Representative Barbara Smith Warner

House District 45

Oregon Hazardous Material by Rail
HB 3225 - Response to Increased Risk of HAZMAT Rail Incident

House Bill 3225: Specifies the reporting of information necessary for contingency planning and assesses a fee to be dedicated to meeting the gap in materials and training needed to coordinate the response to a rail incident involving hazardous materials.

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Problem: The Oregon State Fire Marshal has insufficient funding and authority to train hazmat team members, provide, or require the disclosure of private maintenance of, adequate response materials, and coordinate contingency planning to respond to the increased risk of an incident as a result of growing transport of crude oil by rail.

Increased Risk: Domestic crude oil production and transport have increased dramatically in the last decade. From 2010 to 2012 shipment of crude oil by truck was up 38% and by barge by 53%, while rail transport of crude oil increased over 400% nationally (Safety, 2014). According to Oregon Department of Transportation's Rail Division, the number of carloads in Oregon increased 247% from 5,491 carloads in 2005 to19,065 carloads in 2013.

Trains carrying crude oil and other hazardous materials move throughout Oregon on railroads owned by Burlington Northern & Santa Fe (BNSF), Portland & Western (PNWR), and Union Pacific (UP). Trains traverse broad swaths of the state, including:

- 15 Oregon Counties
- 35 House Districts
- 80 Fire Districts
- 10 of the 13 State Hazardous Material Response Team Regions (RHMRT)

According to USDOT, general derailment and rail accidents have decreased overall, but the number of those incidents involving crude oil has increased (Safety, 2014). In Oregon between 2005 and 2012 there were zero accident or spill incidents involving crude oil [incident- defined in CFR 171.16]. In 2013 and 2014 there were five minor rail incidents involving crude oil (ODOT, 2015).

HAZMAT Response Preparedness:

Fire Marshals: Of the 127 fire agencies with oil trains in their district that were surveyed by the OSFM, 81% indicated that they do not have enough equipment to respond to a crude oil incident in their region. The survey also highlighted the fire agencies' belief that the State Hazardous Materials Response Teams were the most effective coordinating entity to organize supporting regional equipment caches and training. (OSFM, 2015)

Type II All-Hazard Incident Management Teams: The OSFM will deploy IMTs to provide comprehensive management during all-hazard emergencies at the authorization of the Governor by declaration.

Department of Environmental Quality: DEQ is the regulatory agency responsible for response as it relates to National Oil and Hazardous Substances Pollution Contingency Planning, also known as the National Contingency Plan. DEQ is the lead state authority for establishing unified command and coordination based on the location of the spill and their entities and jurisdiction involved. The planning and oversight authority of DEQ is explicitly codified in Oregon.

Federal Rail Administrators (FRA): Responsible for determining requirements for oil spill response plans at the federal level, partners with ODOT who acts as an agent of the FRA for inspection and response preparedness.

Railroads: Railroads maintain emergency preparedness plans and trained personnel in accordance with DOT requirements. In addition to meeting national standards, railroads in Oregon engage in measures such as increased inspections, offering training to local HAZMAT teams, voluntarily lowering travel speeds for HAZMAT trains, and using private response contractors in order to increase their ability to respond to an incident. The amount and location of their response materials and personnel remains unspecified to the level of detail necessary in order to be incorporated in the Oregon State Fire Marshal's Contingency Plan.