



**Crockett-Rodeo United to Defend the
Environment
Benicians for a Safe and Healthy Community
Good Neighbor Steering Committee of
Benicia**

June 7, 2019

Senator Henry Stern, Chair
Senate Committee on Natural Resources and Water
State Capitol, Room 5046
Sacramento, CA 95814

RE: AB 936 (R. Rivas) Nonfloating Oil - SUPPORT

Dear Senator Stern and Committee Members:

On behalf of the undersigned organizations, we are pleased to offer our support for Assembly Member Robert Rivas's bill, AB 936. This bill takes important steps to protect our state's waters and our communities from the threat of nonfloating oil spills.

A discharge of nonfloating oil – be it diluted bitumen from Canada, heavy crude oil from Venezuela, fuel oils, or any other variant - would be disastrous for California's coastline, as well as a threat to the health and safety of communities and first responders. This type of oil is frequently diluted for transport, meaning that when it spills, the diluent evaporates in a cloud of toxic fumes. If this occurs in water, the remaining heavy oil sinks, often before it can be cleaned up with traditional methods like booms and skimming. If the spill is not properly addressed, there is a real risk that the sunken oil cannot be cleaned up at all, and would persist for decades, fouling California's beaches and fragile underwater environments.

AB 936 takes common sense steps to ensure that the state can properly address such a spill if it occurs, and that first responders can be prepared for the unique risks of nonfloating oil. The bill mandates updating the state's contingency planning to ensure that the Office of Spill Prevention and Response (OSPR) has in place state-of-the-art methods to address spills of nonfloating oil. It also addresses gaps in current law that do not sufficiently account

for spills of oil containing diluent, or incorporate the most recent U.S. Coast Guard guidelines that include such diluted oils in the definition of nonfloating oil.

Additionally, the transport notification provisions in AB 936 are critical to ensure that both OSPR and local communities, including their first responders, can take the steps necessary to minimize harm from oil spills should they occur. Currently, neither OSPR nor the public has any reliable means of knowing in advance when tankers or trains carrying nonfloating oil will be entering the state. It is imperative that first responders know right away the type of oil that has spilled, because the damage from nonfloating oil can most effectively be mitigated during the critical first few hours after a spill, when the oil has not yet sunk into the water column. When diluted bitumen spilled into the Kalamazoo River in 2010 – which ultimately cost more than \$1 billion to clean up – first responders were not aware initially that nonfloating oil was involved, because the pipeline company was not forthcoming about that fact.

California's coastline is a vital asset –home to a beautiful and complex array of species, a refuge and source of enjoyment for Californians, and part of the life blood of our state's tourism industry. Please vote "AYE" on AB 936 when it is heard in your committee. Thank you for considering our views.

Sincerely,

Victoria Rome
CA Government Affairs
Director
Natural Resources Defense
Council

M. Benjamin Eichenberg
Staff Attorney
San Francisco Baykeeper

Kathy Dervin
Co-chair, Legislative
Committee
350 Bay Area Action

Marce Gutiérrez-Graudiņš
Founder & Executive Director
Azul

Gary Bobker
Program Director
The Bay Institute

Pat Toth Smith
Benicians for a Safe and
Healthy Community

Sean Bothwell
Executive Director
California Coastkeeper
Alliance

Melissa Romero
Legislative Affairs Manager
California League of
Conservation Voters

Dan Howells
CA State Director
Clean Water Action

Marti Roach
Contra Costa County Citizens'
Climate Lobby

Marcie Kever
Oceans & Vessels Program
Director
Friends of the Earth

Kathy Kerridge
Good Neighbor Steering
Committee of Benicia

Arnie Sowell
Vice President, CA Policy
NextGen California

Noah Oppenheim
Executive Director
Pacific Coast Federation of
Fishermen's Associations,
Institute for Fisheries
Resources

Lauren Cullum
Policy Advocate
Sierra Club California

Jennifer Savage
California Policy Manager
Surfrider Foundation

Greg Karras
Senior Scientist
Communities for a Better
Environment

Nancy Rieser
Co-founder
Crockett-Rodeo United to
Defend the Environment

Linda Krop
Chief Counsel
Environmental Defense Center

cc: Assembly Member R. Rivas