

Senate Bill 229

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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**.

Directs office of State Fire Marshal to include training in plan for coordinated response to oil or hazardous material spills or releases that occur during rail transport.

Directs Office of Emergency Management to collaborate with marine and railroad operators to determine operators' roles in responding to natural disaster or catastrophic emergency event and to report, not later than September 15, 2020, on progress of integrating operators into state planning.

Directs Office of Emergency Management to collaborate with other state agencies to review federal, California and Washington programs related to oil spill prevention, preparedness and response and to submit recommendations for legislation to interim committees of Legislative Assembly related to emergency planning not later than September 15, 2020.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to emergency preparedness; creating new provisions; amending ORS 453.392; and prescrib-
3 ing an effective date.

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

5 **SECTION 1.** ORS 453.392 is amended to read:

6 453.392. (1) As part of the plan for the effective implementation of a statewide hazardous mate-
7 rial emergency response system established by rule under ORS 453.374, the State Fire Marshal shall
8 adopt by rule a plan for the coordinated response to oil or hazardous material spills or releases that
9 occur during rail transport. The plan adopted under this subsection:

10 (a) Shall address with a specific focus on oil or hazardous material spills or releases that occur
11 during rail transport all required provisions under ORS 453.374;

12 (b) May include requirements and incentives for local governments and other responders to
13 participate in ongoing training programs;

14 (c) Shall provide a system for identifying where hazardous material response [*materials*] **re-**
15 **sources** owned by railroads are located throughout this state and how access to those [*materials*]
16 **resources** is to be coordinated; [*and*]

17 (d) **Shall include annual statewide training exercises and tabletop exercises that include**
18 **the Department of Environmental Quality, the Department of Transportation, the Office of**
19 **Emergency Management, state and local responders, federally recognized Indian tribes in**
20 **this state and railroads that operate in this state;**

21 (e) **Shall plan, prepare and conduct a biennial full-scale, multiagency, multijurisdictional**
22 **and multidisciplinary oil or hazardous material spill or release training exercise that:**

23 (A) **Involves training for all manner of personnel necessary to a coordinated response to**
24 **an oil or hazardous material spill or release;**

25 (B) **Is intended to examine or validate the planning, coordination and command and**

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 **control decisions that may be made in the event of an oil or hazardous material spill or re-**
 2 **lease and to also examine or validate response-specific capabilities or functions; and**

3 **(C) Involves training that covers the entire sequence of events that take place during an**
 4 **oil or hazardous material spill or release incident that occurs during rail transport; and**

5 [(d)] (f) [May] **Shall** include any other information deemed necessary by the office of the State
 6 Fire Marshal to provide coordinated response to oil or hazardous material spills or releases that
 7 occur during rail transport.

8 (2) The office of the State Fire Marshal shall annually coordinate with local governments, other
 9 state agencies involved in hazardous material emergency response, other responders and represen-
 10 tatives of the railroad industry to prepare a report on the coordinated response plan adopted under
 11 this section and shall:

12 (a) Make the report available as an appendix to the Office of Emergency Management's oil and
 13 hazardous material response emergency operations plan developed pursuant to ORS 401.092; and

14 (b) No later than February 1 of each year, submit the report to the Legislative Assembly in the
 15 manner provided in ORS 192.245.

16 (3) The report required by subsection (2) of this section shall include, but need not be limited
 17 to, the following in relation to oil and hazardous material emergency response for rail transport:

18 (a) An inventory of all emergency response resources available in this state, including informa-
 19 tion on:

20 (A) The location of, and the means of access to, the resources;

21 (B) Whether the resources are publicly or privately maintained; and

22 (C) Additional resources that are needed to provide for adequate response;

23 (b) Suggested changes to the structure for the continued coordination between state agencies
 24 and industry;

25 (c) Possible revisions to the response roles or responsibilities of state agencies, local govern-
 26 ments and railroads; and

27 (d) Strategies for ensuring adequate funding at the state and local government levels to cover
 28 the training, equipment and administrative costs associated with providing comprehensive response
 29 and equipment.

30 **SECTION 2. (1) The Office of Emergency Management shall meet and collaborate with**
 31 **marine and railroad operators that operate in Oregon and transport hazardous material, as**
 32 **defined in ORS 466.605, to determine the role of those operators during a natural disaster**
 33 **or catastrophic emergency event.**

34 **(2) The office shall:**

35 **(a) Meet with the operators described in this section at least biannually; and**

36 **(b) Not later than September 15, 2020, submit a report, in the manner provided in ORS**
 37 **192.245, on the progress of integrating the operators described in this section into state plans**
 38 **to respond to a Cascadia subduction zone event.**

39 **(3) The office may adopt rules to carry out the requirements of this section.**

40 **SECTION 3. (1) The Office of Emergency Management shall collaborate with the De-**
 41 **partment of Environmental Quality, the Department of Transportation, the State Fire Mar-**
 42 **shal, railroad operators that operate in Oregon and transport oil, as defined in ORS 468B.300,**
 43 **and any other relevant state agencies to review the programs established by the States of**
 44 **California and Washington, and the federal Pipeline and Hazardous Materials Safety Admin-**
 45 **istration, related to oil spill prevention, preparedness and response.**

1 (2) Not later than September 15, 2020, the office shall submit a report of its findings, in
2 the manner provided in ORS 192.245, to the interim committees of the Legislative Assembly
3 related to emergency planning and shall include in the report recommendations for legis-
4 lation.

5 SECTION 4. Sections 2 and 3 of this 2019 Act are repealed on January 2, 2021.

6 SECTION 5. (1) The amendments to ORS 453.392 by section 1 of this 2018 Act become
7 operative on January 1, 2020.

8 (2) The Office of Emergency Management may take any action before the operative date
9 specified in subsection (1) of this section that is necessary for the Office of Emergency
10 Management to exercise, on and after the operative date specified in subsection (1) of this
11 section, any of the duties, functions and powers conferred on the Office of Emergency Man-
12 agement by the amendments to ORS 453.392 by section 1 of this 2019 Act.

13 SECTION 6. This 2019 Act takes effect on the 91st day after the date on which the 2019
14 regular session of the Eightieth Legislative Assembly adjourns sine die.

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