

## 2019 SUMMARY OF LEGISLATION

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# ENVIRONMENT

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# ENVIRONMENT

## MEASURES

<b>Air Quality</b>	Enacted	HB 2007
	Not Enacted	SB 928, SB 1031, HB 2020, HB 2271, HB 3408, HB 3433
<b>General Environmental Policy</b>	Enacted	HB 2250, HB 2623
	Not Enacted	SB 792
<b>Materials Management</b>	Enacted	SB 90, SB 93, SB 247, SB 522, SB 590, SB 892, SB 914, HB 2509, HB 3114
	Not Enacted	SB 276, HB 2272, HB 2883
<b>Oceans</b>	Enacted	SB 256
	Not Enacted	SB 260
<b>Toxics</b>	Enacted	SB 40, SB 41
	Not Enacted	SB 281, SB 853, HB 2619, HB 3055
<b>Water Quality</b>	Enacted	SB 884
	Not Enacted	HB 2860, HB 2944, HB 3182, HB 3326, HB 3340

Picture: Haystack Rock, Clatsop County: [Gary Halvorson, Oregon State Archives](#)

# TASK FORCES AND REPORTING REQUIREMENTS

The following bills created task forces and reporting requirements. Additional information is provided in the bill summaries.

Bill Number	Description	Deadline
HB 2007	Establishes the Supporting Businesses in Reducing Diesel Emissions Task Force and requires Task Force to submit a report to the interim legislative committees on natural resources and environment that may include recommendations for legislation.	September 15, 2020
	Requires Oregon Department of Transportation to provide the legislature with an annual report on registration of medium- and heavy-duty diesel trucks.	Annually, beginning September 15, 2020
HB 2509	Directs Oregon Department of Environmental Quality to report to the legislature on the impacts of the provisions of the Act on retail establishments that primarily sell groceries.	September 15, 2025

[Senate Bill 40](#)

**Effective Date: January 1, 2020**

**Heating Oil Tank License Fees**

**At the request of:** Governor Kate Brown for Department of Environmental Quality

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

**Background and Current Law:** Leaking underground storage tanks can pose both environmental and health hazards. In 1999, the Legislative Assembly enacted House Bill 3107, directing the Environmental Quality Commission to adopt a heating oil tank regulatory program to monitor the decommissioning of, and corrective action taken on, heating oil tanks. The Department of Environmental Quality administers Oregon's Underground Storage Tank (UST) Program. The UST Program handles issues related to tank registration and operating certificates; installation, operation and removal of USTs; cleanup of soil and groundwater contamination from petroleum leaks; training of system operators; financial liability protection for future leaks; licensing of contractors working on USTs; and enforcement of state UST rules.

**Bill Summary:** Senate Bill 40 modifies heating oil tank program fees.

**Oregon Laws 2019:** Chapter 457

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[Senate Bill 41](#)

**Effective Date: September 29, 2019**

**Oil Spill Prevention Fees**

**At the request of:** Governor Kate Brown for Department of Environmental Quality

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

**Background and Current Law:** The Legislative Assembly enacted the Oil Spill Prevention Act in 1991, which directed the Department of Environmental Quality (DEQ) to develop guidelines to provide for prevention, preparedness, and response to oil spills from large facilities, vessels, and petroleum transportation industries. ORS 468B.405 establishes fees to be submitted to DEQ for covered vessels and facilities located offshore and onshore for oil spill contingency planning and response preparedness.

**Bill Summary:** Senate Bill 41 modifies oil spill prevention fees.

**Oregon Laws 2019:** Chapter 540

### [Senate Bill 90](#)

**Effective Date: June 13, 2019**

#### **Plastic Straws**

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

**Committees:** Senate Environment and Natural Resources, House Energy and Environment

**Background and Current Law:** Several cities have instituted bans on providing plastic straws to consumers, including Seattle, San Diego, Miami, and New York City. The City of Portland restricts certain establishments from providing single-use plastic serviceware, including plastic straws, unless requested by a customer. Some companies are also working to phase out the use of plastic straws in their business practices, including Starbucks, American Airlines, and Hyatt. In 2018, California became the first state to enact legislation which prohibits full-service restaurants from providing single-use plastic straws to consumers unless requested by the consumer.

**Bill Summary:** Senate Bill 90 prohibits a food and beverage provider or a convenience store from providing single-use plastic straws unless specifically requested by a consumer. The measure authorizes some exceptions to the prohibition, including allowing a drive-through consumer to be offered a straw and convenience stores without adequate room behind a counter to store straws to leave straws for consumers in an unattended location in the store. Health and residential care facilities are not subject to the prohibition. The measure authorizes an enforcement officer to impose a fine of up to \$25 per day after a second violation, up to \$300 in a calendar year, for each food and beverage provider or convenience store.

**Oregon Laws 2019:** Chapter 362

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### [Senate Bill 93](#)

**Effective Date: January 1, 2020**

#### **Oregon Bottle Bill – Dealer Redemption Centers**

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

**Committees:** Senate Environment and Natural Resources, House Energy and Environment

**Background and Current Law:** Enacted in 1971, the Oregon Bottle Bill is the nation's longest-standing beverage container deposit law. Consumers pay a deposit on the purchase of each beverage container covered by the Bottle Bill, which is returned when the beverage container is brought to a redemption center or retailer to be recycled. Since enactment, the Legislative Assembly has expanded coverage of the law to include additional containers and, in 2017, increased the deposit from five to 10 cents. Legislation enacted in 2013 authorized a redemption center program to improve customer convenience and reduce the burden on retailers to accept and process empty containers. These redemption centers are known as "BottleDrops."

