 (e) Identify and prioritize strategies to reduce the use and release of and exposure to  
32 toxic chemicals of concern by:

33 (A) Optimizing the use of resources to address the highest priority toxic chemicals of  
34 concern and coordinating state government reduction efforts;

35 (B) Establishing partnerships with local, state and federal agencies, other states and  
36 private organizations in order to increase the effective use of public and private resources;

37 (C) Addressing toxic chemicals of concern, individually or in combination, to achieve  
38 public health and environmental objectives; and

39 (D) Achieving measurable reductions in the use and release of and exposure to toxic  
40 chemicals of concern in both the short-term and the long-term.

41 (2) The Oregon Interagency Toxic Chemicals Reduction Team may identify legislative  
42 proposals and submit budget recommendations, including but not limited to requests for a  
43 long-term, dedicated funding source to implement the toxic chemicals reduction strategy.

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45 **PERIODIC EVALUATION OF LIST**

OF TOXIC CHEMICALS OF CONCERN

**SECTION 4.** The Oregon Interagency Toxic Chemicals Reduction Team shall evaluate the list of toxic chemicals of concern every four years and may add toxic chemicals to or eliminate toxic chemicals from the list based on relevant criteria, including but not limited to:

- (1) Presence of the toxic chemical in human blood or elsewhere in the human body as detected through biomonitoring conducted by the Centers for Disease Control and Prevention or another governmental entity;
- (2) Persistence, bioaccumulative and toxic characteristics of the toxic chemical;
- (3) Endocrine-disrupting properties of the toxic chemical;
- (4) Carcinogenic properties of the toxic chemical;
- (5) Reproductive effects of the toxic chemical;
- (6) Relevant environmental or public health benchmarks or standards of this state;
- (7) Production volume of the toxic chemical;
- (8) Inclusion of the toxic chemical on the priority listing of persistent pollutants specified in ORS 468B.139 (2)(a);
- (9) Inclusion of the toxic chemical on the Department of Environmental Quality’s priority toxics focus list;
- (10) Relative magnitude of human exposure to the toxic chemical, with additional consideration for vulnerable populations; and
- (11) Scientifically recognized impacts of the toxic chemical related to the survival of threatened or endangered species.

INFORMATION PROVIDED TO LEGISLATIVE ASSEMBLY

**SECTION 5.** The Oregon Interagency Toxic Chemicals Reduction Team shall report to the Seventy-sixth Legislative Assembly, in the manner provided by ORS 192.245, no later than the date of the convening of the 2012 regular session of the Legislative Assembly as specified in ORS 171.010, detailing progress toward the development and implementation of the toxic chemicals reduction strategy described in section 3 of this 2011 Act.

MISCELLANEOUS

**SECTION 6.** The unit captions used in this 2011 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2011 Act.

**SECTION 7.** This 2011 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect on its passage.