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Joint Committee on Transportation
900 Court St. NE
Salem, Oregon 97301

March 4, 2025

Re: HB 3362 (Imposes an excise tax on retail sales of tires)

Co-Chairs Gorsek and McLain, Co-Vice Chairs Starr and Boshart Davis, and Members of the Committee,

My name is Colin Reynolds. I am the Senior Advisor to the Northwest Program at Defenders of Wildlife ("Defenders"). Defenders is a national conservation organization dedicated to the protection of all native animals and plants in their natural communities, with over 40,000 members and supporters in Oregon. On behalf of Defenders, I am submitting the following comments in support of HB 3362. Defenders has no position on the -1 amendment. This bill would:

1) Impose an excise tax of 4% on each sale of taxable tires in Oregon.
2) Transfer 75% of the proceeds to the Tire Pollution and Rail Transit Fund. One-third of these proceeds shall be allocated to the, yet to be established, Department of Environmental Quality and Department of Fish and Wildlife "Tire Pollution Prevention and Mitigation Program."
3) Transfer 25% of the proceeds to the Wildlife-Vehicle Collision Reduction Fund.

HB 3362 would sustainably fund the Wildlife-Vehicle Collision Reduction Program.

Wildlife-vehicle collisions ("WVC") on Oregon's roadways are a serious safety and economic issue. Per ODOT, there are over 7,000 WVC collisions each year, resulting in over 500 "serious" human injuries and four human fatalities.[i] Unfortunately, the actual number of collisions is likely higher, as multiple studies concluded that half or two-thirds of large mammal WVC go unreported.[ii] Economically, the cost of collisions typically exceeds $4,000, per instance, and may run significantly higher when factoring human injuries and fatalities and the lost hunting value of the deceased animal.[iii] By way of example, the cumulative cost for WVC involving deer and elk alone on Oregon's roads likely totaled over $90 million in 2022.[iv]

Fortunately, WVCs and their associated costs can be reduced through properly sited wildlife crossing infrastructure and associated fencing. In Oregon and elsewhere, wildlife crossings have resulted in an 80-90% decrease in WVC in impacted areas for the benefit of drivers and the economy.[v] Reducing WVC through the construction of wildlife crossings

infrastructure also benefits wildlife. Crossings enable wildlife to safely move across roadways and access previously fragmented habitat, increasing the health of wildlife populations.[vi] As a testament to their benefit, ODFW characterizes wildlife crossings as "an obvious win for both wildlife and the traveling public."[vii]

It should be no surprise that wildlife crossings are widely supported in Oregon and nationally. A 2020 poll commissioned by the Pew Charitable Trusts found that 86% of Oregon voters favor constructing more wildlife crossings.[viii] Elsewhere, states that have led the way in constructing crossings include Nevada (20 crossings), Colorado (over 60 crossings) and Montana (over 100 crossings).[ix] By comparison, Oregon has six completed undercrossings; however, ODOT would like to construct more. In ODOT's 2024 Transportation Funding Need Report's "Safety Investments" section, the Department requested a sustained investment of $5 million per year "to enable the construction of an additional 20 wildlife fencing and structure projects over the next 30 years."[x]

HB 3362 would establish the "Wildlife-Vehicle Collision Reduction Fund." This Fund would support projects that reduce the number of wildlife injured or killed by vehicles and improve habitat connectivity for wildlife. This Fund could also be a value multiplier, in that it could also be used as a state match in the event federal funding for WVC reduction and habitat connectivity becomes available. A project that could be the product of HB 3362 are ones similar to the Mariposa Crossing Project in Southern Oregon. By way of explanation, in 2022, the Legislature allocated $7 million for collision reduction projects, and the ODOT used a portion of these funds to support a $33 million federal grant application, which the government awarded ODOT in December 2024.[xi]

Simply put, HB 3362 would meet ODOT's request for sustained funding for safety and enable the Department to pursue transportation infrastructure projects that save driver lives and prevent driver injuries while also improving our environment.

HB 3362 would establish a program to mitigate the effects of tire pollution.

