

OREGON
OFFICE OF STATE FIRE MARSHAL

ENVIRONMENTAL JUSTICE TASK FORCE
2019 ANNUAL REPORT



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OSFM Mission Statement

The Mission of the Oregon Office of State Fire Marshal (OSFM) is **to protect citizens, their property, and the environment from fire and hazardous materials** by providing Premier Public Safety Services. The OSFM accomplishes this mission through efforts focused on fire and life safety prevention, investigation, education, and HAZMAT regulation, planning, and response.

Given its mission, the OSFM is designated as a “natural resource agency” under ORS 182.535. The OSFM employs five critical agency programs to engage in the environmental justice landscape:

- The Oregon Community Right to Know program
- The State Emergency Response Commission
- Local Emergency Planning Committees
- The Regional Hazardous Materials Emergency Response Teams program
- Hazardous Materials Transportation by Rail program

As the OSFM’s 2019 Annual Report to the Environmental Justice Task Force, this document provides details on these five programs, how they succeed in collaborative governance, and activities accomplished in 2019 that encourage public engagement in agency decisions affecting the environment in which people live, work, learn, practice spirituality, and play.

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Oregon's Community Right to Know Program

Overview

In 1985, the Oregon Legislature passed the Oregon Community Right to Know (CR2K) and Protection Act. The purpose of this law is to provide first responders and the public with information about hazardous substances in their response areas and neighborhoods. The law directs the Office of State Fire Marshal to survey business and government facilities for information about the presence of hazardous substances and to collect information about incidents involving hazardous substances. Once collected, the information is made available to the general public in order to aid in familiarity with the hazardous materials in their communities.

The very basis of the CR2K program – enabling citizens the “right to know” about the presence of hazardous substances in a community – achieves many of the benchmarks of collaborative governance:

- **Accountability:** creating opportunities for meaningful involvement of potentially affected communities result in greater legitimacy of agency action through increased public trust and support.
- **Transparency:** meaningful involvement requires increased awareness of agency actions and source information, which decreases the likelihood of mistakes, arbitrary or capricious decisions, and abuse of power.
- **Health-oriented:** ensuring full disclosure of potential health risks and providing technical assistance to EJ communities will help orient agency consideration of health-based considerations, especially those grounded in cultural differences that may otherwise be overlooked.

2019 Accomplishments

After launching its new online hazardous substance reporting tool in 2018, the OSFM's Community Right to Know Program (CR2K) was able to increase field activities to work with facilities to ensure proper reporting. More than 900 facilities were contacted resulting in more accurate data for emergency managers, first responders, health officials, and the public.

As part of the outreach, CR2K undertook a focused effort on the vehicle dismantling industry. This focus was due to a fire at a vehicle dismantler that stored and used substances that were hazardous to the public and environment. As a result, more than 100 vehicle dismantlers were brought into compliance with CR2K reporting requirements.

CR2K's online reporting tool, the Community Right to Know Hazardous Substance Manager (CHS Manager), continues to provide a highly efficient means for facilities to report their hazardous substances, upload safety data sheets, facility maps, and emergency plans. This information is accessible by emergency managers, 911 services, first responders, health officials, and the public to plan for or respond to a hazardous

substance emergency. During 2019, hazardous substance information associated with more than 13,000 locations was available for review.

In order to ensure emergency managers and responders were apprised of the information available to them through CHS Manager, CR2K staff provided presentations at nearly every Local Emergency Planning Committee (LEPC) statewide. Providing this information allowed these LEPC's to better prepare for a potential emergency involving a hazardous substance that could threaten the public or the environment.

The State Emergency Response Commission (SERC)

The Office of State Fire Marshal adopted OAR 837 Division 095. These rules designate the State Emergency Response Commission Executive Committee, establish Emergency Planning Districts (EPD)s ; and codifies Local Emergency Planning Committees (LEPCs) and their membership within each of the EPDs as required by the Emergency Planning and Community Right to Know Act (EPCRA) of 1986 (42 U.S.C. Chapter 116, Section 11001 et seq.).

Overview

ORS 453.520 identifies the State Fire Marshal as the SERC. The SERC Executive Committee was established to provide input and recommendations to the SERC on its requirements related to EPCRA, in providing assistance to the LEPCs in addressing their mandates, to advise the SERC on designation of EPDs and to address questions regarding the creation or dissolving of LEPCs. The Executive Committee is also involved with the review of emergency response plans developed by LEPCs, and assist with hazardous materials training, education, and outreach activities in support of the SERC and LEPCs.