**Bill Summary:** Senate Bill 93 allows the development of dealer redemption centers in areas not served by a full-service redemption center to provide secure beverage container drop off service in a bag or other bulk return container. The measure also specifies that a full-service redemption center is not a recycling depot to clarify siting of such centers.

**Oregon Laws 2019:** Chapter 279

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[Senate Bill 247](#)

**Effective Date: September 29, 2019**

**Oregon Bottle Bill - Redemption Center Registration; Hard Kombucha and Seltzer**

**At the request of:** Governor Kate Brown for Oregon Liquor Control Commission

**Committees:** Senate Environment and Natural Resources, House Energy and Environment

**Background and Current Law:** In 1971, Oregon enacted the "Bottle Bill," which is the nation's longest-standing beverage container deposit law. In 2007, the Legislative Assembly expanded coverage of the five-cent beverage container deposit to include water and flavored water. In 2011, the law was expanded to cover juices, teas, and other beverages, and to set up a redemption center pilot project, which was approved as a continuing program in 2017. In 2018, the Legislative Assembly further expanded the program to include a variety of other products such as energy drinks, coffee and tea drinks, and regular kombucha.

**Bill Summary:** Senate Bill 247 requires redemption center operators to submit an annual registration form and fee to the Oregon Liquor Control Commission and adds alcoholic kombucha and alcoholic seltzer to the list of beverages covered by the Bottle Bill.

**Oregon Laws 2019:** Chapter 366

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[Senate Bill 256](#)

**Effective Date: January 1, 2020**

**Moratorium on Oil, Gas, Sulfur Leasing in Territorial Sea**

**Chief Sponsors:** Sen. Roblan; Reps. Gomberg, DB Smith

**Committees:** Senate Environment and Natural Resources, House Energy and Environment

**Background and Current Law:** The "territorial sea" is defined in ORS 196.405 as the waters and seabed extending three geographical miles seaward from the coastline in conformance with federal law. In 2007, the Legislative Assembly enacted Senate Bill 790, imposing a prohibition on leasing in the territorial sea for purposes of exploration, development, or production of oil, gas, or sulfur that sunset on January 2, 2010. House Bill 3613 (2010) extended this prohibition until January 2, 2020.

**Bill Summary:** Senate Bill 256 prohibits the Department of State Lands from leasing any submerged or submersible lands in the Oregon territorial sea for exploration; development; production of oil, gas, or sulfur; or activities in furtherance thereof within federal waters adjacent to the territorial sea.

**Oregon Laws 2019:** Chapter 14

[Senate Bill 260-A](#)

Not Enacted

**Ocean Acidification and Hypoxia Funding**

**Chief Sponsors:** Sen. Roblan; Reps. Gomberg, DB Smith

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

**Background and Current Law:** Oceans absorb a portion of the carbon dioxide (CO<sub>2</sub>) released into the atmosphere each year. Ocean acidification is the term given to the chemical changes in the ocean that result from CO<sub>2</sub> absorption. "Hypoxia" refers to a condition of oxygen-deficient waters. In 2017, the Legislative Assembly established the Oregon Coordinating Council on Ocean Acidification and Hypoxia (Senate Bill 1039). The Council reviews and utilizes relevant, scientifically supported information to identify research activities, strategies, and initiatives to address Oregon's vulnerabilities to ocean acidification and hypoxia while increasing public awareness of the science and impacts of ocean acidification and hypoxia.

**Bill Summary:** Senate Bill 260-A would have appropriated \$1.06 million from the General Fund to the Oregon Ocean Science Trust for grants and other purposes related to ocean acidification and hypoxia.

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[Senate Bill 276-A](#)

Not Enacted

**Mattress Product Stewardship Program**

**Chief Sponsors:** Sens. Manning Jr., Prozanski; Rep. Fahey

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

**Background and Current Law:** The Department of Environmental Quality (DEQ) describes product stewardship as "an environmental management strategy in which all parties involved in the design, production, sale and use of a product take responsibility for minimizing the product's environmental impact throughout all stages of the product's life." DEQ currently administers two programs that involve product stewardship organizations: the Oregon E-Cycles program for televisions, monitors, and computers; and Oregon PaintCare for unwanted leftover paint.

**Bill Summary:** Senate Bill 276-A would have established a product stewardship program for mattresses.

[Senate Bill 281](#)

Not Enacted

**Radiation-emitting Wireless Digital Products**

**Chief Sponsors:** Sen. Monnes Anderson; Reps. Keny-Guyer, Piluso

**Committee:** Senate Environment and Natural Resources

**Background and Current Law:** The Federal Food, Drug, and Cosmetic Act defines “electronic product radiation” and requires certain manufacturers to report to the Federal Food and Drug Administration prior to introducing a product that emits this radiation into commerce.

**Bill Summary:** Senate Bill 281 would have required manufacturers of digital products that emit radiation to take specific steps, including labelling products with recommendations regarding user age and warning of possible health risks to a user, and including a consumer use manual in the product packaging.

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[Senate Bill 522](#)

Effective Date: January 1, 2020

**Oregon Bottle Bill – Prohibiting Fraud**

**Chief Sponsors:** Sen. Johnson; Rep. Reschke

**Committees:** Senate Environment and Natural Resources, House Energy and Environment

**Background and Current Law:** The Oregon Bottle Bill establishes a refund for beverage containers purchased in Oregon with a deposit; however, the return for a refund of beverage containers purchased out-of-state is not explicitly prohibited in statute.

