
UNFINISHED BUSINESS

Bill No: SB 839
Author: Laird (D)
Amended: 9/2/25 in Assembly
Vote: 21

SENATE NATURAL RES. & WATER COMMITTEE: 5-0, 4/8/25

AYES: Limón, Allen, Hurtado, Laird, Stern

NO VOTE RECORDED: Seyarto, Grove

SENATE ENVIRONMENTAL QUALITY COMMITTEE: 8-0, 4/30/25

AYES: Blakespear, Valladares, Dahle, Gonzalez, Hurtado, Menjivar, Padilla,
Pérez

SENATE APPROPRIATIONS COMMITTEE: 5-0, 5/23/25

AYES: Caballero, Cabaldon, Grayson, Richardson, Wahab

NO VOTE RECORDED: Seyarto, Dahle

SENATE FLOOR: 32-0, 5/28/25

AYES: 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

NO VOTE RECORDED: Alvarado-Gil, Cervantes, Choi, Grove, Jones, Limón,
Reyes, Seyarto

ASSEMBLY FLOOR: 62-0, 9/13/25 – Roll call not available.

SUBJECT: Oil spills: fishing: water closure: grants: liability

SOURCE: Author

DIGEST: This bill 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, among other provisions.

Assembly Amendments of 9/2/25 clarify the required interaction between the director of the California Department of Fish and Wildlife (CDFW director) and the Office of Environmental Health Hazard Assessment (OEHHA) within 24 hours of notification of an oil spill or discharge, and make an additional technical change.

ANALYSIS:

Existing law:

- 1) Requires the CDFW director, within 24 hours of the notification of an oil spill or discharge, to close an area where fishing occurs to the take of all fish and shellfish in the vicinity of the spill or discharge or where the spill has spread or is likely to spread. Provides that closure is not required if, within 24 hours of the notification of the spill or discharge, OEHHA finds that a public health threat does not or unlikely to exist. (Fish and Game Code (FGC) §5654a)
- 2) Requires the CDFW director, within 48 hours of the notification of an oil spill or discharge and in consultation with OEHHA, to make an assessment and determine the danger posed to the public from fishing in the area of the spill or discharge or consuming fish taken in the area of the spill or discharge; whether the areas closed to take should be expanded; and the likely period for the closure, as provided. (FGC §5654b)
- 3) Authorizes the CDFW director if the assessment pursuant to 2) finds that there is no significant risk to the public or fisheries to immediately open the closed area, among other actions. (FGC §5654c)
- 4) Requires the CDFW director to seek full reimbursement from the responsible party or parties for the spill or discharge for all reasonable costs incurred by CDFW associated with the fishery closure, as provided. (FGC §5654h)
- 5) Authorizes the administrator of the Office of Spill Prevention and Response (OSPR administrator) to offer grants to a local government, Native American tribe, or other public entity with jurisdiction over or directly adjacent to the waters of the state to provide oil spill response equipment, as specified. (Government Code (GOV) §8670.8.3)
- 6) Authorizes the OSPR administrator to offer a unified program agency with jurisdiction over or directly adjacent to waters of the state, a grant to complete,

update, or revise an oil spill element of the area plan (i.e. the plan for emergency response to a release or threatened release of a hazardous material within a city or county). Requires the OSPR administrator, if a grant is awarded, to review and approve it, and requires the OSPR administrator to review the preparedness of the unified program agency to determine whether a program of grants for this purpose should be continued, as provided. Requires the OSPR administrator to request an appropriation if they determine that local government preparedness should be improved, as provided. (GOV §8670.35)

- 7) Requires a responsible party to be absolutely liable without regard to fault for any damages incurred by any injured person that arise out of, or are caused by, a spill, with certain exemptions including that the discharge or leaking of oil or natural gas is from a private pleasure boat or vessel or that the damages arise out of, or are caused by, a discharge authorized by a state or federal permit, among others. (GOV §8670.56.5)
- 8) Provides for certain enforcement actions to be taken against a responsible party or parties for an oil spill. Requires that twenty-five percent of any criminal penalty collected shall be to the agency or office prosecuting the action. (GOV §§8670.57 *et seq.*, 8670.68.5)
- 9) Creates the Environmental Enhancement Fund in the state treasury and requires that certain spill penalties be deposited in the fund, except as specified. Establishes the Environmental Enhancement Grant Program, and requires that project proposals be solicited when adequate funds have accumulated to cover the cost of an appropriate projects or projects. Provides that certain organizations, including cities and counties and state agencies, are eligible to receive these grants, as specified. (GOV §§8670.70, 8670.73)

