

**A-Engrossed**  
**House Bill 2250**

Ordered by the House March 12  
Including House Amendments dated March 12

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for Office of the Governor)

**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.

Requires [*certain state agencies*] **Department of Environmental Quality and Oregon Health Authority** to regularly assess [*proposed and*] final changes to federal environment laws to determine whether changes are significantly less protective of public health, environment or natural resources than standards and requirements contained in those federal environmental laws, as in effect on January 19, 2017. Requires [*certain state agencies*] **department and authority** to take actions under certain circumstances as necessary to retain protections afforded by certain federal environmental laws as in effect on January 19, 2017.

**A BILL FOR AN ACT**

1  
2 Relating to the environment.

3       Whereas the citizens of Oregon have relied for over a generation on the federal government's  
4 signature environmental protection statutes and the federal regulations issued pursuant to those  
5 statutes to protect public health and this state's environment and natural resources; and

6       Whereas such federal environmental protection laws include the federal Clean Air Act (43  
7 U.S.C. 7401 et seq.), the federal Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Federal Water  
8 Pollution Control Act (33 U.S.C. 1251 et seq.), and any federal regulations issued pursuant to the  
9 federal Clean Air Act, the federal Safe Drinking Water Act and the Federal Water Pollution Control  
10 Act; and

11       Whereas federal environmental protection laws establish the baseline standards for protection  
12 of public health and this state's environment and natural resources, while providing express au-  
13 thorization to states to adopt more protective measures; and

14       Whereas, beginning in 2017, the quality of Oregon's air and water have become threatened by  
15 changes to federal environmental protection laws that weaken the protections that those laws pro-  
16 vide; and

17       Whereas the science underlying federal environmental protection laws as those laws existed  
18 prior to January 19, 2017, as well as the rights of the states to regulate conduct in service of the  
19 public health, safety and welfare, both underscore a recognition that this state must adopt scientif-  
20 ically supported statutes, regulations, policies and standards that uphold the basic underpinnings of  
21 the federal Clean Air Act, the Federal Safe Drinking Water Act and the Federal Water Pollution  
22 Control Act; and

23       Whereas it is the prerogative of the Legislative Assembly to prevent environmental backsliding  
24 and to ensure a continuation of the protections for public health and this state's environment and  
25 natural resources upon which the citizens of Oregon have come to rely, even if the federal

**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 government's signature environmental protection statutes and the federal regulations or guidelines  
2 issued pursuant to those statutes are undermined, amended or repealed, now, therefore:

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

4 **SECTION 1. The Legislative Assembly finds and declares that the purposes of section 2**  
5 **of this 2019 Act are to:**

6 (1) **Retain the protections afforded to public health and this state's environment and**  
7 **natural resources under the baseline federal standards contained in federal environmental**  
8 **laws, regardless of actions taken at the federal level;**

9 (2) **Protect the public health, safety and welfare of the people of Oregon from any actual**  
10 **or potential adverse effect that reasonably may be anticipated to occur from pollution, in-**  
11 **cluding the effects of climate change;**

12 (3) **Preserve, protect and enhance this state's environment and natural resources, in-**  
13 **cluding, but not limited to, state and national parks, recreation areas, wilderness areas,**  
14 **monuments and ocean shores and other areas with special national or regional natural,**  
15 **recreational, scenic or historic value;**

16 (4) **Provide for stable regulatory conditions to support long-term economic growth; and**

17 (5) **Ensure that decisions made by state agencies that may adversely impact public**  
18 **health, the environment or natural resources are made only after careful evaluation of all**  
19 **consequences and only after adequate procedural opportunities for informed public partic-**  
20 **ipation in decision-making processes.**

21 **SECTION 2. (1) As used in this section and section 1 of this 2019 Act:**

22 (a) **"Baseline federal standards" means the standards and requirements contained in a**  
23 **federal environmental law, as those standards and requirements were in effect on January**  
24 **19, 2017.**

25 (b) **"Federal environmental law" means any one or more of the following:**

26 (A) **The federal Clean Air Act, 42 U.S.C. 7401 et seq., and any federal regulations issued**  
27 **pursuant to the federal Clean Air Act.**

28 (B) **The federal Safe Drinking Water Act, 42 U.S.C. 300f et seq., and any federal regu-**  
29 **lations issued pursuant to the federal Safe Drinking Water Act.**

30 (C) **The Federal Water Pollution Control Act, 33 U.S.C. 1251 et seq., and any federal**  
31 **regulations issued pursuant to the Federal Water Pollution Control Act.**

32 (2) **The Department of Environmental Quality and the Oregon Health Authority shall**  
33 **regularly assess final changes to federal environmental law that the department or the au-**  
34 **thority has been authorized or directed to administer to determine whether the final changes**  
35 **to federal environmental law are significantly less protective of public health, the environ-**  
36 **ment or natural resources than baseline federal standards.**

37 (3) **If the Department of Environmental Quality determines that a change assessed by the**  
38 **department under subsection (2) of this section results or will result in federal standards or**  
39 **requirements that are significantly less protective of public health, the environment or na-**  
40 **tural resources than baseline federal standards, the department shall promptly inform the**  
41 **Environmental Quality Commission and recommend to the commission actions as necessary**  
42 **to continue state implementation of standards and requirements that are at least as pro-**  
43 **ductive of public health, the environment or natural resources as baseline federal standards,**  
44 **regardless of the change assessed under subsection (2) of this section.**

45 (4) **If the Oregon Health Authority determines that a change assessed by the authority**

1 **under subsection (2) of this section results or will result in federal standards or require-**  
2 **ments that are significantly less protective of public health, the environment or natural re-**  
3 **sources than baseline federal standards, the authority shall take actions as necessary to**  
4 **continue state implementation of standards and requirements that are at least as protective**  
5 **of public health, the environment or natural resources as baseline federal standards, re-**  
6 **gardless of the change assessed under subsection (2) of this section.**

7 **(5) Nothing in this section prevents the Environmental Quality Commission or the**  
8 **Oregon Health Authority from adopting rules for the administration of federal environmental**  
9 **law that are more protective of public health, the environment or natural resources than**  
10 **baseline federal standards.**

11

---