

Requested by Representative GRAYBER

**PROPOSED AMENDMENTS TO
HOUSE BILL 3492**

1 On page 1 of the printed bill, delete lines 4 through 27 and delete page
2 2 and insert:

3 **“SECTION 1. (1) The State Department of Geology and Mineral In-**
4 **dustries shall study risks related to earthquake-induced toxic**
5 **inhalation. The department may use any appropriate industry-**
6 **standard methodology or methodologies to carry out the study.**

7 **“(2) The goal of the study is to compile data and information on the**
8 **potential uncontrolled release of hazardous materials into surrounding**
9 **communities in the event of a catastrophic seismic event, in order to**
10 **assist local emergency management agencies in creating and improv-**
11 **ing emergency response plans.**

12 **“(3) In carrying out the study, the department shall seek to:**

13 **“(a) Increase understanding of the scale and extent of risks related**
14 **to earthquake-induced dispersion of respirable hazardous materials by:**

15 **“(A) Identifying areas of concern by looking at geographic areas**
16 **with the highest seismic hazard;**

17 **“(B) Identifying the highest risk facilities within seismic hazard**
18 **zones, using appropriate criteria such as the Toxic (Operational) Haz-**
19 **ard Score developed by the U.S. Naval Research Laboratory, taking**
20 **into consideration the relative quantities and toxicity of hazardous**
21 **materials at a site; and**

1 **“(C) Reporting on the statewide number of facilities of concern and**
2 **their geographic distribution, along with any relevant findings from**
3 **this inquiry;**

4 **“(b) By modeling various representative scenarios, increase under-**
5 **standing of the potential impact on immediate areas, workers and**
6 **surrounding populations in the event of uncontrolled release of haz-**
7 **ardous material from identified facilities resulting from an earth-**
8 **quake, including developing information on the following:**

9 **“(A) Using publicly available information where possible, and using**
10 **verified data from facility operators where feasible, classification of**
11 **facilities by potential for uncontrolled release of hazardous material**
12 **based on a facility’s seismic readiness, using reasonable, risk-informed**
13 **criteria and taking into consideration any major seismic resiliency**
14 **improvements made to a facility, seismic vulnerability safeguards and**
15 **operational safeguards;**

16 **“(B) For highest-risk facilities, projected paths of movement of**
17 **hazardous material and the severity of its effects, as may vary ac-**
18 **cording to region, season and other conditions;**

19 **“(C) Proximity of facilities of concern to populations who would be**
20 **most at risk from an uncontrolled release, and estimated total popu-**
21 **lation who would be most at risk;**

22 **“(D) Where possible using publicly available information, demo-**
23 **graphic analysis of the impacted populations most at risk; and**

24 **“(E) Comparison of the risk associated with release of hazardous**
25 **material with risks from other recent and similar seismic events; and**

26 **“(c) Increase understanding of possible solutions to such hazards**
27 **by:**

28 **“(A) Conducting a review of existing regulatory programs to which**
29 **relevant facilities are subject;**

30 **“(B) Conducting a policy review of seismic requirements and miti-**

1 gation programs in other jurisdictions that address relevant risks and
2 issues;

3 “(C) Conducting a literature review of mitigation solutions and ob-
4 taining an engineering review of such solutions; and

5 “(D) Evaluating the realistic risk reduction potential of various
6 mitigation measures.

7 “(4) The department may consult, partner or contract with any ap-
8 propriate entity in carrying out the study. The department and other
9 involved entities may consult with state agencies to define the scope
10 of high-risk facilities for purposes of the study.

11 “(5) If an entity identified as a subject of this study demonstrates,
12 and the relevant local emergency management agency confirms, that
13 the entity has already shared the relevant information identified in the
14 scope of the study with the local emergency management agency for
15 incorporation into local emergency response plans, the entity is ex-
16 empt from site-specific reporting and shall be included in aggregated
17 results in the report on the study, and the report must identify the
18 entity as being exempted on such grounds.

19 “(6) On or before December 1, 2027, the department shall submit a
20 report on the findings of the study to the State Resilience Officer. At
21 the time the department submits the report to the State Resilience
22 Officer, the department shall submit a copy of the report to the Di-
23 rector of the Oregon Department of Emergency Management to con-
24 duct the review described in section 2 of this 2025 Act.

25 “SECTION 2. (1) The report prepared under section 1 of this 2025
26 Act and all materials prepared or obtained in connection with the re-
27 port are confidential, exempt from disclosure under ORS 192.311 to
28 192.478 and may not be distributed to any parties other than the State
29 Department of Geology and Mineral Industries, the State Resilience
30 Officer and the Director of the Oregon Department of Emergency

1 **Management, except as otherwise provided in this section.**

2 **“(2) The director shall review the report and designate portions that**
3 **may be made publicly available, including disclosure under ORS 192.311**
4 **to 192.478, and portions that may be transmitted to local emergency**
5 **management agencies under the condition that such agencies hold**
6 **such portions confidential. Portions of the report may be distributed**
7 **in accordance with such designations.**

8 **“(3) In performing the review and designations, the director shall**
9 **consider whether dissemination of information in the report may cre-**
10 **ate terrorism risks or other security concerns, the utility of informa-**
11 **tion in the report to local emergency management agencies and the**
12 **public interest in government transparency.**

13 **“(4) Prior to the public release of any information that may describe**
14 **a facility or its risk of an uncontrolled release of hazardous material,**
15 **the person or entity releasing the information shall provide reasonable**
16 **notice and opportunity for the owner or operator of the facility to re-**
17 **view the information to be released. If the owner or operator deter-**
18 **mines that the public release of the information would divulge**
19 **confidential business information, create security risks or contradict**
20 **existing local emergency response plans related to the facility, the**
21 **owner or operator may request redactions to the information.**

22 **“(5) The State Resilience Officer, after consultation with the direc-**
23 **tor, may make recommendations based on information in the report**
24 **to local emergency management agencies before the director’s review**
25 **and designations are completed.**

26 **“(6) If a local emergency management agency includes information**
27 **derived from the study performed under section 1 of this 2025 Act in**
28 **an emergency response plan, the plan must specify that such infor-**
29 **mation was derived from the study.**

30 **“SECTION 3. This 2025 Act being necessary for the immediate**

1 **preservation of the public peace, health and safety, an emergency is**
2 **declared to exist, and this 2025 Act takes effect on its passage.”.**

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