



Oregon

Kate Brown, Governor

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Premier Public Safety Services

DATE: February 8, 2018

TO: House Committee On Veterans and Emergency Preparedness

FROM: Mariana Ruiz-Temple, Chief Deputy State Fire Marshal

SUBJECT: HB 4004 - Relating to safe transportation of hazardous substances

Protecting Oregon's citizens, their property, and the environment from fire and hazardous materials is the critical mission of the Oregon Office of State Fire Marshal.

The OSFM achieves its mission of protecting Oregon from fire and hazardous materials through prevention efforts, regulatory enforcement, training initiatives, and incident response coordination. Another cornerstone of OSFM's work is emergency response planning for oil and hazardous materials spills.

As designated by the Governor, the OSFM serves as the State Emergency Response Commission, a role required in each state by the federal Emergency Planning and Community Right-to-Know Act. As the State Emergency Response Commission – or SERC – the OSFM coordinates emergency response planning efforts through local emergency planning committees – or LEPCs – that develop emergency response plans for their local community. LEPCs engage industry representatives, first responders, public officials, emergency managers, public health professionals, and community members in the planning process. LEPCs are tasked with identifying transportation routes of hazardous substances; identifying facilities in the community that manufacture, process, and store hazardous substances; describing emergency notification and response procedures; outlining evacuation plans; and prescribing training and exercises to prepare responders and the public.

With the passing of HB3225, the OSFM was equipped with additional tools, resources, and statutory authorities to directly support LEPCs in developing emergency response plans with a specific focus on oil or hazardous materials spills or releases that occur during rail transport. Those planning efforts are currently underway in eight Oregon counties. In addition, HB3225 directed the OSFM to coordinate training, to inventory and strategically position response resources, and to coordinate incident response. Since enacting HB 3225:

- Nearly 10,000 hours of hazmat by rail-focused training and outreach has been delivered in Oregon.
- Two railroad tank car derailment props have been installed.
- Eight firefighting foam trailers have been positioned regionally across Oregon.
- 13 benzene-specific gas detection devices have been deployed with OSFM hazmat teams.



An annual report on all HB3225 activities completed in 2017 is available on the OSFM website.

As introduced, HB4004 primarily focuses on spill prevention, environmental protection planning, and spill clean-up activities that are not typically a responsibility of the OSFM. The bill generally addresses prevention efforts taken prior to an incident occurring and clean-up activities implemented after OSFM and first responders perform life safety, property conservation, and spill containment operations during the initial phase of an oil or hazardous material incident.

The bill does, however, introduce language that directs railroads to provide training and conduct exercises, an “ask” that is not currently required in any OSFM statutory mandate. The OSFM has been very successful in working with the railroads to schedule, offer, and sponsor training. HB4004 will continue this relationship and coordination with the OSFM, which will foster alignment with its responsibilities under HB3225.

While it is important to the OSFM to safeguard the environment, we do not have the technical expertise to develop and maintain geographic response plans as outlined in HB4004. The Oregon Department of Environmental Quality is a key partner to the OSFM in its mission to protect Oregon from oil and hazardous materials spills and complements OSFM’s efforts with essential environmental protection knowledge and regulatory oversight.