



**Testimony to the House Energy and Environment
Committee
on HB 2131 and HB 3344**

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Founded in 1968, the Oregon Environmental Council (OEC) is a nonprofit, nonpartisan, membership-based organization. We advance innovative, collaborative and equitable solutions to Oregon's environmental challenges for today and future generations.

Oregon Environmental Council strongly supports HB 2131, which requires new rules and response plans for transport of hazardous materials through Oregon. The bill will safeguard emergency responders, communities and critical Oregon waterways.

Since 2015, when we first advocated for increased safety and oversight, an oil train derailed in Mosier, Oregon. These are no longer theoretical scenarios. Oregon must act to protect itself.

Response plans currently are inadequate

First responders and our state Department of Environmental Quality, have not been adequately notified about the transport of hazardous materials, such as bitumen, through Oregon. In 2015, news outlets broke the story that transport of these materials had been occurring for three months before the agency had been informed.

*“Trains carrying mass loads of heavy crude oil from Canada’s tar sands have begun moving through the Northwest, creating the potential for an oil spill in parts of Oregon and Washington **where environmental agencies have no response plans or equipment in place.**”*

Union Pacific now moves between seven and 10 of these mile-long trains of Canadian crude per month through Northwest states, according to railroad spokesman Aaron Hunt. They can carry more than a million gallons of oil...

The mile-long “unit trains” began in late November, according to the railroad, but spill planners at Oregon’s Department of Environmental Quality and Washington’s Department of Ecology didn’t learn of the new shipments until late January and early February, respectively.”¹

This is not the first time railroads haven’t adequately informed first responders or state agencies. Both were surprised when shipments of Bakken crude began being transported through the Pacific Northwest back in 2013.

Heavy oil presents new challenges and should require new response plans

¹ <http://www.opb.org/news/article/tar-sands-crude-oil-moves-through-northwest-in-mile-long-trains-as-spill-planning-lags/>

Bitumen, or tar sands, is a thick, sticky, tar-like blend of oil, sand, silt and clay. It has to be mined from the earth and is very energy-intensive to extract and refine.

Unlike conventional oil, this heavy oil can sink when it hits water. Its viscosity also makes it more challenging and expensive to clean up. The Enbridge pipeline eruption that dumped heavy oil into the Kalamazoo River has cost over \$1 billion in clean up costs and mitigation is still on-going after four years.



Kalamazoo River clean up after Enbridge pipeline rupture.

Spill clean up responders, especially for spills into moving waterways, have limited time to act. It is critical that they know which hazardous materials they're dealing with in order to put the most cost-effective spill response plans in action. Lost time equates into more expensive clean up and more damages to communities and ecosystems.

The state needs more resources to respond.

High hazardous trains cross more than a hundred watersheds in Oregon. Officials have said they lack both the resources and authority for adequate spill planning along rail lines.

The state and first responders should not be kept in the dark about what hazardous materials trains are carrying. Railroads have an obligation to ensure that prevention and adequate spill response plans are put in place. Oregon taxpayers should not have to bear clean up costs.

Support for specific measures in HB 2131

OEC supports:

- Requirements that railroads offer training for fire departments and other first responders
- Requirements for contingency plans
- Requirements for railroads to carry insurance for worst-case derailment events
- Requirements for timely notification of spills and deployment of containment and clean up equipment
- Submission of plans no later than one year after rules are adopted
- Fees assessed to ensure adequate training and supplies to safeguard first responders and protect Oregon from major harm should a spill occur

We also support better oversight for oil-by-rail terminal proposals. In an amended form, HB 3344 should close loopholes for terminals built on Oregon waterways without going through a strong review process and increase state authority to thoroughly vet projects through the permitting process.

For the health and safety of Oregon's first responders and water, we urge your strong support of HB 2131 and an amended HB 3344 to strengthen that bill.