

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)

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 certain state agencies to regularly assess proposed and final changes to federal environment laws to determine whether changes are significantly less protective of public health, environment or natural resources than standards and requirements contained in those federal environmental laws, as in effect on January 19, 2017. Requires certain state agencies to take actions under certain circumstances as necessary to retain protections afforded by certain federal environmental laws as in effect on January 19, 2017.

A BILL FOR AN ACT

1
2 Relating to the environment.

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

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

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

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

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

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

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

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

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

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

9 (3) Preserve, protect and enhance this state’s environment and natural resources, in-
10 cluding, but not limited to, state and national parks, recreation areas, wilderness areas,
11 monuments and ocean shores and other areas with special national or regional natural,
12 recreational, scenic or historic value;

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

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

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

19 (a) “Baseline federal standards” means the standards and requirements contained in a
20 federal environmental law, as those standards and requirements were in effect on January
21 19, 2017.

22 (b) “Federal environmental law” means any one or more of the following:

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

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

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

29 (c) “Natural resource agency” means the Department of Environmental Quality, the De-
30 partment of State Lands, the Oregon Health Authority, the Oregon Watershed Enhancement
31 Board, the State Department of Agriculture and the Water Resources Department.

32 (2) Each natural resource agency that has been authorized or directed to administer
33 federal environmental law shall regularly assess proposed and final changes to federal envi-
34 ronmental law that the natural resource agency has been authorized or directed to admin-
35 ister to determine whether the proposed or final changes are significantly less protective of
36 public health, the environment or natural resources than baseline federal standards.

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

45 (4) If a natural resource agency other than the Department of Environmental Quality

1 **determines that a change assessed by the natural resource agency under subsection (2) of**
2 **this section results or will result in federal standards or requirements that are significantly**
3 **less protective of public health, the environment or natural resources than baseline federal**
4 **standards, the natural resource agency shall take actions as necessary to continue state**
5 **implementation of standards and requirements that are as least as protective of public**
6 **health, the environment or natural resources as baseline federal standards, regardless of the**
7 **change assessed under subsection (2) of this section.**

8 **(5) Nothing in this section prevents a natural resource agency from adopting rules for**
9 **the administration of federal environmental law that are more protective of public health,**
10 **the environment or natural resources than baseline federal standards.**

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