

HOUSE BILL REPORT

HB 2575

As Reported by House Committee On:
Environment
General Government & Information Technology

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

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

Sponsors: Representatives Farrell, Fitzgibbon, Peterson, Walkinshaw, Frame, McBride, Stanford, Jinkins, Ormsby, Gregerson, Senn, Pollet and Tharinger.

Brief History:

Committee Activity:

Environment: 1/26/16, 1/28/16 [DPS];

General Government & Information Technology: 2/5/16 [DPS(ENVI)].

Brief Summary of Substitute Bill

- Directs the the Department of Ecology to contract for an update to a 2006 analysis of statewide response capacity to chemical, biological, radiological, nuclear and explosive agents by June 2017.

HOUSE COMMITTEE ON ENVIRONMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Fitzgibbon, Chair; Peterson, Vice Chair; Shea, Ranking Minority Member; Short, Assistant Ranking Minority Member; Dye, Farrell, Fey, Goodman, McBride and Pike.

Minority Report: Do not pass. Signed by 1 member: Representative Taylor.

Staff: Jacob Lipson (786-7196).

Background:

The federal Emergency Planning and Community Right to Know Act requires the state to establish a State Emergency Response Commission (SERC) to supervise and coordinate the

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work of local emergency response planning committees. In 2006 the Department of Ecology (ECY) 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 2014 Supplemental Operating Budget directed the ECY 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 Substitute Bill:

By June 30, 2017, the ECY 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.

Substitute Bill Compared to Original Bill:

The ECY is no longer required to update the 2014-2015 oil transportation report to the Legislature in light of the lifted federal restrictions on crude oil exports and in light of the enactment of the Oil Transportation Safety Act of 2015. The ECY is also no longer required to compile a summary document that assesses cumulative environmental and transportation impacts of proposed oil facility projects.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Local emergency responders need additional data about hazardous materials being transported through their communities. There are gaps in hazardous material response capacity in areas in between large cities. The 2006 hazardous materials plan needs to be updated in order to better use existing response resources in a coordinated fashion.

(Opposed) Continuing discussions of oil transportation safety are worthwhile, but a study is an ineffective means of capturing dynamic and changing oil markets, and will only provide information that is useful as a snapshot in time. Existing State Environmental Policy Act analysis and information being submitted to the ECY as a result of last year's oil transportation bill is sufficient and is duplicative of the cumulative impacts analysis requirement.

(Other) The bill requires the state to conduct a study based on speculation rather than on data, and it will be difficult for the ECY to conduct meaningful analysis on something as uncertain as the impact of lifting federal restrictions on crude oil exports. The studies required by this bill will draw resources from the ECY that should instead be prioritized to implement the studies and rule-makings required by last year's oil transportation bill. The studies required by the bill are duplicative of other oil spill analytic work that the ECY has undertaken. The hazardous material response study is outdated and would be appropriate to update, if the resources to do so can be identified.

Persons Testifying: (In support) Representative Farrell, prime sponsor; Barnaby Dow, King County Office of Emergency Management; and Wayne Senter, Washington Fire Chiefs.

(Opposed) Rick Wickman, Columbia River Steamship Operators Association; and Johan Hellman, BNSF Railway Company.

(Other) Cliff Webster, American Waterways Operators; Robert Dengel, Department of Ecology; and Greg Hanon, Western States Petroleum Association.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON GENERAL GOVERNMENT & INFORMATION TECHNOLOGY

Majority Report: The substitute bill by Committee on Environment be substituted therefor and the substitute bill do pass. Signed by 5 members: Representatives Hudgins, Chair; Kuderer, Vice Chair; Caldier, Assistant Ranking Minority Member; Morris and Senn.

Minority Report: Do not pass. Signed by 1 member: Representative MacEwen, Ranking Minority Member.

Staff: Dan Jones (786-7118).

Summary of Recommendation of Committee On General Government & Information Technology Compared to Recommendation of Committee On Environment:

No new changes were recommended by the committee.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The original report evaluated the hazards we were aware of at the time, but our environment in this state has changed over the last 10 years, and this bill would make sure there is a plan in place to take care of emergencies when they happen. The report also makes sure we are utilizing existing resources that are sustainable in the long-term.

(Opposed) None.

(Other) This bill would lead to expenditures that are not funded in the Governor's budget.

Persons Testifying: (In support) Wayne Senter, Washington Fire Chiefs Association.

(Other) Tom Clingman, Department of Ecology.

Persons Signed In To Testify But Not Testifying: None.