**Bill Summary:** Senate Bill 522 prohibits a person from returning, with the intent to defraud, 50 or more beverage containers in a single day for their refund value, if the person knows the beverages were not sold in Oregon. The Act establishes that a violation constitutes a Class D violation, and that each day a violation occurs is a separate offense.

**Oregon Laws 2019:** Chapter 297



[Senate Bill 590](#)

Effective Date: June 13, 2019

**Oregon Bottle Bill – Beverage Redemption and Regulation**

**Chief Sponsors:** Sen. Prozanski; Rep. Holvey

**Committees:** Senate Environment and Natural Resources, House Economic Development

**Background and Current Law:** Under the Oregon Bottle Bill, a dealer (person who engages in the sale of beverages in beverage containers to a consumer) occupying a space of less than 5,000 square feet in a single area may refuse to accept, for bottle deposit redemption, any containers of a kind, size, or brand that the dealer does not sell. Current law does not differentiate types of space for purposes of this calculation. The Oregon Liquor Control Commission (OLCC) oversees the sale of alcoholic beverages. The OLCC manages and distributes distilled spirits and licenses, regulates businesses that sell and serve alcohol, and trains and issues permits to alcohol servers. Under an OLCC license, a brewery and brewery-public house may produce malt beverages at one location and sell malt beverages, wine, and cider to individuals at up to three locations in Oregon. The OLCC may grant an airline a full or limited on-premises sales license, which allows them to sell and serve distilled spirits, malt beverages, wine, and cider for consumption on the licensed premises. Under current law, the OLCC does not have the authority to approve the delivery to and storage of alcoholic beverages at other than the licensed premises.

**Bill Summary:** Senate Bill 590 identifies when the space occupied by a dealer equals the retail space for purposes of bottle bill deposit redemption requirements. The measure also allows the OLCC to issue more than one brewery-public house license at a single premises address under certain conditions and allows brewery and brewery-public house licensees to produce malt beverages for a brewery-public house licensee under a custom order agreement, as defined by OLCC rules. Finally, Senate Bill 590 allows an airline to have designated storage facilities other than the licensed premises with written OLCC approval.

**Oregon Laws 2019:** Chapter 373

### [Senate Bill 792](#)

Effective Date: January 1, 2020

#### Auto Dismantler Certificates

**Chief Sponsors:** Sen. Frederick; Rep. Kotek

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

**Background and Current Law:** The Oregon Department of Transportation (ODOT) licenses and regulates auto dismantler businesses under ORS Chapter 822. The mishandling of vehicle fluids at these businesses, including gasoline, diesel, oil, power steering and brake fluids, may contaminate ground and surface water. A scrap tire fire at an auto dismantling business in Northeast Portland in 2018 led to the evacuation of the nearby neighborhood due to smoke and unhealthy air quality. According to the Department of Environmental Quality (DEQ), black smoke from burning tires can include toxic chemicals of synthetic rubber compounds.

**Bill Summary:** Senate Bill 792 changes the time period of an auto dismantler certificate from three years to one year, requires annual dismantler business inspections, and removes the exemption from the requirement to obtain a waste tire permit for dismantlers storing more than 100 waste tires. The measure requires a certificate or renewal application to include a fire response plan approved by ODOT as well as proof of any applicable permits required by DEQ. ODOT may impose sanctions on a certificate holder for conviction of an offense under certain environmental crime statutes.

**Oregon Laws 2019:** Chapter 630

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### [Senate Bill 853](#)

Not Enacted

#### Chlorpyrifos Ban

**Chief Sponsors:** Sens. Dembrow, Manning Jr., Fagan, Golden, Prozanski; Reps. Hernandez, Keny-Guyer, Neron

**Committee:** Senate Environment and Natural Resources

**Background and Current Law:** According to the U.S. Environmental Protection Agency, chlorpyrifos is used primarily to control foliage and soil-borne insect pests on a variety of food and feed crops. Chlorpyrifos has been used in the U.S. since 1965 in both agricultural and non-agricultural settings, including on corn, soybeans, fruit and nut trees, golf courses, and nonstructural wood treatments such as utility poles and fence posts. Neonicotinoids are a type of insecticide that can be applied to either a plant or soil. The Oregon Department of Agriculture (ODA) is authorized to establish, maintain, and amend lists of restricted-use pesticides and can restrict their application and use by rule.

**Bill Summary:** Senate Bill 853 would have prohibited the sale, purchase, or use of any pesticide containing chlorpyrifos and would have required the ODA to list pesticide products containing a neonicotinoid as a restricted-use pesticide. The measure would also have changed or reduced certain fees related to pesticides.

[Senate Bill 884](#)

Effective Date: July 15, 2019

**Financing of Septic System Repair or Replacement**

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

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

**Background and Current Law:** A septic system is the most common method of sewage treatment for homes and businesses that are not connected to an area-wide sewage treatment system. Over 30 percent of Oregonians rely on septic systems to treat wastewater from their homes and businesses. Septic systems that fail or malfunction can pollute Oregon’s land and waterways with raw sewage and create public health hazards. The Oregon Water Pollution Control Revolving Fund, also known as the Clean Water State Revolving Fund, provides low-interest loans to local governments for the planning, design, and construction of wastewater treatment facilities; the implementation of nonpoint source pollution management plans; and the design and implementation of estuary management plans. Since the program began in 1988, nearly 400 communities have benefited from more than a billion dollars of infrastructure investments. Public agencies are currently authorized to receive these funds.