Modern tires contain "6PPD," a "tire-rubber stabilizer" additive that extends tire lifespan.[xii] Unfortunately, 6PPD is also highly toxic to fish populations, causing mass die-offs when tire particles from worn tires enter waterways. One particular species highly vulnerable to 6PPD is coho salmon – an Oregon Species of Greatest Conservation Need.[xiii] One study estimated that up to 90% of coho salmon die from 6PPD poisoning.[xiv]

HB 3362 would start the process of mitigating this issue; revenue from the tax on tires would fund filtration systems and stream restoration projects to intercept and reduce 6PPD pollution, protecting vital salmon habitats.

Overall, Defenders commends the legislature for its attention to these issues, and we ask that it supports this work by passing HB 3362.

Thank you for your time and consideration.

Sincerely,

Colin Reynolds
Senior Advisor, Northwest Program
Defenders of Wildlife

[i] *Transportation Funding Needs*, OREGON DEP'T OF TRANSPORTATION 13 (JULY 2024) https://www.oregon.gov/odot/About/Documents/Transportation%20Funding%20Needs.pdf ("Each year, there are over 7,000 wildlife-vehicle collisions in Oregon; on average, four people die and 521 people are seriously injured in those collisions.".

[ii] For literature on unreported data see Tracy S. Lee, Kimberly Rondeau, Rob Schaufele, Anthony P. Cleavenger & Danah Duke, *Developing a correction factor to apply to animal–vehicle collision data for improved road mitigation measures*, 48 WILDLIFE RESH.., https://www.publish.csiro.au/wr/pdf/WR20090 at 506 ("Our study demonstrated that AVCs involving large mammals are underestimated; more animal carcasses were reported during walking surveys off the road than were reported during road surveys. These animal carcasses represent error sources in traditional AVC datasets generated by road surveys, because of injury bias. In our region of the Rocky Mountains, we suggest that a correction factor of 2.8 can be applied to road survey datasets to account for undetected road-kills."); Marcel P. Huijser, & James S. Begley. *Large mammal-vehicle collision hot spot analyses, California, USA*. WESTERN TRANSPORTATION INSTITUTE (2019), https://westerntransportationinstitute.org/wp-content/uploads/2019/09/4W6693_Huijser-and-Begley-FINAL-Report-Caltrans-Statewide-20190913-reduced-image-size.pdf at 14 ("Furthermore, crash data typically represent only a fraction (14-50%) of the carcass data, even if both data sets relate to large mammals only...Finally, the carcass data are far from complete as well; animals that are not very visible from the road in the right-of-way may not be removed and do not get recorded. Wounded animals that make it beyond the right-of-way fence before they die are also usually not recorded at all.").

[iii] Marcel Huijser, et al. *Cost–Benefit Analyses of Mitigation Measures Along Highways for Large Animal Species: An Update and an Expansion of the 2009 Model* (Sept. 30, 2022), https://westerntransportationinstitute.org/wp-content/uploads/2022/12/Report_TPF-5-358-cost-benefit-analysis-update_2022.pdf (Table 5).

[iviv] To arrive at these numbers, Defenders took data from the Huijser et al. study listed at the end of this endnote, adjusted for inflation the 2020 figures to Dec. 2022 using a Bureau of Labor Statistics Consumer Price Index Inflation Calculator and then added in the penalty for the unlawful take of both a deer and an elk per the Oregon Revised Statutes. Marcel Huijser, et al. *Cost–Benefit Analyses of Mitigation Measures Along Highways for Large Animal Species: An Update and an Expansion of the 2009 Model* (Sept. 30, 2022), https://scholarworks.montana.edu/xmlui/bitstream/handle/1/17509/WTI-cost-benefit-2022.pdf?sequence=5 (Table 5)