This bill:

- 1) Requires a fishery closure following an oil spill or discharge to occur if there is a finding of a public health threat, instead of requiring a closure unless there is a finding that there is no public health threat.
 - a) Authorizes, instead of requires, the CDFW director to close all waters in the vicinity of an oil spill or discharge or where an oil spill or discharge has spread to the take of all shellfish or fish, and authorizes the CDFW director to otherwise restrict the take or possession of all fish or shellfish in those waters.
 - b) Requires the closure of all waters in the vicinity of an oil spill or discharge to the take of all shellfish or fish if a public health threat exists or is likely to exist.

- c) Clarifies what constitutes an oil spill or discharge requiring the CDFW director to initiate consultation with OEHHA no later than 24 hours after the notification of an oil spill or discharge regarding the likelihood of a public health threat as follows:
 - i) One or more barrels of oil are reported to be spilled into an inland or estuarine water, or enclosed bay;
 - ii) One or more barrels of oil are reported to be spilled and coastal shorelines are impacted; or
 - iii) Five or more barrels of oil are reported to be spilled in the open ocean.
 - d) Authorizes the CDFW director to consult with OEHHA regarding the likelihood of a public health threat if none of the conditions of c) above are met.
- 2) Revises the actions required within 48 hours of a closure due to a public health threat. Starts the 48 hour clock from the closure, not notification of an oil spill or discharge.
 - a) Requires OEHHA to assess the danger to the public from fishing in the area of the oil spill or discharge and the danger of consuming fish or shellfish taken in the area.
 - b) Requires the CDFW director to determine whether the closed areas should be revised in consultation with OEHHA.
 - 3) Authorizes the CDFW director to open a closed area if OEHHA, not the CDFW director, finds there is no significant risk to the public or to the fisheries.
 - 4) Requires the CDFW director as soon as possible – not within 24 hours – after receiving notification from OEHHA that no health threat exists for the public or the fisheries to reopen the areas closed in a manner that promotes fair and orderly fisheries, as provided. Requires, not authorizes, the CDFW director to maintain a closure where OEHHA finds contamination from the spill may adversely affect human health.
 - 5) Authorizes OEHHA to seek full reimbursement from the responsible party or parties for all reasonable costs incurred related to a fishery closure, as provided.
 - 6) Makes it explicitly unlawful to take any fish or shellfish from any waters closed due to an oil spill or discharge where a public health threat exists, as provided.
 - 7) Authorizes the OSPR administrator to offer a grant to a federally-recognized tribe to update the oil spill element of an area plan within the tribe's jurisdiction, as provided. Makes federally-recognized tribes eligible for grants from the Environmental Enhancement Grant Program which is funded by

certain penalties from oil spills or discharges, and fixes an incorrect reference to ensure that any applicable criminal penalties are deposited in the Environmental Enhancement Fund except the 25% that would be awarded to the prosecuting agency, as provided.

- 8) Deletes the exemption from liability for a responsible party for the discharge or leaking of oil or natural gas from a private pleasure boat or vessel, as provided.
- 9) Makes numerous minor, technical, and conforming changes to statute, and provides that no reimbursement to local agencies and school districts is required for certain costs arising from the state mandates in this legislation.

[NOTE: See the Senate Natural Resources and Water, and Environmental Quality Committees' analyses for more information about this bill.]

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

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).

SUPPORT: (Verified 9/4/25)

None received

OPPOSITION: (Verified 9/4/25)

None received

ARGUMENTS IN SUPPORT: According to the author, “Current law requires the Director of the California Department of Fish and Wildlife (CDFW) to issue a fisheries closure within 24 hours of notification of an oil spill, regardless of size or location. 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. 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.”

“Senate Bill 839 also removes a damages liability exemption for private pleasure boats or vessels causing oil spills and expands Environmental Enhancement Fund (EEF) grant eligibility to include federally recognized tribes.”

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9/13/25 1:06:18

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