

SENATE BILL REPORT

SHB 2575

As Reported by Senate Committee On:
Energy, Environment & Telecommunications, February 25, 2016

Title: An act relating to continuing state efforts to increase oil transportation safety.

Brief Description: Continuing state efforts to increase oil transportation safety.

Sponsors: House Committee on Environment (originally sponsored by Representatives Farrell, Fitzgibbon, Peterson, Walkinshaw, Frame, McBride, Stanford, Jinkins, Ormsby, Gregerson, Senn, Pollet and Tharinger).

Brief History: Passed House: 2/12/16, 93-2.

Committee Activity: Energy, Environment & Telecommunications: 2/25/16 [DP-WM].

SENATE COMMITTEE ON ENERGY, ENVIRONMENT & TELECOMMUNICATIONS

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; McCoy, Ranking Minority Member; Brown, Cleveland, Habib, Honeyford and Ranker.

Staff: Jan Odano (786-7486)

Background: In 1986 Congress passed the Emergency Planning and Community Right-to-Know Act (EPCRA) in response to public concerns about hazardous and toxic materials in their communities. The state EPCRA rules guide emergency planning provisions for the development of state and local government hazardous chemical emergency preparedness and response capabilities. Other rule provisions require owners and operators of facilities to provide information about the nature, quantity, and location of certain chemicals manufactured, processed, stored or used at their facilities sites. This information is collected by the Department of Ecology (Ecology).

The Governor of each state designates a State Emergency Response Commission (SERC). The Washington State SERC consists of no more than 17 representatives of city and county governments, sheriffs and police chiefs, the Washington State Patrol, Military Department, Departments of Ecology, Health, Labor and Industry, and Transportation, state and local fire chiefs, emergency management directors and others. The members are appointed by the Adjutant General of the Military Department. SERC coordinates responsibilities and

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implementation of EPCRA, supervises and coordinates the activities of local emergency planning committees and reviews local emergency response plans.

In 2006, Ecology contracted for a report prepared for the SERC that assessed federal, state, and local capacities to respond to dangerous incidents in Washington involving chemical, biological, radioactive, nuclear, or explosive (CBRNE) agents and other hazardous materials. The report recommended and outlined how the state could establish a program under the Office of the State Fire Marshall to train emergency responders to prepare for CBRNE incidents.

The U.S. Department of Transportation issued an emergency order in June 2014 requiring railroad carriers operating trains carrying 1 million gallons or more of Bakken crude oil in a single train to provide information to the SERC. The information railroads are required to provide includes:

- estimated volumes and frequencies of the train traffic;
- type and description of the petroleum crude oil expected to be transported;
- applicable emergency response information;
- routes used to transport materials; and
- one point of contact for SERC and emergency responders.

The 2014 Supplemental Operating Budget directed Ecology to submit a report to the Legislature regarding the transportation of oil through the state. The report, conducted in consultation with the Utilities and Transportation Commission, the Department of Transportation, the emergency management division of the military department, tribes, and a variety of stakeholders, analyzed the risks to public health and safety and the environmental impacts of oil transportation in Washington.

Summary of Bill: By June 30, 2017, Ecology must hire an independent contractor to update the 2006 CBRNE report to the SERC. The report must include an updated analysis of the state's hazardous materials response capabilities and comparable response structures in other states. The report must give special emphasis to shifting transport patterns for crude oil and other hazardous materials and available response resources.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: We need to update the haz-mat response capabilities. The main reason to support this is that we've got resources to handle all hazards, but the biggest challenge is to make sure everyone is working off the same plan and practice that plan to make sure all goes well in the event of a real emergency. Our rural partners need the help from the larger cities with resources.

OTHER: This is part of the 2014 marine and oil transport study.

Persons Testifying: PRO: Wayne Senter, Washington Fire Chiefs.

OTHER: Dale Jensen, Department of Ecology.

Persons Signed In To Testify But Not Testifying: No one.