The SERC Executive Committee meets approximately three times a year, and membership on the committee is comprised of representation from the following agencies and stakeholder groups:

Oregon Office of State Fire Marshal	Office of Emergency Management
Oregon Department of Transportation	Oregon State Police
Governor's Office	Oregon Health Authority
Oregon Department of Environmental Quality	Local Emergency Management
Oregon Emergency Management Association	Local Emergency Planning Committees
Industry	Oregon Fire Chiefs Association
Regional Hazardous Material Response Teams	Oregon Sheriffs Association
Oregon's Federally Recognized Tribes	Association of Oregon Counties

Local Emergency Planning Committees (LEPC)

Overview:

The SERC chose to adopt counties as the geographic footprint of an EPD. They also provided the ability for multiple EPDs to work together in a joint-LEPC. The Mid-Valley LEPC, for example, is made up of Linn and Benton County EPDs.

Local Emergency Planning Committees represent the essence of collaborative governance at the local level through the following benchmarks:

- **Capacity Building** – collaboratively working with community-based organizations and increasing community capacity to participate affords an agency the opportunity to take advantage of the knowledge and expertise of local communities while strengthening their partnership abilities.
- **Engagement** – Meaningful involvement requires early, frequent, and continuous public engagement throughout the decision-making process, ensuring that impacted communities not only have the technical ability but also the resources to meaningfully participate.

LEPC membership must include (at a minimum), elected state and local officials; police, fire, civil defense (emergency management), and public health professionals; environment, transportation, and hospital officials; facility representatives; and representatives from community groups, environmental groups, and the media.

Under EPCRA, LEPCs must develop an emergency response plan, review the plan at least annually, and provide information about the community response plans to citizens. According to EPCRA, the emergency response plan must include the following elements:

- Identification of facilities possessing extremely hazardous substances and the transportation routes of those substances
- Description of emergency response procedures, on and off site
- Designation of a community coordinator and facility emergency coordinator(s) to implement the plan
- Outline of emergency notification procedures
- Description of how to determine the probable affected area and population by releases
- Description of local emergency equipment and facilities and the persons responsible for them
- Outline of evacuation plans
- A training program for emergency responders (including schedules)
- Methods and schedules for exercising emergency response plans

2019 Accomplishments

Utilizing the federal Hazardous Materials Emergency Preparedness (HMEP) Grant the SERC funded more than \$250,000 in hazardous materials planning, training, teaching aids, conference, and exercise projects.

- **Five Tabletop Exercises**

- Clackamas County EPCRA compliant plan validation

- Coos County EPCRA compliant plan validation after inclusion of Curry County and its facilities

- Douglas County EPCRA compliant plan validation

- Lane County Rail Response

- City of Harrisburg train derailment

- **Two Functional Exercises**

- City of Hermiston anhydrous ammonia release

- City of Pendleton train derailment

- **Five EPCRA Compliant Plan Development and/or Update**

- Clackamas County plan development continuation

- Coos County plan update to incorporate Curry County facilities

- Malheur County plan development

- Marion County plan development continuation

- Multnomah County plan development continuation

- **Commodity Flow Study for Columbia County**

- **Rail Tank Car Training Prop Enhancement in Hermiston**

- **SERC Sponsored Statewide LEPC Membership Conference**

- **Above the line Below the Line HazMat IQ Training**

- **HazMat IQ Tactics: Propane IQ Training**

The Regional Hazardous Materials Emergency Response Teams (RHMERT) program

Overview:

Oregon's Regional Hazardous Materials Emergency Response Teams (RHMERT) protect life, property, and the environment by responding to chemical emergencies and minimizing the dangers associated with them. There are 13 teams strategically positioned across Oregon to provide response to hazardous materials incidents. This program is based on a partnership with local government, the OSFM, and the petrochemical industry wherein resources are shared to create a program that is both economical and successful.

The OSFM works with the HAZMAT teams to ensure proper training, equipment, and medical exams are provided to responders. Teams consist primarily of volunteer and career firefighters, with some law enforcement and public works employees. Team

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members attend a minimum of 160 hours of specialized training to become Hazardous Material Technicians.