**Bill Summary:** Senate Bill 884 authorizes qualified institutions to apply for a loan from the Water Pollution Control Revolving Fund to finance projects to repair or replace failing on-site septic systems or to replace failing on-site septic systems with connections to an available sewer. The measure defines “qualified institution” to mean a nonprofit organization registered to operate in Oregon that is certified as a community development financial institution by the U.S. Department of Treasury.

**Oregon Laws 2019:** Chapter 558

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[Senate Bill 892](#)

Not Enacted

**Oregon Bottle Bill – Oral Rehydration Products**

**Chief Sponsors:** Sen. Burdick

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

**Background and Current Law:** In 1971, Oregon enacted the "Bottle Bill," which is the nation's longest-standing beverage container deposit law. The Legislative Assembly expanded coverage of the beverage container deposit in 2007 to include water and flavored water; expanded the law in 2011 to cover juices, teas, and more; and, in 2018, added a variety of other products such as energy drinks, coffee and tea drinks, and regular kombucha. The following beverages are not subject to the deposit law: distilled liquor, wine, dairy or plant-based milks, infant formula, and any other products identified in a rule of the Oregon Liquor Control Commission. The Federal Food, Drug and Cosmetic Act defines "medical food" as "a food which is formulated to be consumed or administered enterally under the supervision of a physician and which is intended for the specific dietary management of a disease or condition for which distinctive nutritional requirements, based on recognized scientific principles, are established by medical evaluation" (21 U.S.C. 360ee(b)(3)).

**Bill Summary:** Senate Bill 892 would have added oral rehydration products that are medical food as defined in the Federal Food, Drug and Cosmetic Act to the list of beverage containers excluded from the Bottle Bill.

### [Senate Bill 914](#)

Effective Date: January 1, 2020

#### **Oregon Bottle Bill - Beverage Container Registry**

**Chief Sponsors:** Sen. Prozanski

**Committees:** Senate Environment and Natural Resources, House Energy and Environment

**Background and Current Law:** The Oregon Bottle Bill, enacted in 1971, is the nation's longest-standing beverage container deposit law. Consumers pay a deposit on the purchase of each beverage container covered by the Bottle Bill, which is returned when the beverage container is brought to a redemption center or retailer to be recycled. Since enactment, the Legislative Assembly has expanded coverage of the law to include additional containers and, in 2017, increased the deposit from five to 10 cents. Legislation enacted in 2013 authorized a redemption center program to improve customer convenience and reduce the burden on retailers to accept and process empty containers. These centers are known as "BottleDrops" and are run by the Oregon Beverage Recycling Cooperative.

**Bill Summary:** Senate Bill 914 requires a beverage distributor or importer that does not participate in a beverage container distributor cooperative to register with and provide information to the cooperative. The measure also requires the cooperative to maintain and submit to the Oregon Liquor Control Commission a beverage container registry, which contains information about beverage containers sold and redeemed during the previous year.

**Oregon Laws 2019:** Chapter 183

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### [Senate Bill 928-A](#)

Not Enacted

#### **Oregon Climate Authority**

**At the request of:** Senate Environment and Natural Resources

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

**Background and Current Law:** The Oregon Department of Energy (ODOE) was first established in 1975 in response to the national energy crisis. Its statutory mission is to promote the efficient use of energy and advocate for the use and development of new renewable energy. In the years since its creation, ODOE has been assigned a variety of energy-related responsibilities, including some regulatory functions. The Oregon Department of Environmental Quality's (DEQ) mission is to be a leader in restoring, maintaining, and enhancing the quality of Oregon's air, land, and water; DEQ administers the state's greenhouse gas reporting program as part of its air quality programs.

**Bill Summary:** Senate Bill 928-A would have abolished ODOE and established the Oregon Climate Authority (OCA). The measure would also have transferred the greenhouse gas reporting program from DEQ to OCA.

### [Senate Bill 1031](#)

**Not Enacted**

#### **Funding to Reduce Woodstove Smoke**

**Chief Sponsors:** Sen. Prozanski

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

**Background and Current Law:** Smoke created from wood combustion can be a significant source of air pollution and can have health consequences for those with asthma, respiratory or heart conditions, and other illnesses. Under current law, individuals buying or selling a home with a wood stove or fireplace insert in Oregon must ensure it was certified to meet emissions performance standards at the time of manufacture. If it was not certified, state law requires it to be removed, destroyed, and disposed of when a home is sold. In 2009, the Legislative Assembly established the Residential Solid Fuel Heating Air Quality Improvement Fund to reduce the emission of air contaminants by providing grants, loans, or other subsidies for the replacement or removal of noncertified solid fuel burning devices.

**Bill Summary:** Senate Bill 1031 would have appropriated \$2 million for grants to support community efforts to improve economic development and public health by reducing emissions from wood stoves.

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### [House Bill 2007](#)

**Effective Date: August 9, 2019**

#### **Diesel Emissions**

**Chief Sponsors:** Reps. Kotek, Power, Nosse; Sens. Dembrow, Frederick, Taylor

**Committees:** House Energy and Environment, House Rules, Joint Ways and Means

**Background and Current Law:** Diesel is the fuel most frequently used in commercial transportation; approximately 80 percent of all freight in the U.S. is moved by diesel engines. Diesel engines also power most nonroad equipment, including equipment used in construction, agriculture, shipping, and railroads. Diesel engines are used extensively because of their reliability, durability, power, and fuel efficiency. However, they also emit nitrogen oxides, particulate matter, and toxic air pollutants. Diesel engines have produced fewer emissions since the late 1980s, and federal emissions standards that went into effect for model year 2007 have resulted in further emissions reductions. Because of their durability, many pre-2007 diesel engines may continue to be in service for some years to come. Retrofits of older diesel engines, including the installation of pollution control equipment for both highway and nonroad vehicles, can improve emissions performance.

