

HOUSE BILL REPORT

HB 1698

As Reported by House Committee On: Public Safety

Title: An act relating to enhancing public health and safety by implementing emergency preparedness guidance measures related to oil train accidents.

Brief Description: Concerning enhancing public health and safety by implementing emergency preparedness guidance measures related to oil train accidents.

Sponsors: Representatives Kilduff, Muri, Farrell, Riccelli, Robinson, Jenkins, Senn, Fey, Macri, Tarleton, Pollet and Stanford.

Brief History:

Committee Activity:

Public Safety: 2/13/17, 2/16/17 [DPS].

Brief Summary of Substitute Bill

- Directs the Department of Health to develop public health emergency preparedness guidance for oil train accidents and associated hazards, and to implement a public awareness and education outreach program in partnership with local public health authorities in localities through which oil trains travel.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Goodman, Chair; Pellicciotti, Vice Chair; Appleton, Chapman, Orwall and Pettigrew.

Minority Report: Do not pass. Signed by 5 members: Representatives Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Griffey, Holy and Van Werven.

Staff: Omeara Harrington (786-7136).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Oil Transportation by Rail.

Oil, including crude oil and refined petroleum products, is sometimes transported by vessel, pipeline, or train between the point of extraction, processing facilities, and other destinations. Oil transported by rail is carried in individual tank cars. Oil-carrying tank cars may comprise part or all of the cargo of a train.

The 2014 Supplemental Operating Budget directed the Department of Ecology (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 (UTC), the Department of Transportation, the Military Department's Emergency Management Division (EMD), tribes, and a variety of stakeholders, analyzed the risks to public health and safety and the environmental impacts of oil transportation in Washington. Public health and safety risks identified and analyzed in the report included: fires and explosions; wildfires; crossing accidents; drinking water contamination; and air quality issues associated with emissions and vapor release, among other risk factors.

The ECY is in the process of providing equipment and training grants to emergency first responders to bolster basic response resources for oil spills and hazardous materials incidents.

Department of Health Emergency Preparedness Guidance.

The Office of Emergency Preparedness and Response within the Department of Health (DOH) focuses on improving the ability to respond to large-scale public health emergencies or mass casualty incidents. The DOH maintains emergency preparedness guidance on various topics, including bad weather, bioterrorism, disease outbreaks, floods, and power outages. Though some of the DOH emergency preparedness guidance may apply in the event of an oil train accident, it does not have guidance specific to oil train accidents.

Summary of Substitute Bill:

The DOH must create public health emergency preparedness guidance for oil train accidents and directly associated hazards, including, but not limited to, explosions, fires, spills, decreased water quality, and other known public health risks. The emergency preparedness guidance must include, at a minimum:

- information targeted to the public describing the health risks of the hazardous conditions commonly associated with oil train accidents; and
- general guidance on steps citizens can take in response to adverse health conditions created by an oil train accident.

The public health emergency preparedness guidance must be completed by December 1, 2018, and maintained on the DOH website.

No later than January 1, 2020, the DOH must partner with local public health authorities in localities through which oil trains travel to deliver a public awareness and education outreach program. The purpose of the program is to increase awareness among individual citizens and local communities of potential health hazards associated with oil train accidents.

In developing the public health emergency preparedness guidance and the public awareness and education outreach program, the DOH must consult with local city and county officials, local public health authorities, and local first responders, including local emergency planning committees, in localities through which oil trains travel. The public health emergency preparedness guidance and education outreach program must be complimentary to, and not in conflict with, other efforts in the state to address emergency response to oil train accidents and directly associated hazards.

The DOH must report to the Legislature by December 1 of each year, through the year 2020, regarding its progress.

Substitute Bill Compared to Original Bill:

It is specified that the public guidance regarding oil train accidents is public health emergency preparedness guidance, rather than emergency preparedness guidance.

Changes are made to the components of the public health emergency preparedness guidance. The requirement is retained that the guidance include information targeted to the public describing the health risks of the hazardous conditions commonly associated with oil train accidents. Requirements to establish guidance regarding the following are removed: (1) effective methods of notifying citizens of oil train accidents and associated hazardous conditions; and (2) what citizens should do in the event of hazardous conditions created by an oil train accident. Instead, general guidance must be created with steps citizens can take in response to adverse health conditions created by oil train accidents.

The DOH is required to partner with local public health authorities in localities through which oil trains travel to deliver the public awareness and outreach program required in the bill.

Language is added stating that the public health emergency preparedness guidance and public awareness and education outreach program must be complimentary to, and not in conflict with, other efforts in the state to address emergency response to oil train accidents and directly associated hazards.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available. New fiscal note requested on February 17, 2017.

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) Citizens know to drop, cover, and hold when there is an earthquake because of earthquake preparedness, but what to do when a derailment occurs is not understood. Citizens should be similarly equipped if there is an oil train accident. The DOH has preparedness information on many topics, but it does not have information for this subject. This bill tasks the DOH with engaging in a collaborative effort to increase preparedness. This is not an environmental bill; it is about getting the word out to citizens.

This type of incident can happen. There was a derailment last June at the Columbia River Gorge. There are 18 oil trains that pass through the state each week, and a minimum of 1,620 individual railcars. Hotel beds, primary schools, and Joint Base Lewis-McCord traffic are all within close proximity to oil trains. Tracks run along the Puget Sound waterfront. Right now there is no guidance to provide to citizens regarding this type of emergency, which poses risks like fires and explosions, water contamination, and air quality issues. This bill would cover a gap and address risks by providing public awareness and outreach.

(Opposed) There is already a very robust level of activity on this issue. This measure is duplicative and would confuse, rather than enhance, response. Legislation enacted two years ago instituted a coordinated response to hazardous material and oil issues. Included in that legislation was funding for four new staff at the EMD focused on emergency response to oil spills. The UTC was given additional taxing authority, and the ECY is involved with this issue. Union Pacific Railroad has put forth a significant amount of equipment and has worked with local fire response. First responders receive real-time information as to what content is contained in railcars.

(Other) It is important to not duplicate efforts. There has been a lot of work on this issue since 2012; in particular, 2015 legislation gave the state EMD resources to work with local communities to enhance planning. The Northwest Area Contingency Plan process is working with federal, local, state, and tribal entities on enhancing preparedness. It is very important to be communicating actions and information consistently in order to not confuse the public. This represents a further spreading of authority over rail safety issues among state agencies. Regulatory and governmental authority should be consolidated instead.

Persons Testifying: (In support) Representative Kilduff, prime sponsor; Michael Courts, City of DuPont; and Shelly Helder, City of Lakewood.

(Opposed) Tom Parker, Union Pacific Railroad.

(Other) Dale Jensen, Department of Ecology; and Herb Krohn, Sheet Metal, Air, Rail, Transportation Division and United Transportation Union of Washington.

Persons Signed In To Testify But Not Testifying: None.