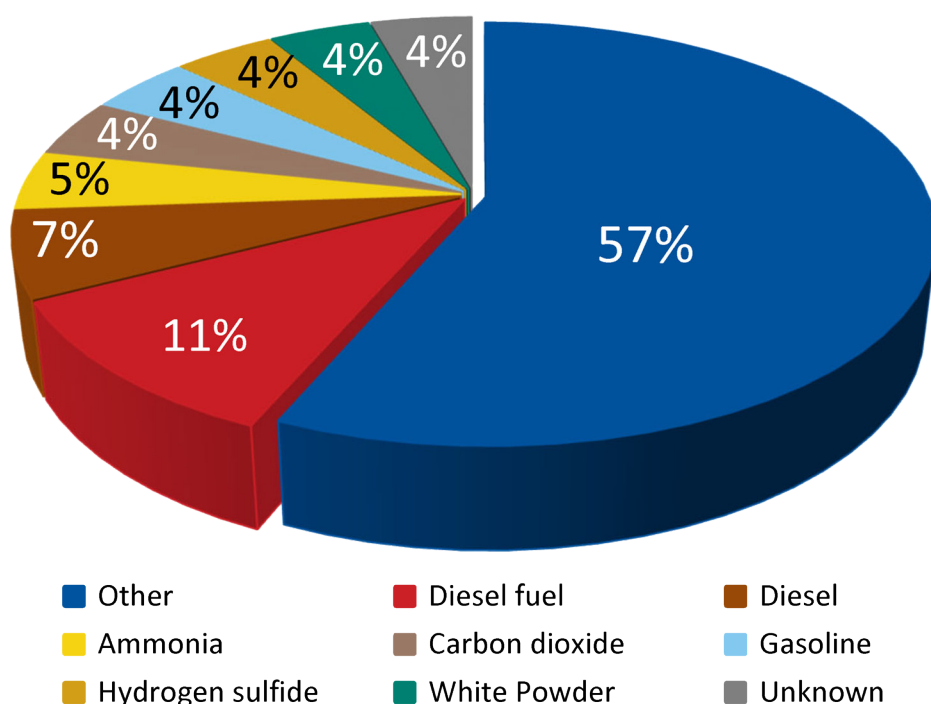
OSFM ensures that parties responsible for the incidents are billed for the cost of mitigation and that the contracted teams are compensated for the allowable expenses. The HAZMAT teams work with and train local responders and industry to assure local communities are prepared to respond to a hazardous materials incident and create a safer community.

2019 Accomplishments

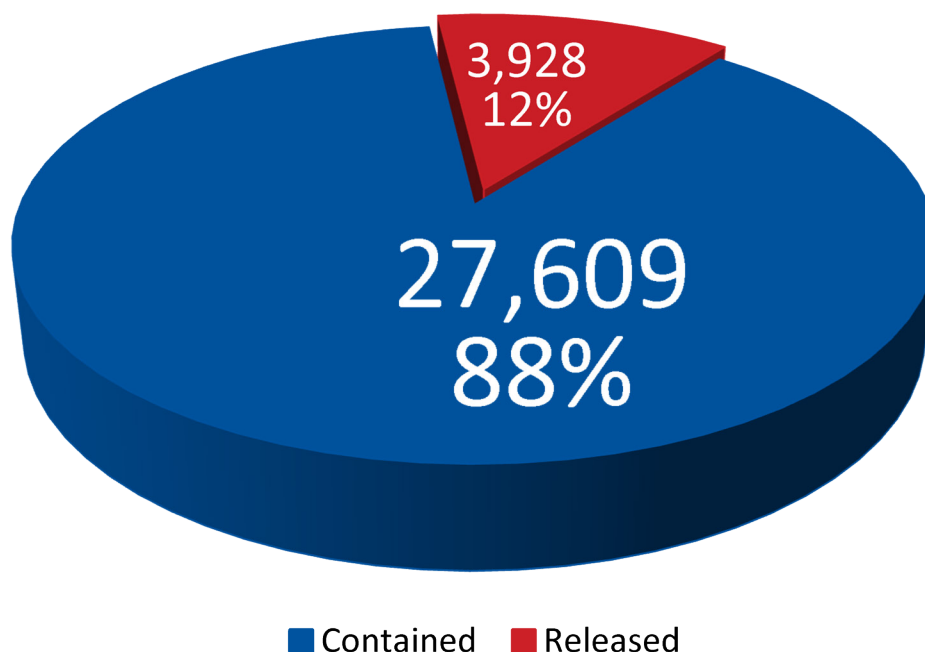
State HAZMAT Team Responses

In 2019, Oregon's 13 regional hazardous materials emergency response teams were dispatched to 60 incidents statewide to mitigate oil or hazardous materials spills or releases. These responses totaled 1,395 personnel hours.

