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# ENVIRONMENT

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## 2018 SUMMARY OF LEGISLATION: MEASURE SUMMARIES

The *2018 Summary of Legislation – Environment* summarizes selected measures related to this policy area that were considered by the 79th Oregon Legislative Assembly, including bills, memorials, and resolutions. This publication will become part of a more comprehensive *2018 Summary of Legislation* that includes all topic area summaries and committee membership lists.

This publication begins with a table highlighting measures that establish task forces or create reporting requirements. The summaries of selected measures follow in three groups—bills, memorials, and resolutions—each listed in numerical order.

Each summary provides information on the chief sponsors, committees assigned, background and current law, description of the measure, and date when the measure, if enacted, becomes effective. Each summary also includes a link to the measure on the [Oregon Legislative Information System \(OLIS\)](#), which provides a more comprehensive staff measure summary, all versions of the measure, amendments, public testimony, a complete measure history, and final vote tallies.

The *2018 Summary of Legislation* focuses on policy measures. Information on revenue measures is available on the [Legislative Revenue Office website](#). Information on the state budget and selected legislation that impacts state agencies is available on the [Legislative Fiscal Office website](#).

The Legislative Policy and Research Office will update this publication with each bill's effective date and assigned chapter in Oregon Laws 2018 when that information becomes available.

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## ENVIRONMENT TASK FORCES AND REPORTING REQUIREMENTS

There were no task forces or reporting requirements involving environment enacted through legislation during the 2018 session.

## Cap-and-Invest Program

**At the request of:** Senate Interim Committee on Environment and Natural Resources

**Committees:** Senate Environment and Natural Resources, Senate Rules

**Background and Current Law:** A cap-and-trade program is a market-based system designed to reduce greenhouse gas emissions. Total allowed emissions are capped at a given level that decreases each year. Polluters are required to buy an allowance for each ton of greenhouse gas they emit above a specified amount, as quantified through mandatory reporting of emissions to the government.

Ten states currently have cap-and-trade systems. Nine are Northeastern states that joined together in 2009 to create a common carbon market through the Regional Greenhouse Gas Initiative. California runs a separate program that began in 2012 and is linked to the Canadian province of Quebec's cap-and-trade program through the Western Climate Initiative. Ontario began a cap-and-trade program in 2017.

**Bill Summary:** Senate Bill 1507-A and House Bill 4001 would have directed the Environmental Quality Commission to adopt a program to establish a cap on total anthropogenic greenhouse gas emissions (GHG) by covered entities and a market-based compliance mechanism. The measures would have declared that the program's purposes are to reduce GHG emissions consistent with statewide GHG emissions limits and to promote carbon sequestration and adaptation and resilience by the state's working lands, fish and wildlife resources, communities, and economy in the face of climate change and ocean acidification. Auction proceeds from the program were to be invested in projects, programs, and activities to further the purposes of the program. The measures would have also established a Program Advisory Committee and a Joint Legislative Committee on Climate.

## Diesel Engine Idling

**At the request of:** Senate Interim Committee on Environment and Natural Resources

**Committees:** Senate Environment and Natural Resources, House Health Care, House Rules

**Background and Current Law:** On-road heavy duty diesel trucks and diesel construction equipment are the largest sources of diesel exhaust in Oregon. Diesel exhaust is considered a health risk, particularly in urban areas that are close to highways and major roads.

A person commits the offense of unlawfully idling the primary engine of a commercial vehicle when they stop and allow the engine to idle for more than five minutes in any continuous 60-minute period on a location open to the public (ORS 825.605). ORS 825.610 establishes exceptions to the idling restrictions. The authority to regulate the idling of primary commercial engines is solely vested in the Legislative Assembly.

**Bill Summary:** Senate Bill 1509-B would have repealed the preemption of local government regulation of idling of primary commercial vehicle engines found in ORS 825.615 and modified the exceptions to the restrictions on engine idling found in ORS 825.610.

## Emergency Management Catchall

**At the request of:** Senate Veterans and Emergency Preparedness

**Committees:** Senate Veterans and Emergency Preparedness, Joint Ways and Means

**Background and Current Law:** Senate Bill 1518-A would have addressed a number of emergency planning matters affecting cemeteries; deficiencies at the Office of Emergency Management; training for and responding to potential oil train spills; and the composition of the Homeland Security Council.