**Bill Summary:** House Bill 2007 directs the Department of Environmental Quality to award grants to reduce emissions from diesel engines. The measure phases in a prohibition on titling, registering, or renewing the registration of specified diesel vehicles. The measure requires the Environmental Quality Commission to adopt rules governing the certification of retrofit technologies applicable to diesel engines and imposes diesel engine-related requirements applicable to public improvement contracts. The measure creates the Supporting Businesses in Reducing Diesel Emissions Task Force, requires the Oregon Department of Transportation to provide the legislature with an annual report related to registration of medium- and heavy-duty trucks, and creates a voluntary emission control program applicable to construction equipment.

**Oregon Laws 2019:** Chapter 645

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**House Bill 2020-B****Not Enacted****Oregon Climate Action Program****Chief Sponsors:** Joint Committee on Carbon Reduction**Committees:** Joint Carbon Reduction, Joint Ways and Means

**Background and Current Law:** A cap-and-trade program is a market-based system designed to reduce greenhouse gas (GHG) 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. Allowances are purchased at auctions held either by the government or a contracted third party. Allowances may also be distributed for free, often to emissions-intensive, trade-exposed industries to reduce the likelihood of relocation of those businesses to a jurisdiction without a cap-and-trade program. Covered entities may also purchase offset credits to meet their compliance obligations. An offset is a verified emission reduction of one ton of carbon dioxide equivalent from an uncapped sector. At the end of each compliance period, polluters must remit a number of allowances equal to their emissions or face a penalty. Companies may sell surplus allowances to other companies. A cap-and-trade program uses the proceeds generated from the auction of allowances for designated purposes. 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 provinces of Quebec and Nova Scotia through the Western Climate Initiative. These programs include emissions from transportation fuels, natural gas, industrial processes, and electricity generation including emissions associated with imported electricity. The linked jurisdictions participate in joint auctions of allowances, and allowances issued by one jurisdiction can be used by any compliance entity within the linked programs. During the 2017 session, the Senate and House environment committees held a series of joint meetings focused on state and regional cap-and-invest policies and programs, leading to the introduction of Senate Bill 1070 at the end of the 2017 session. During the interim that followed, the chairs of the Senate and House environment committees convened four work groups which resulted in the introduction of two similar, but not identical, measures in 2018: House Bill 4001 and Senate Bill 1507. These bills received hearings during the 2018 session but were not enacted. House Bill 5201 was enacted by the 2018 Legislative Assembly which included a one-time appropriation of \$1,435,000 to establish the Carbon Policy Office. The funding included \$650,000 for studies to examine the following areas: an economic impact analysis of a cap and trade program on Oregon's jobs and economy, leakage risk of emission intensive, trade exposed industries (EITEs); and carbon sequestration. In March 2018, President Courtney and Speaker Kotek established the Joint Committee on Carbon Reduction.

**Bill Summary:** House Bill 2020-B would have modified the state's anthropogenic greenhouse gas (GHG) emissions reduction level goals to: at least 45 percent below 1990 emission levels by 2035; and at least 80 percent below 1990 emission levels by 2050. The measure also would have established the Climate Policy Office (CPO) in the Department of Administrative Services and required the CPO to adopt the Oregon Climate Action Program (OCAP) by rule. The Act declared that the purpose of OCAP would be to: a) achieve emission level reductions; b) promote GHG emissions sequestration and mitigation; c) promote adaptation and resilience by natural and working lands, fish and wildlife resources, communities and the economy, the state's infrastructure in the face of climate change and ocean acidification; and d) to provide assistance to households, businesses, and workers impacted by climate change or climate change policies that allow the state to achieve GHG goals. House Bill 2020-B would have required OCAP to place a cap on the total regulated anthropogenic GHG emissions through setting allowance budgets starting in 2021 through 2050 and establish a market-based mechanism for covered entities to demonstrate compliance. The allowances available each year would have declined by constant amount as necessary during 2022 through 2035 and

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2036 through 2050 to accomplish reduction levels. The CPO would have designated covered entities and provided for the annual allocation of allowances for direct distribution at no cost to certain entities specified in the Act; the Act also would have provided for the consignment of some allowances. House Bill 2020-B would have established conditions for offset projects and restricted the amount of offset credits an entity could use to meet their compliance obligation. House Bill 2020-B would have required the CPO to hold an allowance auction, at least once annually, and established a process and requirements for such auctions. The Act would have established specific accounts and outlined the process for allowance revenues to be deposited in certain funds and the purposes or priorities for the appropriation of such funds. House Bill 2020-B also would have established a process for linking with other jurisdictions that included a requirement that the Governor make certain findings and submit a report to the Joint Legislative Committee on Climate Action. The Act established various reporting requirements and advisory groups and appropriated funds to certain agencies who would have been tasked with carrying out provisions of the measure.

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### [House Bill 2250](#)

**Effective Date: January 1, 2020**

## Oregon Environmental Protection Act

**At the request of:** Governor Kate Brown

**Committees:** House Energy and Environment, Senate Environment and Natural Resources

**Background and Current Law:** The Environmental Protection Agency (EPA) is a federal agency responsible for implementing and enforcing environmental laws enacted by Congress. The EPA works in partnership with states and tribes by implementing federal law and setting national standards that states and tribes enforce through their own laws and regulations. Among these regulations include provisions in the federal Clean Air Act, the Safe Drinking Water Act, and the Clean Water Act.