Substances Handled by State Hazmat Teams in 2019



2019 Hazardous Substance Units Contained vs. Released



Outreach

When not training for or responding to incidents, these HAZMAT teams connect with local responders, community officials, and the public through outreach activities. This type of engagement might occur at a volunteer fire department's drill night, a public safety fair, or a community emergency planning session. These opportunities resulted in 33 outreach events and trained more than 1090 first responders. In 2019, team members participated in several notable outreach events including:

- Umatilla County Fire District #1 OSFM Region No. 10 HAZMAT Team members presented information on hazardous materials and team capabilities, along with a vehicle demonstration, at the 2019 LEPC Conference in Pendleton. This forum permitted Oregon's local emergency planning committee members to become more familiar with the transportation of hazardous materials and local resources available within their communities.
- Roseburg Fire OSFM Region No. 1 HAZMAT Team members participated in the Costco Community Safety Fair with 300 members of the public in attendance.
- Members of all 13 regional HAZMAT teams participated in the Northwest Area Committee meeting in Astoria. The mission of the and the Northwest Area Committee (NWAC) is to protect public health and safety and the environment by ensuring coordinated, efficient, and effective support of the federal, state, tribal, local, and international responses to significant oil and hazardous substance incidents within the Pacific Northwest Region as mandated by the National Contingency Plan (NCP).

Hazardous Materials Transportation by Rail Program

Overview

Governor Kate Brown signed legislation in 2015 relating to the safe transport of hazardous materials by rail. The law made changes to Oregon Revised Statute 453 .307 to 453 .414 relating to the safe transport of hazardous materials by directing the Office of State Fire Marshal (OSFM) to coordinate training, preparedness, and response planning activities with a specific focus on oil or hazardous materials spills or releases that occur during rail transport.

In part, this law mandates the OSFM to adopt by administrative rule (837-120-0520), a plan for the coordinated response to oil or hazardous materials spills or releases that occur during rail transport, identify response resources (existing and needed), and to coordinate training for emergency responders. A copy of the full report is available on the OSFM website.

The Hazardous Materials Transportation by Rail program provides the OSFM with a specific focus to prepare communities along Oregon's railroads to respond to rail incidents involving hazardous materials. With a targeted concentration on communities along railroads, this program addresses another key element of collaborative governance:

- **Equity** – intentional engagement with all potentially affected communities will result in a more comprehensive analysis of potential impacts and is more likely to result in an equitable distribution of benefits and burdens.

2019 Accomplishments

Emergency Planning

Effective April 1, 2019, the Pipeline Hazardous Materials Safety Administration – or PHMSA – implemented a final rule to improve oil spill response readiness and to mitigate effects of rail accidents and incidents involving high-hazard flammable trains (HHFTs). A HHFT is defined as a train comprised of 20 or more consecutive carloads of a Class 3 flammable liquid, or 35 carloads of a Class 3 flammable liquid throughout the entire train.

BNSF, Portland and Western, and Union Pacific railroads have all submitted required information to the Oregon State Emergency Response Commission (SERC). In accordance with this new rule, the Oregon SERC has distributed the information to the appropriate local authorities.

This new rule supersedes the previous U.S. Department of Transportation Emergency Order Docket No. DOT-OST-2014-0067, a rule that was specific to crude oil only.

The OSFM continues to promote the use of the AskRail mobile application to Oregon's network of emergency officials, responders, and planners to increase its use.

Training and Community Outreach

In 2019, OSFM's HazMat Rail Program continued its partnerships with the Oregon fire service training community, regional HazMat emergency response teams, and Union Pacific and BNSF railroads, coordinating the delivery of HazMat emergency response training courses. Identified in the improvement plan resulting from the 2016 Mosier Crude Oil Train Derailment After Action Report, these courses have been offered free to local, state, federal, and tribal agency personnel and provide the basic framework for a safe, effective, and efficient response to a HazMat by rail incident.

