

SENATE THIRD READING

SB 839 (Laird)

As Amended September 2, 2025

Majority vote

SUMMARY

Revises existing state authorities related to the closure of certain waters to the take of all fish or shellfish upon notification of an oil spill.

Major Provisions

- 1) Strikes the mandate and instead authorizes the director of the Department of Fish and Wildlife (DFW), after a notification of a spill or discharge, where any fishing, including all commercial, recreational, and nonlicensed subsistence fishing, may take place, or where aquaculture operations are taking place, 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 may restrict the take or possession of all fish or shellfish, in those waters.
- 2) Requires closure 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 initiate consultation with OEHHA no later than 24 hours after a notification of a spill or discharge regarding the likelihood of a public health threat, if specified conditions are met.
- 3) Authorizes, if none of the aforementioned conditions are met, the director of DFW to consult with OEHHA regarding the likelihood of a public health threat.
- 4) Requires, within 48 hours after a closure, OEHHA to assess the danger posed to the public from fishing in the area where the spill or discharge occurred or spread; and, the director, 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.
- 5) Strikes the 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.
- 6) Clarifies that the Office of Spill Prevention and Response (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.
- 7) 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.
- 8) Provides that moneys in the Environmental Enhancement Fund (EEF) are available to the administrator for environmental enhancement projects, upon appropriation by the Legislature.

COMMENTS

Current law requires the director of DFW, within 24 hours of notification of a spill or discharge, to close certain waters to the take of all fish and shellfish, and provides that closure is not required if OEHHA finds, within 24 hours of the notification, that a public health threat does not or is not likely to exist.

This bill adds numerous processes to clarify existing law and adds more discretion to DFW and OEHHA to evaluate and close an area to fishing following an oil spill. This bill would instead authorize, instead of require, after a notification of a spill or discharge, the director to close certain waters to the take of all fish or shellfish or to otherwise restrict the take and possession of all fish or shellfish in those waters. The bill also prohibits fishing from any closed waters. It authorizes the DFW director to open a closed area if OEHHA, not the DFW director, finds there is no significant risk to the public or to the fisheries.

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 in length and hold thousands to tens of thousands of gallons of fuel. It is possible that a large yacht could take advantage of the exemption from damages resulting from an oil spill intended for small craft.

According to the Author

Current law requires the director of DFW to issue a fisheries closure within 24 hours of notification of an oil spill to water, regardless of size or location. SB 839 removes the automatic fishery closure requirement and makes a discretionary decision based on consultation with OEHHA and field data and observations from the spill site. This 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.

SB 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.

Arguments in Support

None on file

Arguments in Opposition

None on file

FISCAL COMMENTS

According to the Assembly Appropriations Committee:

- 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).

VOTES

SENATE FLOOR: 32-0-8

YES: Allen, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cortese, Dahle, Durazo, Gonzalez, Grayson, Hurtado, Laird, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Richardson, Rubio, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

ABS, ABST OR NV: Alvarado-Gil, Cervantes, Choi, Grove, Jones, Limón, Reyes, Seyarto

ASM NATURAL RESOURCES: 14-0-0

YES: Bryan, Alanis, Connolly, Ellis, Flora, Garcia, Haney, Hoover, Kalra, Muratsuchi, Pellerin, Schultz, Wicks, Zbur

ASM JUDICIARY: 11-0-1

YES: Kalra, Dixon, Bauer-Kahan, Bryan, Connolly, Harabedian, Pacheco, Papan, Sanchez, Stefani, Zbur

ABS, ABST OR NV: Macedo

ASM APPROPRIATIONS: 11-0-4

YES: Wicks, Arambula, Calderon, Caloza, Elhawary, Fong, Mark González, Ahrens, Pacheco, Pellerin, Solache

ABS, ABST OR NV: Sanchez, Dixon, Ta, Tangipa

UPDATED

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