**Bill Summary:** House Bill 2250 requires the Oregon Department of Environmental Quality (DEQ) and the Oregon Health Authority (OHA) to assess changes to federal environmental law to determine whether new policies are significantly less protective of public health, the environment, or natural resources than baseline federal standards. The bill directs DEQ to recommend actions to the Environmental Quality Commission to maintain baseline federal standards, and directs OHA to take actions necessary to maintain standards that meet or exceed environmental protections in effect on January 19, 2017.

**Oregon Laws 2019:** Chapter 138

### [House Bill 2271](#)

**Not Enacted**

#### **Penalties for Unlawful Air Pollution**

**At the request of:** Governor Kate Brown for Department of Environmental Quality

**Committee:** House Energy and Environment

**Background and Current Law:** The Oregon Department of Environmental Quality (DEQ) oversees air quality within the state of Oregon, ensuring that the state meets federal air quality standards. In 2011, House Bill 2712 reclassified dozens of offenses, including unlawful air pollution as defined in ORS 468.936, as specific fine violations. The classification requires that a law enforcement officer witness the violation in order to prosecute the offense. Regarding motor vehicle air pollution, class action lawsuits against the Volkswagen Group of America for the sale of vehicles with emission control defect devices that violated federal emissions standards have resulted in a settlement against the manufacturer, requiring Volkswagen to fund the mitigation of excess emissions.

**Bill Summary:** House Bill 2271 would have reverted violations of unlawful air pollution to the pre-2011 classification of Class A misdemeanor. The Act also would have established that manufacturers, not individual vehicle owners or lessees, may incur a fine for violations related to motor vehicle pollution control systems.

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### [House Bill 2509](#)

**Effective Date: January 1, 2020**

#### **Single-Use Checkout Bags**

**Chief Sponsors:** Reps. Piluso, Sollman, Gorsek, Rayfield; Sens. Dembrow, Hass

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

**Background and Current Law:** Across the U.S., 12 state legislatures have considered measures to regulate the use of single-use checkout bags, especially plastic bags, at grocery stores and other businesses. The first such measure was enacted by the state of Maine in 1991, which required retailers to provide checkout bag recycling as a condition of providing plastic bags to customers at the time of sale of goods. Other states have imposed bans or fees on single-use checkout bags. In Oregon, several cities have enacted bans on single-use checkout bags, beginning with Portland in 2011. Each local regulation is slightly different, but all require retail stores, including grocery stores, to cease offering single-use bags and instead offer reusable bags or paper bags that are either made of recycled materials or that are recyclable.

**Bill Summary:** House Bill 2509 prohibits retail establishments and restaurants from providing single-use checkout bags to customers. Exceptions to the prohibition include paper bags made from recycled material, bags provided to customers at a time other than checkout, bags used for sanitary purposes, privacy, or to keep small or bulk items together, and garment bags. The measure authorizes retailers and restaurants to charge a five-cent fee for recycled paper bags or reusable fabric or plastic bags.

**Oregon Laws 2019:** Chapter 434



[House Bill 2619-A](#)

Not Enacted

**Pesticides Containing Chlorpyrifos**

**Chief Sponsors:** Reps. Wilde, Helm, Neron

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

**Background and Current Law:** Chlorpyrifos is an insecticide used to control a variety of pests, including termites, mosquitos, and roundworms. All pesticides sold or distributed in the U.S. must be registered with the U.S. Environmental Protection Agency (EPA), which evaluates the human health and other risks attributable to the chemicals that make up the pesticide, and prescribes proper usage and labeling. A 2016 assessment identified risks from dietary exposure as a result of ingesting residues of chlorpyrifos on food crops and risks from drinking water. Other findings included wildlife mortality associated with chlorpyrifos use on residential lawns, for termite abatement, and application on golf courses. Currently, chlorpyrifos remains a registered pesticide; however the EPA is considering a tolerance revocation, which would require all agricultural uses of chlorpyrifos cease.

**Bill Summary:** House Bill 2619-A would have prohibited the sale, offer of sale, purchase, or use in the state of any pesticide product containing chlorpyrifos.

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[House Bill 2623](#)

**Effective Date: June 17, 2019**

**Moratorium on Hydraulic Fracturing**

**Chief Sponsors:** Reps. Fahey, Helm; Sen. Manning Jr.

**Committees:** House Energy and Environment, Senate Environment and Natural Resources

**Background and Current Law:** Hydraulic fracturing, sometimes called "fracking," involves injecting water, sand, and chemicals under high pressure into bedrock. This technique is used to increase the permeability of a rock formation and allows the gas, oil, or hot water inside the rock to flow more effectively into a well for extraction. Although the technology has existed since the 1960s, the use of hydraulic fracturing has led to a major increase in U.S. oil and natural gas production in recent years. In Oregon, hydraulic fracturing requires a permit and is regulated by the Department of Geology and Mineral Industries, Department of Environmental Quality, and the Water Resources Department.

**Bill Summary:** House Bill 2623 imposes a statewide moratorium on hydraulic fracturing until January 2, 2025. The Act exempts natural gas storage wells, geothermal activities, and existing coal bed methane extraction wells from the definition of "hydraulic fracturing" subject to the moratorium.

