

**A-Engrossed**  
**Senate Bill 824**

Ordered by the Senate April 27  
Including Senate Amendments dated April 27

Sponsored by Senator DEMBROW, Representatives VEGA PEDERSON, GREENLICK

**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.

*[Requires certain public improvement contracts to contain and reserve one percent of total contract price for performing repowers or retrofits of certain diesel engines used in course of performing contract. Sunsets requirement on January 1, 2028.]*

*[Beginning January 1, 2017, requires certain nonroad diesel engines to be registered with Department of Environmental Quality. Authorizes Environmental Quality Commission to adopt rules and registration fees.]*

*[Directs commission to adopt diesel emission standards by rule operative January 1, 2022. Requires commission to phase in implementation of certain standards.]*

*[Repeals state preemption of local regulation of idling by primary engines in commercial vehicles.]*

**Establishes Task Force to Investigate a Clean Diesel Program. Requires task force to explore and recommend a strategy for implementing clean diesel program in Oregon.**

**Requires task force to submit preliminary report to interim committees of Legislative Assembly related to environment and natural resources no later than September 15, 2015. Requires task force to submit final report to interim committees of Legislative Assembly related to environment and natural resources no later than September 15, 2016.**

**Declares emergency, effective on passage.**

**A BILL FOR AN ACT**

1  
2 Relating to engine emissions; and declaring an emergency.

3 Whereas exposure to diesel particulate pollution causes myriad health effects, including the  
4 exacerbation of asthma symptoms and early death from heart disease and various cancers; and

5 Whereas children are especially vulnerable to the negative health effects of diesel particulate  
6 pollution because their lungs are still in the developmental phase and they breathe, on average, 50  
7 percent more air per pound of body weight than adults; and

8 Whereas in 2007 the Environmental Quality Commission established a goal to reduce excess  
9 lifetime risk of cancer due to exposure to diesel engine emissions to no more than one case per  
10 million individuals by 2017, but Oregon is far from achieving that target; and

11 Whereas the health impacts and premature deaths caused by diesel particulate pollution have  
12 an annual economic impact of more than \$3 billion in this state; and

13 Whereas 17 Oregon counties have ambient levels of diesel particulate pollution that are con-  
14 sidered harmful to health; and

15 Whereas new diesel engines and older diesel engines retrofitted with particulate filters can re-  
16 duce diesel particulates by up to 95 percent as compared to diesel particulate emissions from older,  
17 dirty diesel engines that are not retrofitted; and

18 Whereas the attrition rate of older, dirty diesel engines without retrofits is too slow to ade-  
19 quately curb emissions in a timely manner and earlier adoption of the new federal diesel standards

**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 will protect public health; and

2 Whereas a strategy to shorten the timeline for adoption of the new federal diesel standards re-  
3 quires a combination of regulations and incentives; and

4 Whereas the problem of diesel particulate pollution in this state is exacerbated when engines  
5 are allowed to idle unnecessarily; and

6 Whereas despite state statutory requirements to limit the risk from diesel particulate pollution  
7 to children by 2013, only 42 percent of school buses are using clean diesel technology in Oregon  
8 today; now, therefore,

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

10 **SECTION 1. (1) The Task Force to Investigate a Clean Diesel Program is established,**  
11 **consisting of 19 members appointed as follows:**

12 (a) **The President of the Senate shall appoint two members from among members of the**  
13 **Senate.**

14 (b) **The Speaker of the House of Representatives shall appoint two members from among**  
15 **members of the House of Representatives.**

16 (c) **The Governor shall appoint 15 members as follows:**

17 (A) **One member representing cities or counties.**

18 (B) **One member representing the Department of Transportation.**

19 (C) **One member representing large trucking companies.**

20 (D) **One member representing small trucking companies.**

21 (E) **One member representing a labor organization that represents members of the public**  
22 **health sector.**

23 (F) **One member representing a labor organization that represents members of the**  
24 **building trades.**

25 (G) **One member representing large contracting companies.**

26 (H) **One member representing small contracting companies.**

27 (I) **One member representing the mining and aggregate industries.**

28 (J) **One member from a health advocacy organization that has a focus in air quality.**