[v] *Strategy Spotlight: U.S. 97 Wildlife Crossing*, OREGON DEP'T OF FISH AND WILDLIFE, https://oregonconservationstrategy.org/success-story/us-97-wildlife-crossing/ ("Monitoring of the completed structures began in 2013. Within the first year, 29 species ranging from deer and elk to bobcat, badger, and squirrels were documented using the underpasses, and deer/vehicle collisions were reduced by more than 90 percent."). ."); Kendra Chamberlain, *On I-5, Oregon will get its first wildlife overpass*, COLUMBIA INSIGHT (Jan. 8, 2025) https://columbiainsight.org/on-i-5-oregon-will-get-its-first-wildlife-overpass ("Oregon's six existing wildlife undercrossings—tunnels constructed beneath roads—have

resulted in an 80-90% decrease in vehicle-wildlife collisions in impacted areas, according to ODOT and the Oregon Department of Fish and Wildlife."); Mark Heinz, $30M Wildlife Crossings To Target Wyoming Highway 'Slaughterhouse', Cowboy State Daily (March 31, 2024) https://cowboystatedaily.com/2024/03/31/30m-wildlife-crossings-to-target-wyoming-antelope-highway-slaughterhouse/ ("There are probably far more wildlife deaths that go unreported, but it's hoped that the wildlife crossings will cut collisions by 80% to 90%, according to Game and Fish.").

[vi] For example, *Video: Watch a thousand mule deer cross the Idaho 21 overpass near Boise*, IDAHO FISH & GAME (Jan. 14, 2025), https://idfg.idaho.gov/article/video-watch-thousand-mule-deer-cross-idaho-21-overpass-near-boise.

[vii] *Strategy Spotlight: U.S. 97 Wildlife Crossing*, OREGON DEP'T OF FISH AND WILDLIFE, https://oregonconservationstrategy.org/success-story/us-97-wildlife-crossing/.

[viii] *Pew: Oregonians Support Protecting Wildlife Migration Routes, New Poll Finds*, PEW CHARITABLE TRUSTS (April 16, 2020) https://www.pewtrusts.org/en/about/news-room/press-releases-and-statements/2020/04/16/pew-oregonians-support-protecting-wildlife-migration-routes-new-poll-finds ("...86% want the state to build more overpasses and underpasses along major roads and highways...").

[ix] Grace Da Rocha, *Nevada shows commitment to getting desert wildlife across the road safely*, LAS VEGAS SUN (Oct. 27, 2023), https://lasvegassun.com/news/2023/oct/27/state-shows-commitment-to-getting-desert-wildlife/; Colorado Wildlife Crossings Interactive Map, https://experience.arcgis.com/experience/309a78b1c4ce4c93bcd20400682f363b; Amanda Eggert, *How does the wildlife cross the road?*, MONTANA FREE PRESS (Jan. 4, 2022), https://montanafreepress.org/2022/01/04/montana-wildlife-crossings-past-and-future/; *Wildlife Vehicle Collision Reduction Projects Slide*, OREGON DEP'T OF TRANSPORTATION

[x] *Transportation Funding Needs*, OREGON DEP'T OF TRANSPORTATION 13 (JULY 2024) https://www.oregon.gov/odot/About/Documents/Transportation%20Funding%20Needs.pdf.

[xi] Sheraz Sadiq, *Oregon gets more than $30 million from federal government to build overpass wildlife crossing on I-5*, OREGON PUBLIC BROADCASTING (Jan. 18, 2025), https://www.opb.org/article/2025/01/18/oregon-gets-federal-grant-build-wildlife-crossing-overpass-intestate-5/.

[xii] 6PPD: Its Role in Tire Manufacturing and Environmental Impact. Biology Insights (Oct. 19, 2024), https://biologyinsights.com/6ppd-its-role-in-tire-manufacturing-and-environmental-impact/; John Ryan, *Scientists point to chemical in car tires that's been killing coho salmon*, Oregon Public Broadcasting (Dec. 4, 2020), https://www.opb.org/article/2020/12/04/scientists-point-to-chemical-in-car-tires-thats-been-killing-coho-salmon/.

[xiii] *Coho Salmon*, THE OREGON CONSERVATION STRATEGY, https://www.oregonconservationstrategy.org/strategy-species/coho-salmon/; Species of Greatest conservation need are species that have "small or declining populations, are at-risk, and/or are of management concern." *Strategy Species*, THE OREGON CONSERVATION STRATEGY, https://www.oregonconservationstrategy.org/ocs-strategy-species/.

[xiv] Zhenyu Tian, et al. *A ubiquitous tire rubber–derived chemical induces acute mortality in coho salmon*, SCIENCE (Dec. 3, 2020), https://www.science.org/doi/10.1126/science.abd6951.