

Date of Hearing: August 20, 2025

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

SB 839 (Laird) – As Amended June 16, 2025

Policy Committee:	Natural Resources	Vote:	14 - 0
	Judiciary		11 - 0

Urgency: No      State Mandated Local Program: Yes      Reimbursable: No

**SUMMARY:**

This bill, among other provisions, revises the process and requirements for a fishery closure to protect public and fishery health in the event of an oil spill or discharge to state waters, and makes federally recognized tribes eligible for certain grant programs offered by the Office of Spill Prevention and Response (OSPR).

Specifically, this bill, among other things:

- 1) Strikes the requirement for, and instead authorizes, the director of the Department of Fish and Wildlife (DFW), after a notification of a spill or discharge, to close all waters in the vicinity of the spill or discharge or where the spilled or discharged material has spread, or is likely to spread, to the take of all fish or shellfish, or to restrict the take or possession of all fish or shellfish, in those waters.
- 2) Requires closure of any waters described above if the Office of Environmental Health Hazard Assessment (OEHHA) finds that a public health threat exists or is likely to exist. In determining the need for a closure, requires the director of DFW consult with OEHHA within 24 hours after a notification of a spill or discharge regarding the likelihood of a public health threat, if specified conditions are met. Authorizes the director of DFW, if none of these conditions are met, to consult with OEHHA regarding the likelihood of a public health threat.
- 3) Requires, within 48 hours after a closure, both of the following to occur: (a) OEHHA to assess the danger posed to the public from fishing in the area where the spill or discharge occurred or spread, and the danger of consuming fish or shellfish taken in the area where the spill or discharge occurred or spread, and (b) the director of DFW, in consultation with OEHHA, to determine whether the areas closed to the take of fish or shellfish should be revised to prevent any potential take or consumption of any fish or shellfish that may have been contaminated by the spill or discharge.
- 4) Authorizes the director of DFW, if OEHHA finds in the assessment that there is no significant risk to the public or to the fisheries, to immediately reopen a closed area and waive specified testing requirements. Strikes the DFW director's discretion and requires the director to maintain a closure in any remaining portion of the closed area where OEHHA finds contamination from the spill or discharge persists that may adversely affect human health.

- 5) Authorizes OEHHA to seek full reimbursement from the responsible party or parties for the spill or discharge for all reasonable incurred costs.
- 6) Deletes discharge or leaking of oil or natural gas from a private pleasure boat or vessel from the list of circumstances for which a responsible party is not liable to an injured person, as specified.
- 7) Clarifies that the OSPR administrator may offer grants to a federally recognized tribe to provide oil spill response equipment to be deployed by a certified local spill response manager. Includes federally recognized tribes with jurisdiction over or directly adjacent to waters of the state to be eligible to receive a grant to complete, update, or revise an oil spill element of the area plan.
- 8) Provides that moneys in the Environmental Enhancement Fund (EEF) are available to the OSPR administrator for environmental enhancement projects, upon appropriation by the Legislature. Includes federally recognized tribes as eligible entities eligible for grants under the Environmental Enhancement Grant Program.

**FISCAL EFFECT:**

- 1) DFW, OSPR, and OEHHA anticipate minor and absorbable administrative costs.
- 2) Ongoing cost pressure of an unknown, but potentially significant amount, almost certainly in excess of \$150,000, due to expanded eligibility for three OSPR grant programs – the oil spill response equipment grant program, the oil spill contingency planning grant program, and the EEF grant program (Oil Spill Prevention and Administrative Fund, EEF).

**COMMENTS:**

- 1) **Purpose.** According to the author:

Senate Bill 839 removes the automatic fishery closure requirement and makes a discretionary decision based on consultation with the Office of Environmental Health Hazard Assessment (OEHHA) and field data and observations from the spill site. Senate Bill 839 also removes a damages liability exemption for private pleasure boats or vessels causing oil spills and expands Environmental Enhancement Fund grant eligibility to include federally recognized tribes.

- 2) **Background. Fishery Closure.** Current law directs how DFW, OSPR (within DFW), and assisting first response agencies are to handle a release of oil into state waters, including requiring the director of DFW to issue a fishery closure within 24 hours of notification of an oil spill to water, regardless of size or location. As an example, following the Refugio Beach oil spill in May 2015, as many as 138 square miles of state waters were closed to fishing for about six weeks until OEHHA determined through testing that the risks to health from consuming contaminated fish or shellfish were nominal. Historically, most spills are relatively small and do not warrant a mandatory fishery closure. This bill removes the automatic fishery closure requirement and instead, requires the director of DFW to consult with OEHHA to determine the risks posed by the spill and then opt for a fishery closure or enhanced testing. The author asserts this change will “enable data-driven collaborative

decision making to uphold the protection of the public, wildlife, and environment, while avoiding unnecessary impacts on commercial, recreational, and subsistence fishing.”

***Pleasure Boats.*** Under current law, in the event of an oil spill or discharge, the responsible party is absolutely liable for any damages caused by the spill or discharge to an injured person with certain exemptions such as damages that result from acts of war, or are due solely to the negligence or intentional malfeasance of the injured person, among others. This bill strikes the exclusion of pleasure boats from having absolute liability if they cause an oil spill. There is no existing restriction on the size of pleasure boats. Large yachts can be hundreds of feet long and hold thousands to tens of thousands of gallons of fuel.

***Grant Programs. Oil Spill Response Equipment Grant Program.*** This program offers oil spill response equipment to local governments, Native American tribes, or other public entities *with jurisdiction over adjacent waters of the state* to respond to oil spills during the initial hours of an incident to protect sensitive sites or initiate containment prior to oil spill response organizations arriving to conduct cleanup and recovery efforts. This bill amends the authorizing statute for this program to clarify that only a “federally recognized tribe” (as opposed to a “Native American tribe”) that has jurisdiction over adjacent waters of the state is eligible for the grant. DFW notes that non-federally recognized tribes do not have jurisdiction over adjacent waters, and historically, OSPR has not received an equipment grant request from a non-federally recognized tribe.

***Oil Spill Contingency Planning Grant Program.*** This program provides funding for coastal counties to develop local oil spill contingency plans. This bill extends eligibility to federally recognized tribes and expands OSPR’s ability to contract with federally recognized tribes to pursue contingency planning activities.

The response equipment and contingency planning grant programs are managed by OSPR’s preparedness branch. According to DFW, it allocates approximately \$340,000 annually across the two programs, depending on applications for each type of grant. Grants are funded through the Oil Spill Prevention and Administrative Fund. The Oil Spill Prevention and Administration (OSPA) Fee Law imposes the OSPA fee on owners of crude oil, petroleum products, and renewable fuel.

***EEF Grant Program.*** This program uses penalty monies associated with oil spills to support environmental enhancement projects within or immediately adjacent to waters of the state. Currently, DFW may award grants to nonprofit organizations, cities, counties, districts, state and federal agencies, and other specified entities. Since 2011, this program has awarded over \$4.3 million to 30 projects, with the average award being approximately \$140,000. In March 2024, DFW reached a settlement with a major oil producer for past spills in Kern County, resulting in \$6.8 million to the EEF. The Budget Act of 2024 provided increased EEF spending authority of almost \$8 million, resulting in eight projects awarded for \$7.5 million in funding during a 2024 request for proposals. Existing law does not list tribes as eligible for this program, but they are able to access EEF funding by forming a nonprofit. This bill eliminates the need for a federally recognized tribe to use a nonprofit as an intermediary to access EEF funding.