The OSFM facilitated the delivery of more than 1,500 personnel training hours to firefighter HazMat teams, emergency planners, elected officials, and other HazMat rail responders. In response to best practices developed from after-action reviews of similar rail incidents, training programs have been identified that would further prepare emergency officials, responders, and planners for a future incident. The training highlighted safety and mitigation issues and increased understanding of hazards and the potential impacts of them on the environment, waterways, wildlife, and vulnerable populations most at risk.

Leveraging the specialized knowledge and training of OSFM staff, regional HazMat response teams, incident management teams, and other qualified personnel, the OSFM coordinated and hosted several courses. These courses adapt core response and incident command principles to the transportation by rail environment for first responders. In addition, our partner agencies get the opportunity to train their staff in core ICS principles, preparing them to integrate their agency's mission and objectives into an active HazMat transportation by rail incident.

2019 OSFM Facilitated Training Courses	
HazMat Rail Emergency Response Awareness	This three-hour course is designed to provide emergency responders the basic knowledge and awareness level training in response to a HazMat by rail incident.
HazMat Rail Emergency Response Operations	This eight-hour course is designed to provide emergency responders the basic knowledge and operations level training in response to a HazMat by rail incident utilizing a "hands-on" approach with actual railcars, locomotives, and a visit to a local rail facility.
HazMat Incident Commander	This 16-hour course meets OSHA and NFPA standards to qualify incident commanders to manage hazardous materials incidents. The intent of these standards is to provide an incident command system that is led by a single person who does not necessarily have extensive knowledge about the classification and verification of hazardous materials, but rather, who is able to manage emergencies of differing severity, as well as oversee the rest of the HazMat team.

Tabletops and Community Forums

OSFM staff participated in and facilitated tabletop (TTX) exercises and community forums to discuss planning and response strategies throughout 2019. These exercises and discussions revolved around HazMat by rail incidents, often in a roundtable format with representatives from all forms of public and private agencies. TTXs in particular are designed to test emergency response plans, reveal operational gaps, identify training needs, and recommend updates to plans. Notable tabletop exercises or discussions in 2019 included:

Activity	Community	Topic	Audience
Tabletop Exercise	Morrow County LEPC	HazMat rail incident response and planning	Emergency managers, private industry, emergency responders
Tabletop Exercise	Lane County LEPC	HazMat rail incident response and planning	Emergency managers, private industry, emergency responders
Columbia River Gorge Rail Summit	Columbia River Gorge Public and Private Sector Leaders	Rail safety, tribal access, group discussion	Emergency managers, private industry, tribal leadership, emergency responders
Local Emergency Planning Committee Conference	Oregon's Local Government and HazMat Facilities	High hazard flammability trains, all hazard incident planning and operations, HazMat transportation by rail	Emergency managers, emergency responders, private industry

Investment at Fire Department Training Centers

Through funding authorized by ORS 453.394, OSFM has invested in placing retired rail cars at fire department training centers in Eugene, Hermiston, and Salem. The retired railcars provide practical and realistic training opportunities for first responders to implement mitigation and containment tactics. Additionally, placing these railcars in local communities allows neighboring and rural fire departments and public safety organizations to train without commuting to another section of the state. Local training is cost effective and increases first responder participation. For most fire departments, obtaining these railcars would be difficult to obtain due to budgetary constraints or logistical hurdles. These investments will continue to be impactful and improve readiness of local fire departments to respond to HazMat by rail emergencies by expanding these training opportunities. In the future, the OSFM plans to install additional railcars in Redmond and Portland.

Resource Coordination and Information Sharing

The OSFM continues to maintain eight foam firefighting trailers that have been strategically placed in the most vulnerable areas for quick response and mitigation, along mainline tracks throughout Oregon where crude oil or other high-hazard flammable trains (HHFT) travel.

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As ORS 453.392 seeks an inventory of all emergency response resources available, the OSFM continues to upload many of these assets into the Worldwide Response Resource List (WRRL).

In 2019, the OSFM continued to collaborate with the Oregon Department of Transportation (ODOT) Rail and Public Transit Division to give first responders and emergency planners access to a secure web-based information-sharing platform, known as Gov-Space, that details types and quantities of hazardous materials transported by rail on a quarterly basis through specific geographic areas.

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