**Bill Summary:** The disposition of human remains is heavily regulated. In the event a natural disaster or similar emergency disturbs interred human remains, Senate Bill 1518 would have allowed cemetery authorities to respond quickly, in specified ways, after making reasonable efforts to notify persons with decision-making authority over the affected remains.

Recent state and federal audits of the Office of Emergency Management (OEM) identified shortcomings in OEM's handling of federal grant funds and the state's overall preparedness for catastrophic events. Senate Bill 1518 would have required quarterly reports through 2020 on OEM's progress addressing these deficiencies.

In June of 2016, a train shipping crude oil derailed near Mosier, Oregon. The State and local emergency response to the derailment continues to be evaluated for potential improvement. Senate Bill 1518 would have codified existing multiagency/multijurisdictional planning and training exercises through the State Fire Marshal's office; required OEM to include and integrate marine and rail operators into the state's catastrophic emergency planning; and required OEM and other relevant public entities to meet with railroad operators to review and report on oil train spill prevention and response plans.

Oregon's Homeland Security Council within OEM receives regular briefings on security matters and advises relevant state agencies on emergency management strategies. The Council currently consists of the Governor, the Adjutant General, four legislators, the Superintendent of State Police, and OEM's director. Senate Bill 1518 would have added a representative from the Department of Justice (DOJ), in light of the DOJ's role operating the Oregon TITAN Fusion Center.

### Public Health Risks of Toxic Air Contaminants

**Chief Sponsors:** Sens. Girod, Roblan, Winters, Dembrow; Rep. Witt

**Committees:** Senate Environment and Natural Resources, Joint Ways and Means

**Background and Current Law:** On April 6, 2016, Governor Brown directed the Oregon Department of Environmental Quality (DEQ) and the Oregon Health Authority to develop an air toxics permitting program based on health risks. According to DEQ, the goal of this program, known as “Cleaner Air Oregon,” is to “evaluate potential health risks to people near commercial and industrial facilities that emit regulated air toxics, and ultimately reduce those risks below health-based standards.”

**Bill Summary:** Senate Bill 1541 authorizes the Environmental Quality Commission (EQC) to adopt a program and rules to reduce the public health risks of emissions of toxic air contaminants from individual industrial and commercial sources. The measure also directs EQC to develop a pilot program for assessing the potential cumulative impacts from multiple sources of industrial air toxic emissions and authorizes EQC to adopt fees to cover the costs of EQC and DEQ in developing and implementing the rules and program established by the measure.

**Oregon Laws 2018:** Chapter 102

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### Cap-and-Invest Program

**Chief Sponsors:** Rep. Helm; Sens. Dembrow, Beyer; Reps. Hernandez, Marsh, Williamson

**Committees:** House Energy and Environment, House Rules

**Background and Current Law:** A cap-and-trade program is a market-based system designed to reduce greenhouse gas emissions. Total allowed emissions are capped at a given level that decreases each year. Polluters are required to buy an allowance for each ton of greenhouse gas they emit above a specified amount, as quantified through mandatory reporting of emissions to the government.

Ten states currently have cap-and-trade systems. Nine are Northeastern states that joined together in 2009 to create a common carbon market through the Regional Greenhouse Gas Initiative. California runs a separate program that began in 2012 and is linked to the Canadian province of Quebec's cap-and-trade program through the Western Climate Initiative. Ontario began a cap-and-trade program in 2017.

**Bill Summary:** House Bill 4001 and Senate Bill 1507-A would have directed the Environmental Quality Commission to adopt a program to establish a cap on total anthropogenic greenhouse gas emissions (GHG) by covered entities and a market-based compliance mechanism. The measures would have declared that the program's purposes are to reduce GHG emissions consistent with statewide GHG emissions limits and to promote carbon sequestration and adaptation and resilience by the state's working lands, fish and wildlife resources, communities, and economy in the face of climate change and ocean acidification. Auction proceeds from the program were to be invested in projects, programs, and activities to further the purposes of the program. The measures would have also established a Program Advisory Committee and a Joint Legislative Committee on Climate.

### House Bill 4003-A

Not Enacted

#### Diesel Engine Emissions

**Chief Sponsors:** Reps. Nosse, Greenlick, Salinas

**Committees:** House Health Care, House Rules

**Background and Current Law:** The U.S. Environmental Protection Agency (EPA) estimated 10.3 million older diesel engines remained in use as of 2016. Diesel engine exhaust contains a mixture of gases and very small diesel particles that may cause health effects when an individual is exposed to high concentrations or has prolonged exposure. Currently, there are specific EPA regulations for newer on-road and off-road vehicles (2007 model year or newer).

