

HB 3312 A STAFF MEASURE SUMMARY
House Committee On Energy and Environment

Action Date: 04/17/17
Action: Do pass with amendments and be referred to Ways and Means. (Printed A-Eng.)
Vote: 5-4-0-0
Yeas: 5 - Barnhart, Helm, Holvey, Marsh, Power
Nays: 4 - Bentz, Johnson, Reschke, Smith DB
Fiscal: Fiscal impact issued
Revenue: No revenue impact
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WHAT THE MEASURE DOES:

Defines baseline standards as those contained in federal environmental law that were in existence on January 19, 2017. Prohibits Environmental Quality Commission (EQC) from amending rules to be less stringent than baseline federal standards. Authorizes EQC to amend rules to be more stringent than federal baseline standards. Requires Department of Environmental Quality, Department of Agriculture, Department of Energy, Department of Fish and Wildlife, Forestry Department, Department of Land Conservation and Development, Parks and Recreation Department, Water Resources Department, Oregon Health Authority and the Oregon Watershed Enhancement Board to submit report that identifies: each federal environmental law that each agency has been delegated authority over; any notice on identified laws published in Federal Register on or after January 19, 2017 and before August 15, 2018, that proposes to change federal regulation in a way that may diminish environmental protection; and certain agency evaluation of the change. Repeals reporting requirement December 31, 2018.

ISSUES DISCUSSED:

- Types of programs that have been delegated to state to administer
- Interpretation of term "less stringent"

EFFECT OF AMENDMENT:

Replaces measure.

BACKGROUND:

The United States Environmental Protection Agency's (EPA) basic mission is to protect human health and the environment -- air, water, and land. Once a law is passed by Congress, EPA drafts regulations to clarify how to put it into effect. Federal environmental laws set national standards for environmental protection, and states that assume primary responsibility for enforcing these standards adopt laws that are at least as stringent as the federal laws. These laws cover four types of environmental regulations: controlling the emission discharge of pollution; regulating certain industrial waste and products; public information requirements; and cleanup of contaminated sites. Many states have assumed this responsibility through delegation of specific programs. The federal government continues to have enforcement authority in all cases, and EPA has oversight responsibility over the states' activities, and monitoring state and tribal implementation of EPA-approved programs. Federal environmental regulations are codified annually in the U.S. Code of Federal Regulations.

House Bill 3312A would prohibit the Environmental Quality Commission (EQC) from amending rules to be less stringent than the baseline federal standards that were in existence on January 19, 2017 and would allow the EQC to amend rules to adopt more stringent standards. The Act would also require that each identified natural resource agency submit a report to the Legislative Assembly, no later than September 15, 2018, that identifies: each federal environmental law that each agency has been delegated authority over; any notice on identified laws published in

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Federal Register on or after January 19, 2017 and before August 15, 2018 that proposes to change federal regulation in a way that may diminish environmental protection; and an agency evaluation of the change.