**Oregon Laws 2019:** Chapter 406

[House Bill 2772-A](#)

Not Enacted

**Stewardship Program for Household Hazardous Waste**

**Chief Sponsors:** Reps. McLain, Keny-Guyer; Sens. Dembrow, Taylor

**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. There are two statewide product stewardship programs currently operating in Oregon: one to address electronic waste, and one to address paint.

**Bill Summary:** House Bill 2772-A would have established a product stewardship program for household hazardous waste.

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[House Bill 2860-A](#)

Not Enacted

**Groundwater Well Testing and Treatment Program**

**Chief Sponsors:** Rep. Lively

**Committees:** House Energy and Environment, Joint Ways and Means

**Background and Current Law:** Domestic well testing is the process of having an accredited laboratory test water from a private well for possible contaminants, the most common of which are arsenic, nitrates, and E. Coli. Under ORS 448.271, the testing of domestic well water is only required during a real estate transaction.

**Bill Summary:** House Bill 2860-A would have established requirements for testing and reporting groundwater contaminants for residences that depend on well water as a drinking water source. The Act would have established the Safe Well Water Fund and would have authorized the Oregon Health Authority to make grants and loans for the installation of groundwater treatment systems, repair or replacement of wells, provision of groundwater contaminant education, and free or low-cost tests of wells.

[House Bill 2883-B](#)

Not Enacted

**Polystyrene Containers for Prepared Food**

**Chief Sponsors:** Reps. Schouten, Sollman, McLain

**Committees:** House Energy and Environment, Senate Environment and Natural Resources

**Background and Current Law:** Polystyrene is a plastic used to make a variety of products, including food packaging and packing materials. Products made from the foam version of polystyrene, which is often recognized by the brand name Styrofoam, include cups, plates, and takeout containers. Cities and counties in California, Florida, Maine, Maryland, Massachusetts, Minnesota, New Jersey, New York, Oregon, Texas, and the District of Columbia have enacted full or partial bans on foam polystyrene products in restaurants and businesses. Currently, there are no state-level bans on polystyrene products.

**Bill Summary:** House Bill 2883-B would have prohibited Oregon food vendors from using polystyrene containers in selling, offering for sale, serving, or dispensing prepared food to the public. The measure would have allowed a food vendor to use a polystyrene container if the vendor ensures the container is used only on the premises, is not taken off the premises, and the vendor collects and ensures delivery of all containers to a facility to be recycled, processed, or converted.

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[House Bill 2944](#)

Not Enacted

**Task Force on Oregon Domestic Use Water Supply**

**Chief Sponsors:** Rep. Evans

**Committee:** House Energy and Environment

**Background and Current Law:** Harmful algal blooms in bodies of water are caused by high concentrations of certain types of algae that can produce toxic compounds. These blooms can cause sickness and death in humans, pets, and livestock who come into contact with or drink the water. Blooms can also result in hypoxia, or low oxygen, in water bodies, which can kill fish and other wildlife. The Oregon Health Authority is the agency responsible for posting warnings and educating the public about harmful algal blooms. Once a body of water has been identified as having a harmful algal bloom, the Oregon Department of Environmental Quality is responsible for investigating the causes, identifying sources of pollution, and writing a pollution reduction plan.

**Bill Summary:** House Bill 2944 would have established a task force to develop strategies for controlling and preventing toxic algal blooms and other impacts of climate change on Oregon's domestic use water supply; sampling, testing, and quality inspection of water supplies; fielding of fixed and mobile mitigation equipment and technologies; and prioritizing available funding for the highest risk environments. The bill would have required the task force report back to the legislature by September 15, 2020. The task force would have sunset December 31, 2020.

[House Bill 3055-A](#)

Not Enacted

**Prohibiting Fire-Retardant Chemicals in Mattresses or Children’s Products**

**Chief Sponsors:** Reps. Helt, Power

**Committees:** House Energy and Environment, Joint Ways and Means

**Background and Current Law:** To help reduce injury and loss of life related to fire, fire-retardant chemicals can be added to foams and fabrics to delay combustion of furniture and other household items. Studies have linked these chemicals to cancer and neurological deficits.

**Bill Summary:** House Bill 3055-A would have prohibited the sale or offering for sale in Oregon of mattresses or children's products containing certain fire-retardant chemicals. The Act would have established civil penalties for violations and authorized the Oregon Health Authority to seek an injunction restraining continued violations of the prohibition.

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[House Bill 3114](#)

Effective Date: January 1, 2020

**Electronic Device Recycling Program**

**At the request of:** Consumer Technology Association

**Committees:** House Energy and Environment, Senate Environment and Natural Resources

**Background and Current Law:** Oregon E-Cycles is a statewide program, financed by manufacturers and administered by the Oregon Department of Environmental Quality, that provides recycling of computers, monitors, and televisions. Computer peripherals, including keyboards and mice, are also accepted. Currently, Oregon has more than 240 participating collection sites. Since the program began January 1, 2009, more than 250 million pounds of electronic devices have been collected.

**Bill Summary:** House Bill 3114 adjusts the formula for calculating each manufacturer's share of recycling for purposes of the Oregon E-Cycles Program.

**Oregon Laws 2019:** Chapter 212

[House Bill 3182-A](#)

Not Enacted

**Requirements for Onsite Non-Potable Water Systems**

**Chief Sponsors:** Reps. Keny-Guyer, Power; Sen. Dembrow

**Committees:** House Energy and Environment, Joint Ways and Means

**Background and Current Law:** An onsite nonpotable water system (ONWS) is a system in which water from local sources such as roof runoff, stormwater, or graywater is collected, treated, and used for nonpotable uses like toilet and urinal flushing, clothes washing, irrigation, and dust suppression. While this water is not fit for human consumption, ONWSs include water treatment and are generally required to meet certain water quality standards.