**Bill Summary:** House Bill 4003-A would have specified state requirements for the adoption of indirect source review program rules to address locations that attract mobile sources of air contaminants, registration requirements for nonroad diesel engines, and adoption of diesel engine emission standards for specific on-road vehicles and nonroad engines. The measure would have authorized additional grant awards from the Environmental Mitigation Trust Agreement to reduce emissions from diesel engines operated in environmental justice communities or communities of color. The measure would also have repealed state preemption of local regulation of idling by primary engines in commercial vehicles.

### House Bill 4004

Not Enacted

#### Transport of Oil by Rail

**Chief Sponsors:** Rep. Smith Warner

**Committees:** House Veterans and Emergency Preparedness

**Background and Current Law:** In 2015, the Oregon Legislative Assembly enacted House Bill 3225, which required the Office of the State Fire Marshal to adopt a plan for coordinated response to a spill or release of oil or other hazardous material that could occur during rail transport.

On June 3, 2016, a train carrying crude oil derailed near the small city of Mosier in the Columbia River Gorge. Eleven cars from the 96-car train left the rails near Rock Creek, which feeds the Columbia River. Several cars caught fire and some oil was released.

**Bill Summary:** House Bill 4004 would have designated train routes transporting high volumes of oil near bodies of water as high hazard train routes. The designation would have required railroads transporting oil through high hazard train routes to develop emergency response contingency plans and to submit such plans to the Department of Environmental Quality for approval.

[House Bill 4099-A](#)

Not Enacted

**Task Force on Motorboat Water Sports and Recreational Activities****Chief Sponsors:** Reps. Vial, Power**Committees:** House Transportation Policy, Joint Ways and Means

**Background and Current Law:** Wakeboarding is a water sport that involves standing on a small, rectangular wakeboard towed behind a motorboat that typically operates at speeds of 30 miles per hour or greater. The sport gets its name from the practice of using the boat's wake to leave the surface of the water to perform aerial tricks. Boats used for wakeboarding typically use equipment that raises the height of the tow cable and that increases water displacement to enlarge the boat's wake.

The growing popularity of wakeboarding on the Willamette River has led to concerns about the effects of powerful motorboats on river banks, river ecology, and other recreational river users.

**Bill Summary:** House Bill 4099-A would have created a Task Force on Motorboat Water Sports and Recreational Activities consisting of 10 members and staffed by the Oregon State Marine Board. The Task Force would have been directed to study conflicts between motorboat users, shoreline property owners, and those who use the river for recreational purposes.

[House Bill 4126-A](#)

Not Enacted

**Household Hazardous Waste Product Stewardship Program****Chief Sponsors:** Reps. McLain, Vial, Sollman, Keny-Guyer**Committees:** House Energy and Environment, Joint Ways and Means

**Background and Current Law:** Product stewardship programs require manufacturers to share in the financial and physical responsibility for collecting and recycling products at the end of their useful lives. Oregon's two product stewardship programs address paint and electronic equipment. In 2007, House Bill 2626 established a statewide program for recycling computers, monitors, and TVs. In 2009, House Bill 3037 established a paint stewardship pilot program to reduce post-consumer paint and created a stewardship organization made up of paint manufacturers.

**Bill Summary:** House Bill 4126-A would have created Oregon's household waste stewardship program by prohibiting a manufacturer or retailer from selling or offering for sale any "covered product" unless the covered product was labeled with a brand and included in a Department of Environmental Quality (DEQ) approved plan. The Act would have required a stewardship organization to register annually with DEQ, and submit a list of all of the manufacturers and brands participating in the stewardship organization. The Act would have authorized DEQ to establish an annual minimum return share for each stewardship program and required stewardship organizations failing to meet targets to pay DEQ the amount not achieved.

## Motorboat Erosion Regulations

**Chief Sponsors:** Reps. Kennemer, Vial

**Committees:** House Transportation Policy, Senate Business and Transportation

**Background and Current Law:** The growing popularity of wakeboarding on the Willamette River has led some to raise concerns about the effects of powerful motorboats on river banks, river ecology, and other recreational river users. The Oregon State Marine Board is the state's regulatory agency for maintaining safe access to and use of Oregon's waterways, providing education and enforcement for the boating public, and helping to address environmental stewardship.

**Bill Summary:** House Bill 4138 would have authorized the State Marine Board to adopt rules, at the request of the Department of State Lands, on the operation of motorboats to minimize and prevent erosion.

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