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## LEGISLATIVE CONCEPT

### **Toxic Gas Release Study and Prevention/Control (reintroduce HB 4044, 2024)**

**Problem:** The October 2023 report\*, “Risk of Earthquake-induced Hazardous Material Releases in Multnomah County,” by PSU’s Institute of Sustainable Solutions and Multnomah County Emergency Management is the first-ever public document about toxic gas releases in Multnomah County. Thousands of fatalities and injuries will occur as a result of inhaling toxic gasses from many of the 1,100 identified county storage containers that:

- were built before there were seismic standards,
- sit on liquefiable soil
- are located in highly populated areas

This situation adds substantially to life-safety dangers in a seismic event. Releases from only 4 of the Top 70 Tier II facilities in North/NW Portland will increase Cascadia earthquake fatalities by 25%. Both mobile air quality testing and plume modeling show that toxic air will spread and impact marginalized communities most significantly.

Normal emergency protective responses, like evacuation and shelter-in-place, will be compromised by toxic air, prompting a new public fear: “Can’t Breathe, Can’t Leave.” Based on Multnomah County’s population, almost 20% percent of the state’s population is at risk. Multnomah County Chair Jessica Vega Pederson cautioned, “The average person in their house doesn’t have the ability to protect themselves from risks like these, so it’s incumbent upon us and the (state) government to take the steps to make sure that we are being protective.” There has been no public education plan announced, although activist groups held an online community forum in late February with a panel of experts, including the report authors, to make the public aware of the risks and advocacy actions.

Prevention is critical. Yet, no action has been taken to prevent HAZMAT releases.

- What are the potential engineering solutions to make containers seismically safe?
- Are there alternative low-no risk substances or alternative safer locations for the current lethal gasses?
- Where are the highest risk locations; what are the possible directions of toxic plumes?

Currently, DEQ does not have statutory authority to regulate non-fuel toxins or the release of airborne toxins from either fuel or non-fuel sources. Regulating HAZMATs will affect manufacturing, food processing, and other industrial operations critical to the economy such as fertilizer companies, water treatment facilities, gas stations.

**Consideration:** The County-PSU report recommends a comprehensive analysis of the risk throughout the state. It is imperative to understand the extent of the problem, the mechanisms of risk, or the ways to reduce it. Legislation, in the form of HB4044 which failed to pass in 2024, would have required DEQ to conduct a statewide study.

**Requests: Reintroduce HB 4044** in 2025. Fast-track passage of a statewide study of toxic inhalation risks and DEQ regulatory actions, including engineering solutions, plume modeling, and identifying highest risk locations.

#### **HAZMAT Prevention/Control**

- Regulate the safety of all HAZMAT containers storage sites of a certain volume.
- Require all HAZMAT storage sites to be made seismically stable.
- Require firms storing or using hazardous materials to be fully self-reliant and not dependent on first responders in an emergency, since first responders may be overwhelmed and unable to respond.
- Public education must be a critical part of preparedness.

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\*The report: <https://multco-web7-psh-files-usw2.s3-us-west-2.amazonaws.com/s3fs-public/FOUO%20Report%20for%20Multnomah%20County%20from%20ISS%2C%20Risk%20of%20Earthquake-Induced%20Hazardous%20Materials%20Releases%2010-11-2023v1.p>

Contact: Nancy Hiser, Linnton Neighborhood Association, Tank Farm Safety Committee [nancyhiser@comcast.net](mailto:nancyhiser@comcast.net) or Nikki Mandell, CEI Hub Task Force, [nikki.mandell@gmail.com](mailto:nikki.mandell@gmail.com)