**Bill Summary:** House Bill 3182-A would have directed the Environmental Quality Commission to consult with the Building Codes Division of the Department of Consumer and Business Services to adopt standards for water treatment and use of ONWSs, and the Department of Environmental Quality would have overseen the permitting process. House Bill 3182-A would have clarified that onsite nonpotable water systems would be exempted from permitting requirements for reclaimed water under ORS 537.132.

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[House Bill 3326-A](#)

Not Enacted

**Harmful Algal Bloom Testing and Monitoring**

**At the request of:** Rep. Helm

**Committees:** House Energy and Environment, Joint Ways and Means

**Background and Current Law:** Harmful algal blooms in bodies of water are high concentrations of certain types of algae that produce toxins. These blooms can cause sickness and death in humans, pets, and livestock who come into contact with or drink the water. Blooms can also result in hypoxia, or low oxygen, in water bodies, which can kill fish and other wildlife. The Oregon Health Authority (OHA) is the agency responsible for posting warnings and educating the public about harmful algal blooms. Once a harmful algal bloom has been identified in a body of water, the Department of Environmental Quality (DEQ) is responsible for investigating its cause, identifying sources of pollution, and writing a pollution reduction plan.

**Bill Summary:** House Bill 3326-A would have appropriated \$983,919 to DEQ to fund laboratory services for susceptible public water systems and an unspecified amount to OHA to hire a recreational hazardous algal bloom coordinator.

[House Bill 3340](#)

Not Enacted

**Harmful Algal Blooms**

**Chief Sponsors:** Rep. Holvey

**Committee:** House Energy and Environment

**Background and Current Law:** Harmful algal blooms in bodies of water are high concentrations of certain types of algae that produce toxins. These blooms can cause sickness and death in humans, pets, and livestock who come into contact with or drink the water, as well as hypoxia, or low oxygen levels that pose a hazard to fish and other wildlife. The Oregon Health Authority (OHA) is responsible for posting warnings and educating the public about harmful algal blooms. Once a body of water has been identified as having a harmful algal bloom, the Oregon Department of Environmental Quality (DEQ) is responsible for investigating the causes, identifying sources of pollution, and writing a pollution reduction plan.

**Bill Summary:** House Bill 3340 would have directed OHA and DEQ to coordinate to address harmful algal blooms in Oregon. The bill would have directed OHA to identify water bodies susceptible to harmful algal blooms, develop a system to monitor and test such water bodies, and develop a protocol for alerting the public when a harmful algal bloom occurs. The bill would have directed DEQ to develop a state strategy for responding to harmful algal blooms, produce timely and high-quality data to allow OHA to calculate level of public health risk, maintain a clearinghouse with data on harmful algal blooms, and identify and work to address point and nonpoint sources of pollutants that contribute to harmful algal blooms.

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[House Bill 3408](#)

Not Enacted

**Funding to Reduce Woodstove Smoke**

**Chief Sponsors:** Reps. Sollman, Findley; Sen. Prozanski

**Committees:** House Energy and Environment, Joint Ways and Means

**Background and Current Law:** Smoke created from burning wood can be a significant source of air pollution and can have health consequences for individuals with asthma, respiratory or heart conditions, or other illnesses. Under current law, anyone buying or selling a home with a wood stove or fireplace insert in Oregon must ensure it was certified to meet emissions performance standards at the time of manufacture. If it was not certified, state law requires it to be removed, destroyed, and disposed of when a home is sold. In 2009, the Legislative Assembly established the Residential Solid Fuel Heating Air Quality Improvement Fund (Fund). The Oregon Department of Environmental Quality (DEQ) was directed to use the Fund to reduce the emission of air contaminants by providing grants, loans, or other subsidies for the replacement or removal of noncertified solid fuel burning devices.

**Bill Summary:** House Bill 3408 would have appropriated \$500,000 to DEQ for deposit into the Fund to support community efforts to promote economic development and improve public health by reducing emissions from wood-burning devices.

[House Bill 3433](#)

Not Enacted

**Greenhouse Gas Sequestration and Emissions Reduction**

**Chief Sponsors:** Reps. DB Smith, Boshart Davis, Bonham, Helt, G Smith, Witt; Sens. Girod, Hansell, Heard, Linthicum, Roblan, Thomsen

**Committees:** Joint Carbon Reduction, Joint Ways and Means

**Background and Current Law:** Carbon sequestration is the process of capturing and storing atmospheric carbon dioxide. It is one method of reducing the amount of carbon dioxide in the atmosphere with the goal of reducing global climate change. Over the past decade, Oregon has adopted various programs to reduce greenhouse gas emissions and sequester carbon.

**Bill Summary:** House Bill 3433 would have: required the Oregon Department of Forestry and the Department of State Lands to pursue shared stewardship agreements to reduce greenhouse gas (GHG) emissions related to wildfire; required certain state agencies and colleges at Oregon State University to conduct studies on opportunities for GHG emissions reductions in specified industries and sectors with a sunset date of December 31, 2020; increased the number of reviews conducted by the Oregon Department of Environmental Quality on the Clean Fuels Program from one to two no later than September 15, 2020 and February 1, 2022; and required the Oregon Department of Energy to complete a second study evaluating the impact of the Oregon Renewable Portfolio Standard on jobs in the state no later than September 15, 2020.