

# Senate Bill 971

Sponsored by COMMITTEE ON COMMERCE (at the request of Oregon Toxics Alliance)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires Department of Human Services, in consultation with State Fire Marshal and other state agencies and local agencies, to adopt rules designating certain facilities, hazardous substances and highly toxic substances as high-priority risks based on severity of threat posed by accidental release or criminal attack that may result in release.

Requires Department of Human Services, in consultation with State Fire Marshal and other state agencies and local agencies, to adopt rules that require every person responsible for certain facilities to take actions to ensure prevention, control and minimization of consequences of accidental release or criminal attack that may result in release.

## A BILL FOR AN ACT

1  
2 Relating to the release of hazardous substances.

3       Whereas the possibility of accidents at, or criminal attacks on, certain facilities poses a serious  
4 threat to critical infrastructure, national security, the environment and public health, safety and  
5 welfare; and

6       Whereas the possibility of theft of hazardous substances and highly toxic substances from facil-  
7 ities for use in terrorist attacks poses a further threat to critical infrastructure, national security,  
8 the environment and public health, safety and welfare; and

9       Whereas there are significant opportunities to prevent theft from, and criminal attacks on, cer-  
10 tain facilities and to reduce the harm that such acts would produce; and

11       Whereas these opportunities include pursuing safer and more secure design of, and enhanced  
12 maintenance practices at, certain facilities; now, therefore,

13 **Be It Enacted by the People of the State of Oregon:**

14       **SECTION 1. (1) The Department of Human Services, after consulting with the State Fire**  
15 **Marshal and other state agencies and local agencies and officials, shall adopt rules that**  
16 **designate certain covered facilities, hazardous substances and highly toxic substances as**  
17 **high-priority risks based on the severity of the threat posed by an accidental release, or a**  
18 **criminal attack that may result in a release, of a hazardous substance or a highly toxic**  
19 **substance.**

20       **(2) In adopting the rules under subsection (1) of this section, the department shall con-**  
21 **sider:**

22       **(a) The severity of harm that could be caused by an accidental release or a criminal at-**  
23 **tack resulting in a release of a hazardous substance or a highly toxic substance;**

24       **(b) The proximity of covered facilities to population centers;**

25       **(c) The threat to national security;**

26       **(d) The threat to critical infrastructure;**

27       **(e) The threshold quantities of hazardous substances and highly toxic substances neces-**  
28 **sary to pose a serious threat; and**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.

1 (f) Other factors the department deems necessary.

2 **SECTION 2.** The Department of Human Services, after consulting with the State Fire  
3 Marshal and other state agencies and local agencies and officials, shall adopt rules that re-  
4 quire every person responsible for a covered facility to take actions, including but not limited  
5 to pursuing the safer and more secure design of, and enhanced maintenance practices at, the  
6 covered facility in order to ensure the prevention, control and minimization of the conse-  
7 quences of an accidental release, or a criminal attack that may result in a release, of a  
8 hazardous substance or a highly toxic substance.

9 **SECTION 3.** (1) The Department of Human Services shall adopt the rules under section  
10 1 of this 2007 Act not later than one year after the effective date of this 2007 Act.

11 (2) The Department of Human Services shall adopt the rules under section 2 of this 2007  
12 Act not later than two years after the effective date of this 2007 Act.

13 (3) Not later than five years after the date of the adoption of the rules under sections 1  
14 and 2 of this 2007 Act, the Department of Human Services, after consulting with the State  
15 Fire Marshal and other state agencies and local agencies and officials, shall review the rules  
16 adopted under sections 1 and 2 of this 2007 Act to ensure the rules are adequate to respond  
17 to threats posed by an accidental release, or a criminal attack that may result in the release,  
18 of a hazardous substance or a highly toxic substance.

19 **SECTION 4.** As used in sections 1 to 3 of this 2007 Act:

20 (1) "Covered facility" means any facility that produces, stores, handles, transfers, pro-  
21 cesses or transports a hazardous substance or a highly toxic substance.

22 (2) "Hazardous substance" and "highly toxic" have the meanings given those terms in  
23 ORS 453.005.