

Enrolled
House Bill 2250

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for Office of the Governor)

CHAPTER

AN ACT

Relating to the environment.

Whereas the citizens of Oregon have relied for over a generation on the federal government's signature environmental protection statutes and the federal regulations issued pursuant to those statutes to protect public health and this state's environment and natural resources; and

Whereas such federal environmental protection laws include the federal Clean Air Act (43 U.S.C. 7401 et seq.), the federal Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), and any federal regulations issued pursuant to the federal Clean Air Act, the federal Safe Drinking Water Act and the Federal Water Pollution Control Act; and

Whereas federal environmental protection laws establish the baseline standards for protection of public health and this state's environment and natural resources, while providing express authorization to states to adopt more protective measures; and

Whereas, beginning in 2017, the quality of Oregon's air and water have become threatened by changes to federal environmental protection laws that weaken the protections that those laws provide; and

Whereas the science underlying federal environmental protection laws as those laws existed prior to January 19, 2017, as well as the rights of the states to regulate conduct in service of the public health, safety and welfare, both underscore a recognition that this state must adopt scientifically supported statutes, regulations, policies and standards that uphold the basic underpinnings of the federal Clean Air Act, the Federal Safe Drinking Water Act and the Federal Water Pollution Control Act; and

Whereas it is the prerogative of the Legislative Assembly to prevent environmental backsliding and to ensure a continuation of the protections for public health and this state's environment and natural resources upon which the citizens of Oregon have come to rely, even if the federal government's signature environmental protection statutes and the federal regulations or guidelines issued pursuant to those statutes are undermined, amended or repealed, now, therefore:

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

SECTION 1. The Legislative Assembly finds and declares that the purposes of section 2 of this 2019 Act are to:

(1) Retain the protections afforded to public health and this state's environment and natural resources under the baseline federal standards contained in federal environmental laws, regardless of actions taken at the federal level;

(2) Protect the public health, safety and welfare of the people of Oregon from any actual or potential adverse effect that reasonably may be anticipated to occur from pollution, including the effects of climate change;

(3) Preserve, protect and enhance this state's environment and natural resources, including, but not limited to, state and national parks, recreation areas, wilderness areas, monuments and ocean shores and other areas with special national or regional natural, recreational, scenic or historic value;

(4) Provide for stable regulatory conditions to support long-term economic growth; and

(5) Ensure that decisions made by state agencies that may adversely impact public health, the environment or natural resources are made only after careful evaluation of all consequences and only after adequate procedural opportunities for informed public participation in decision-making processes.

SECTION 2. (1) As used in this section and section 1 of this 2019 Act:

(a) "Baseline federal standards" means the standards and requirements contained in a federal environmental law, as those standards and requirements were in effect on January 19, 2017.

(b) "Federal environmental law" means any one or more of the following:

(A) The federal Clean Air Act, 42 U.S.C. 7401 et seq., and any federal regulations issued pursuant to the federal Clean Air Act.

(B) The federal Safe Drinking Water Act, 42 U.S.C. 300f et seq., and any federal regulations issued pursuant to the federal Safe Drinking Water Act.

(C) The Federal Water Pollution Control Act, 33 U.S.C. 1251 et seq., and any federal regulations issued pursuant to the Federal Water Pollution Control Act.

(2) The Department of Environmental Quality and the Oregon Health Authority shall regularly assess final changes to federal environmental law that the department or the authority has been authorized or directed to administer to determine whether the final changes to federal environmental law are significantly less protective of public health, the environment or natural resources than baseline federal standards.

(3) If the Department of Environmental Quality determines that a change assessed by the department under subsection (2) of this section results or will result in federal standards or requirements that are significantly less protective of public health, the environment or natural resources than baseline federal standards, the department shall promptly inform the Environmental Quality Commission and recommend to the commission actions as necessary to continue state implementation of standards and requirements that are at least as protective of public health, the environment or natural resources as baseline federal standards, regardless of the change assessed under subsection (2) of this section.

(4) If the Oregon Health Authority determines that a change assessed by the authority under subsection (2) of this section results or will result in federal standards or requirements that are significantly less protective of public health, the environment or natural resources than baseline federal standards, the authority shall take actions as necessary to continue state implementation of standards and requirements that are at least as protective of public health, the environment or natural resources as baseline federal standards, regardless of the change assessed under subsection (2) of this section.

(5) Nothing in this section prevents the Environmental Quality Commission or the Oregon Health Authority from adopting rules for the administration of federal environmental law that are more protective of public health, the environment or natural resources than baseline federal standards.

Passed by House March 14, 2019

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate May 14, 2019

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Peter Courtney, President of Senate

Received by Governor:

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Approved:

.....M,....., 2019

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2019

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Bev Clarno, Secretary of State