

A-Engrossed
House Bill 3492

Ordered by the House March 28
Including House Amendments dated March 28

Sponsored by Representative GRAYBER

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. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act tells DOGAMI to study and report on risks related to toxic substances that may be released in an earthquake. (Flesch Readability Score: 60.6).

Directs the State Department of Geology and Mineral Industries to study risks and issues relating to earthquake-induced [*dispersion of hazardous materials*] **toxic inhalation**. Requires the department to submit a report on the study to the State Resilience Officer by December 1, 2027. Provides that the study and report are confidential pending review by the Director of the Oregon Department of Emergency Management.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to seismic hazards; and declaring an emergency.

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

4 **SECTION 1. (1) The State Department of Geology and Mineral Industries shall study**
5 **risks related to earthquake-induced toxic inhalation. The department may use any appropri-**
6 **ate industry-standard methodology or methodologies to carry out the study.**

7 **(2) The goal of the study is to compile data and information on the potential uncontrolled**
8 **release of hazardous materials into surrounding communities in the event of a catastrophic**
9 **seismic event, in order to assist local emergency management agencies in creating and im-**
10 **proving emergency response plans.**

11 **(3) In carrying out the study, the department shall seek to:**

12 **(a) Increase understanding of the scale and extent of risks related to earthquake-induced**
13 **dispersion of respirable hazardous materials by:**

14 **(A) Identifying areas of concern by looking at geographic areas with the highest seismic**
15 **hazard;**

16 **(B) Identifying the highest risk facilities within seismic hazard zones, using appropriate**
17 **criteria such as the Toxic (Operational) Hazard Score developed by the U.S. Naval Research**
18 **Laboratory, taking into consideration the relative quantities and toxicity of hazardous ma-**
19 **terials at a site; and**

20 **(C) Reporting on the statewide number of facilities of concern and their geographic dis-**
21 **tribution, along with any relevant findings from this inquiry;**

22 **(b) By modeling various representative scenarios, increase understanding of the potential**
23 **impact on immediate areas, workers and surrounding populations in the event of uncon-**
24 **trolled release of hazardous material from identified facilities resulting from an earthquake,**
25 **including developing information on the following:**

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 (A) Using publicly available information where possible, and using verified data from fa-
2 cility operators where feasible, classification of facilities by potential for uncontrolled release
3 of hazardous material based on a facility's seismic readiness, using reasonable, risk-informed
4 criteria and taking into consideration any major seismic resiliency improvements made to a
5 facility, seismic vulnerability safeguards and operational safeguards;

6 (B) For highest-risk facilities, projected paths of movement of hazardous material and
7 the severity of its effects, as may vary according to region, season and other conditions;

8 (C) Proximity of facilities of concern to populations who would be most at risk from an
9 uncontrolled release, and estimated total population who would be most at risk;

10 (D) Where possible using publicly available information, demographic analysis of the im-
11 pacted populations most at risk; and

12 (E) Comparison of the risk associated with release of hazardous material with risks from
13 other recent and similar seismic events; and

14 (c) Increase understanding of possible solutions to such hazards by:

15 (A) Conducting a review of existing regulatory programs to which relevant facilities are
16 subject;

17 (B) Conducting a policy review of seismic requirements and mitigation programs in other
18 jurisdictions that address relevant risks and issues;

19 (C) Conducting a literature review of mitigation solutions and obtaining an engineering
20 review of such solutions; and

21 (D) Evaluating the realistic risk reduction potential of various mitigation measures.

22 (4) The department may consult, partner or contract with any appropriate entity in car-
23 rying out the study. The department and other involved entities may consult with state
24 agencies to define the scope of high-risk facilities for purposes of the study.

25 (5) If an entity identified as a subject of this study demonstrates, and the relevant local
26 emergency management agency confirms, that the entity has already shared the relevant
27 information identified in the scope of the study with the local emergency management
28 agency for incorporation into local emergency response plans, the entity is exempt from
29 site-specific reporting and shall be included in aggregated results in the report on the study,
30 and the report must identify the entity as being exempted on such grounds.

31 (6) On or before December 1, 2027, the department shall submit a report on the findings
32 of the study to the State Resilience Officer. At the time the department submits the report
33 to the State Resilience Officer, the department shall submit a copy of the report to the Di-
34 rector of the Oregon Department of Emergency Management to conduct the review described
35 in section 2 of this 2025 Act.

36 **SECTION 2.** (1) The report prepared under section 1 of this 2025 Act and all materials
37 prepared or obtained in connection with the report are confidential, exempt from disclosure
38 under ORS 192.311 to 192.478 and may not be distributed to any parties other than the State
39 Department of Geology and Mineral Industries, the State Resilience Officer and the Director
40 of the Oregon Department of Emergency Management, except as otherwise provided in this
41 section.

42 (2) The director shall review the report and designate portions that may be made publicly
43 available, including disclosure under ORS 192.311 to 192.478, and portions that may be trans-
44 mitted to local emergency management agencies under the condition that such agencies hold
45 such portions confidential. Portions of the report may be distributed in accordance with such

1 **designations.**

2 (3) In performing the review and designations, the director shall consider whether dis-
3 semination of information in the report may create terrorism risks or other security con-
4 cerns, the utility of information in the report to local emergency management agencies and
5 the public interest in government transparency.

6 (4) Prior to the public release of any information that may describe a facility or its risk
7 of an uncontrolled release of hazardous material, the person or entity releasing the infor-
8 mation shall provide reasonable notice and opportunity for the owner or operator of the fa-
9 cility to review the information to be released. If the owner or operator determines that the
10 public release of the information would divulge confidential business information, create se-
11 curity risks or contradict existing local emergency response plans related to the facility, the
12 owner or operator may request redactions to the information.

13 (5) The State Resilience Officer, after consultation with the director, may make recom-
14 mendations based on information in the report to local emergency management agencies
15 before the director's review and designations are completed.

16 (6) If a local emergency management agency includes information derived from the study
17 performed under section 1 of this 2025 Act in an emergency response plan, the plan must
18 specify that such information was derived from the study.

19 **SECTION 3.** This 2025 Act being necessary for the immediate preservation of the public
20 peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect
21 on its passage.

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