29 (K) **One member from an environmental advocacy organization.**

30 (L) **One member representing the Department of Environmental Quality.**

31 (M) **One member representing the Oregon Health Authority.**

32 (N) **One member representing the Oregon Pupil Transportation Association.**

33 (O) **One member representing a labor organization that represents transportation em-**  
34 **ployees for school districts.**

35 (2) **The task force shall explore and recommend a strategy for implementing a clean**  
36 **diesel program in Oregon that will serve to accomplish the goal outlined in ORS 468A.793. In**  
37 **developing the strategy required by this subsection, the task force shall:**

38 (a) **Conduct an assessment of the costs, funding structures and funding options, including**  
39 **public and private funding options, for the short-term and long-term stability of a clean die-**  
40 **sel program in Oregon for both on-road and nonroad vehicles;**

41 (b) **Investigate establishing a registration program for nonroad vehicles and related is-**  
42 **ssues, including but not limited to strategies for the establishment of a registration fee and**  
43 **a registry, and issues associated with administering the registration program;**

44 (c) **Determine the feasibility of regulating on-road diesel emissions;**

45 (d) **Assess the effectiveness of current diesel programs in this state and applicable federal**

1 **programs;**

2 (e) **Determine a timeline for implementation of a clean diesel program;**

3 (f) **Investigate state and federal restrictions on developing a clean diesel program;**

4 (g) **Explore the impacts of idling and find solutions to minimize idling;**

5 (h) **Examine the health impacts of diesel particulates in urban and rural areas;**

6 (i) **Review the categories of uses of diesel engines and determine the practicality of**  
7 **retrofitting or replacing diesel engines within those categories;**

8 (j) **Review and determine the volume of emissions for each of the diesel categories;**

9 (k) **Review the economic impact of diesel replacement or retrofitting on large and small**  
10 **businesses and within various industry segments where appropriate;**

11 (L) **Review the normal industry replacement rates of vehicles and equipment;**

12 (m) **Prioritize categories of engines in need of retrofit or replacement by placing the**  
13 **highest priority on accomplishing the greatest environmental and health benefits;**

14 (n) **Assess strategies for assuring quicker compliance with state goals for school bus**  
15 **engine retrofits and replacements; and**

16 (o) **Consider appropriate exemptions from any standards adopted under a clean diesel**  
17 **program.**

18 (3) **A majority of the members of the task force constitutes a quorum for the transaction**  
19 **of business.**

20 (4) **Official action by the task force requires the approval of a majority of the members**  
21 **of the task force.**

22 (5) **The task force shall elect one of its members to serve as chairperson.**

23 (6) **If there is a vacancy for any cause, the appointing authority shall make an appoint-**  
24 **ment to become immediately effective.**

25 (7) **The task force shall meet at times and places specified by the call of the chairperson**  
26 **or of a majority of the members of the task force.**

27 (8) **The task force may adopt rules necessary for the operation of the task force.**

28 (9)(a) **The task force shall submit a preliminary report in the manner provided by ORS**  
29 **192.245, and may include recommendations for legislation, to the interim committees of the**  
30 **Legislative Assembly related to environment and natural resources no later than September**  
31 **15, 2015.**

32 (b) **The task force shall submit a final report in the manner provided by ORS 192.245, and**  
33 **may include recommendations for legislation, to the interim committees of the Legislative**  
34 **Assembly related to environment and natural resources no later than September 15, 2016.**

35 (10) **The Legislative Administrator shall provide staff support to the task force.**

36 (11) **Members of the task force who are not members of the Legislative Assembly are not**  
37 **entitled to compensation, but may be reimbursed for actual and necessary travel and other**  
38 **expenses incurred by them in the performance of their official duties in the manner and**  
39 **amounts provided for in ORS 292.495. Claims for expenses incurred in performing functions**  
40 **of the task force shall be paid out of funds appropriated to the Legislative Administrator for**  
41 **purposes of the task force.**

42 (12) **All agencies of state government, as defined in ORS 174.111, are directed to assist**  
43 **the task force in the performance of its duties and, to the extent permitted by laws relating**  
44 **to confidentiality, to furnish such information and advice as the members of the task force**  
45 **consider necessary to perform their duties.**

1        **SECTION 2. Section 1 of this 2015 Act is repealed on December 31, 2016.**

2        **SECTION 3. This 2015 Act being necessary for the immediate preservation of the public**  
3 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**  
4 **on its passage.**

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